

WORK SESSION
December 15, 2009

A Work Session of the Whitpain Township Board of Supervisors was held on Tuesday December 15, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA at 7:30 PM for the purpose of reviewing the agenda of the December 15, 2009 Supervisors' Meeting. Chairman Joseph J. Palmer was present with Supervisors Brian W. Young, Anthony F. Greco, Adam D. Zucker and Frederick R. Conner. Solicitor James J. Garrity, Township Manager Phyllis C. Lieberman, Assistant Township Manager/Township Engineer Roman M. Pronczak, Director of Finance John Marcarelli, Police Lieutenant Jeffrey Franck, Director of Public Works Ronald J. Cione, Director of Code Enforcement Michael E. McAndrew, Fire Marshal David M. Camarda, and Program Director of Parks and Recreation Michael Richino were also present. Seven members of the public were present.

The Supervisors reviewed the agenda discussing a life saving award being presented to Officer Seth Homan, the scheduling of meetings for the month of January, a motion to approve the minutes of the Budget Work Session of November 23, 2009 and of the Board of Supervisors' Meeting of December 1, 2009, a motion to approve the Treasurer's Report for the month of November 2009, consideration of a request from the owner of 450 Sentry Parkway for a waiver from the requirement of submitting a land development plan application for a 5' by 9' concrete pad and generator approximately 23 feet from the corner of the existing building, a motion to authorize the Chairman and Secretary to sign on behalf of the Township a Pillar Agreement with the owner of 1618 Pulaski Drive to allow the installation of trees within the right-of-way on the condition that they be moved at the owners' expense if any future road widening or repair is needed, a motion to authorize the Chairman and Secretary to sign on behalf of the Township a Pillar Agreement with the Chambers Family Partnership, owners of 831 DeKalb Pike to permit the installation of a sign between the existing PennDot legal right-of-way and the ultimate right-of-way dedicated to Whitpain Township on the condition that the sign be removed at the owners' expense if any future road widening or repair is necessary, a motion to adopt Resolution No. 899 appointing Bee Bergvall & Co., PC to serve as auditors to audit the accounts Whitpain Township for fiscal year 2009 at a cost of \$21,740, a motion to set the Treasurer's Bond at one million dollars, a motion to adopt Resolution No. 900 to approve the Subdivision Plan for 480 Morris Road, a motion to adopt Resolution No. 901 adopting the 2010 Annual Budget as noted on the agenda, a motion to adopt Resolution No. 902 fixing the real property tax rate for the year 2010 at 2.12 mills in the General Fund, .73 Mills for Debt Service, .30 Mills for Fire Protection, and .05 mills for Fire Hydrant Tax, and one Zoning Hearing Board application

Mrs. Lieberman then got the Supervisors' approval of the letter that the Cognis Company will be sending to residents of Railroad Avenue regarding an environmental clean-up they are performing on their site.

The Supervisors then discussed legal matter.

The Supervisors then left for the public meeting.

The Work Session was not reconvened

Phyllis C. Lieberman
Whitpain Township Manager

#22-2009

The regular meeting of the Whitpain Township Board of Supervisors was held Tuesday, December 15, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Supervisors Joseph J. Palmer, Brian W. Young, Anthony F. Greco, Adam D. Zucker, and Frederick R. Conner, Jr. were present. Township Manager, Phyllis C. Lieberman, Township Engineer/Assistant Township Manager Roman M. Pronczak, Township Solicitor James J. Garrity, Finance Director John Marcarelli, Police Chief Mark Smith, Fire Marshal David M. Camarda, Park & Recreation Director Kurt W. Baker, Code Enforcement Officer Michael E. McAndrew, Public Works Director Ronald J. Cione and Recording Secretary Michele Alifano were also present. There were approximately forty residents present for the meeting.

Following the Pledge of Allegiance, Chairman Palmer called the meeting to order. At this time, Chairman Palmer announced that the Board of Supervisors would be joining Police Chief Mark A. Smith in awarding a Life Saving Medal to Police Officer Seth Homan, a one-year veteran of the Police Department, for his valiant effort in administering life-saving rescue breathing to a victim of a heroin overdose, on July 12, 2009. Officer Homan's quick response & actions are credited with saving the victim's life. Chairman Palmer congratulated Officer Homan for his efforts.

Chairman Palmer then announced the dates for the upcoming regular Board of Supervisors' meetings which are scheduled for Monday, January 4, 2010 and Tuesday, January 19, 2010 at 8:00 p.m.

Also, an announcement was made that a final Budget Work Session was held on Tuesday, December 15, 2009 at 9AM in Meeting Room B. The session was open to the public.

A motion was made by Mr. Young, duly seconded by Mr. Conner, to approve the minutes of the November 23, 2009 Budget Work Session, and the minutes from the December 1, 2009 Board of Supervisors' meeting. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, to approve the Treasurer's Report for the month of November, 2009. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Young, duly seconded by Mr. Greco, to approve a request from the owner of 450 Sentry Parkway for a waiver from the requirement of submitting a land development application for 5' by 9' foot concrete pad and generator approximately 23 feet from the corner of the existing building. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Zucker, duly seconded by Mr. Young, to sign on behalf of the Township a Pillar Agreement with Andrew P. Campbell, owner of 1618 Pulaski Drive. This agreement will permit the installation of trees within the right-of-way of Pulaski Drive, on the condition that the trees will be removed if any future road widening, repair or excavation is necessary, at the expense of the owner. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Young, duly seconded by Mr. Greco, to sign on behalf of the Township a Pillar Agreement with The Chambers Family Partnership, owners of 831 DeKalb Pike. This agreement will permit the installation of sign between the existing Pennsylvania Department of Transportation legal right-of-way and the ultimate right-of-way dedicated to Whitpain Township along DeKalb Pike, on the condition that the sign will be removed if any future road widening, repair or excavation is necessary, at the expense of the owner. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker to adopt Resolution Number 899 appointing Bee Bergvall & Co., P.C., a certified public accounting firm, to serve as auditors to audit the accounts of Whitpain Township for fiscal year 2009. The cost to perform the audit will be \$21,740. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco to set the Treasurer's Bond at one million (\$1,000,000) dollars. Chairman Palmer called for any discussion regarding this item. There being none, the motion unanimously passed.

A motion was made by Mr. Young, duly seconded by Mr. Conner, to adopt Resolution Number 900 to approve a subdivision plan titled "Subdivision Plan prepared for 480 Morris Road - Sheets 1 of 11 through 11 of 11, prepared by Chambers Associates, Inc., plans dated September 11, 2009 and last revised on December 9, 2009 in accordance with Section 509 (b) of the Pennsylvania Municipalities Planning Code conditioned upon execution of an Improvement Construction Agreement, posting of financial security, receipt of all necessary permits from the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation, receipt of planning module approval, and resolution of items in letter from the Township Engineer dated October 12, 2009. Chairman Palmer called for any discussion regarding this item. Mrs. Mary Morrissey, 497 Morris Road, stated that in her opinion the previous plan was preferable from a safety standpoint. She expressed her concern over the fast moving traffic along Morris Road, and the addition of numerous driveways that may present visibility problems. Chairman Palmer responded that while the area meets the PennDOT requirements for safety, no one would dispute that the area does present safety issues. Ms. Elissa Layton spoke on behalf of Ms. Chris Fisher to express her opposition to this proposal. Chairman Palmer also pointed out that PennDOT had wanted to widen the road several years ago, but did not proceed with the project due to opposition from local

residents. Placing additional signage in the area to raise awareness of the potential dangers was discussed.

Mr. Conner asked Mr. Pronczak to explain the permitting process that would lead up to final approval of the subdivision plan. Mr. Pronczak explained that the approval of the plan is conditional upon PennDOT safety approval, following their evaluation of site distance. He stated that with there being no shoulder on Morris Road, the safety issues exist with or without the proposed development. Improvement of the existing conditions would involve major reconstruction. There being no further discussion, the motion unanimously passed.

Chairman Palmer called for a motion to adopt Resolution Number 901, a Resolution adopting the year 2010 Annual Budget as follows:

**ANNUAL BUDGET
2010 APPROPRIATIONS**

General Fund	11,615,637
Sewer Fund	3,990,662
Sewer Fund-Capital Improvements	1,291,600
Highway Aid Fund	385,000
Capital Reserve Fund	600,785
Debt Service Fund	1,466,386
Open Space Fund	1,690,100
Fire Tax Fund	696,273
Fire Hydrant Fund	62,400
Traffic Improvement Fund	115,000
Stormwater Outfall Fund	20,000
Fee in Lieu of Stormwater Mgt. Fund	100,000

Chairman Palmer stated that this Budget reflects the following reductions and conditions that were developed in the Budget Work Sessions:

- 1) Reduction of two positions in the Police Department and one position in the Public Works Department.
- 2) A 4% bonus payment to non-uniformed non-contractual employees that does not increase the salary for 2010 and 2011.
- 3) A hiring freeze.
- 4) Elimination of indemnity health insurance plan.
- 5) Revenue from Earned Income Tax (EIT) Deed Transfer Tax, and Local Services Tax (LST) are projected to come under budget in 2009 by \$640,000 and are consequently estimated lower in 2010.
- 6) Deed Transfer Tax has dropped from \$1,003,114 actual in 2006 to \$480,000 projected in 2009.
- 7) EIT has dropped from \$5,685,414 actual in 2006 to \$4,800,000 projected in 2009.

- 8) LST has dropped from \$1,133,890 actual in 2006 to \$580,000 projected in 2009.
- 9) The total taxable assessment for the Township was reduced over the course of 2009 by approximately \$12 million effectively reducing the dollar value of one tax mill.

A motion was made by Mr. Young, and duly seconded by Mr. Zucker. Chairman Palmer then called for any discussion regarding this item. Mr. Conner commended Township Staff for their diligent work on the 2010 Budget which helped provide options that did not previously exist. Although he felt that the process has been started down the right path, he felt that the process could continue to gain efficiencies that would not require a tax increase of this size which has been proposed.

The Board then took comments from the public. Resident, Craig Remar, did not feel that it was appropriate to give the non-contractual employees a 4% bonus in the current economic climate. Chairman Palmer explained that the non-contractual staff agreed not to receive a pay increase for the next two years in exchange for the 4% bonus in 2010 and 2011, and by doing so the Township would save a substantial amount over the next five years. Resident, Barbara Moyer inquired about the 4% pay increase that is received by the contractual employees (Police), and she asked if their contracts could be re-negotiated and when they would expire. Chairman Palmer stated that the Township has a collective bargaining agreement with binding arbitration. The amount of the increase is set by the arbitrators after consideration of what other local Townships have gotten. Chairman Palmer agreed that it is a very difficult system with the need for improvement, but ultimately, the Township has no control over it.

There being no further discussion, the motion to adopt Resolution Number 901 was unanimously passed.

At this time, Chairman Palmer read a statement that he prepared for the record regarding details about the Budget process, and the proposed 0.90 mill increase. He stated that the Board of Supervisors is committed to maintaining the quality of life that Whitpain residents have come to expect, while continuing to seek creative solutions for the budget challenges. Chairman Palmer pointed out the sources of shrinking revenues which include reductions in revenues from earned income tax, the real estate tax, the local services tax, and the deed transfer tax. He highlighted a five year cost reduction plan with the focus upon the amount of money budgeted for salaries and benefits to employees, which is 76% of the total budget. Also, Mr. Palmer explained that an agreement was reached to eliminate the indemnity medical insurance option, a move that would save approximately \$100,000 per year. This statement has been attached to and made part of these minutes.

Mr. Conner asked Chairman Palmer if it was his intention to have the statement become part of the official record, and if there was a consensus that the Board members agreed with the statement. Chairman Palmer responded that four out of five Board members agreed with the statement. Mr. Conner requested that the record show that the

statement does not reflect his opinion, and that he had some significant issues that needed to be addressed.

At this time, Chairman Palmer called for a motion to adopt Resolution 902, a Resolution fixing the real property tax rate for the year 2010 as follows:

For general purposes: 2.12 mills on each dollar of assessed valuation.

For debt purposes: 0.73 mills on each dollar of assessed valuation.

For Fire Protection: 0.30 mills on each dollar of assessed valuation.

For Fire Hydrant Tax: 0.05 mill on each dollar of assessed valuation where applicable.

Mr. Conner made a countermotion in opposition, that the Township should adopt a tax increase of not greater than .78 mills, for a total millage of 3.08, or a 34% tax increase. Mr. Young asked what the effect would be on the Township's Fund Balance as a percentage, prior to seconding the motion. Mr. Conner also stated for the record that he suggested a more moderate tax increase because he believed the proposed tax increase to be an unnecessary burden, given the current economic climate, and that this figure would represent the least amount of money required to maintain financial security at this time. A discussion followed that clarified what the real estate taxes would be for the average residential property within the Township with a comparison between Mr. Palmer's proposal and Mr. Conner's proposal. The dollar amount difference was about \$25.

Mrs. Susan Mudambi asked why Whitpain was getting hit with such a high tax increase when other surrounding townships were seeing little to no increase. Mrs. Lieberman explained that Whitpain Township does not have the same sources of revenue as some of the other townships, including a business & mercantile tax, or in the case of Plymouth Township, the trash-to-steam plant host municipality revenue.

Resident Craig Remar was concerned with and vehemently opposed to adopting a Budget that attempts to predict future expenses, while Mr. Bill Dalsey felt that reserved funds should be used for the next two years to limit a tax increase. There were some further comments and questions from residents regarding salary increases, the provision of legal services for the Township, monies received from Federal Grant programs, and actual vs. projected revenues.

Finance Director John Marcarelli stated that staff did its best to limit expenditures in the 2010 Budget. Chairman Palmer stated that overall, the increase is very nominal. There is a five year plan in place, and the Board will attempt to avoid increases in 2011 and 2012.

Mr. Young chided the members of the audience for not taking a more active role in the Budget process, specifically for their failure to attend the Budget Work Sessions

held at the Township Building over the last several months. Mr. Zucker commended Mr. Conner on his role in the Budget process, especially for being thrust into his position at a difficult time of the year. He also thanked members of the public for their participation and for the feedback he received from residents that chose to contact him directly. Additionally, he stated it is important that the dialogue be kept flowing because this Budget is a work in progress.

Chairman Palmer called for a vote on the proposal made by Mr. Conner, of a 0.78 mill increase, which was voted down 3-2, with Mr. Conner and Mr. Greco voting yes, while Mr. Palmer, Mr. Zucker, and Mr. Young voting no. At this time, Chairman Palmer asked for a vote on Resolution Number 902 as proposed. Mr. Young made a motion to adopt Resolution Number 902, duly seconded by Mr. Zucker, and passed 3-2.

The Board of Supervisors took no action regarding the following applications to the Zoning Hearing Board:

NO: 1851-09: Application filed by Steven R. and Nancy W. Vignau as owners of the property located at 1029 Stony Brook Drive, Blue Bell, PA, 19422 for variances from the terms of Article V, Section 160-17 and Article XXVIII, Section 160-203 to allow the addition of a fixed roof with columns over the existing 16'- 2" x 22' concrete slab patio reducing the minimum required side yard from 45' to 36'- 4" and reducing the minimum required aggregate side yard from 100' to 87'- 4" at the subject property.

The zoning classification of the subject property is "R-1" Residence District.

The Planning Commission voted 4-0 to remain neutral on the subject application.

At this time, Vice Chairman Young called for any old or new business for discussion from the Board or the public. Mr. Bob Whittock asked Mr. Cione when the CSX Railroad would be out to fix the grading of the road at the location of Skippack Pike & Belfry Drive. Mr. Cione responded that PennDOT had been out to mill the road which helped to alleviate the large bump that is there, but that the Township has been unsuccessful thus far in getting representatives from the railroad to come out to perform the necessary repairs. Mr. Cione also stated that several of our State Representatives have been actively involved in attempting to have the situation rectified by the end of 2009, but that was not likely to occur. There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m. upon motion by Vice Chairman Young.

Respectfully submitted,

Anthony F. Greco, Secretary

