

#02-2021
January 19, 2021

The regular meeting of the Whitpain Township Board of Supervisors was held virtually beginning at 7 p.m. on Tuesday, January 19, 2021. Supervisors Michele Minnick, Kimberly J. Koch, Frederick R. Conner, Jr., Jeffrey Campolongo and Joyce M. Keller were in attendance, along with Township Manager Roman M. Pronczak, P.E., Assistant Township Manager David J. Mrochko, Solicitor Michael P. Clarke, Esq., Solicitor Alex M. Glassman, Esq., Police Chief Kenneth Lawson, Director of IT Nicole M. Leininger, Fire Marshal and Emergency Management Coordinator David M. Camarda, Code Enforcement Officer Michael E. McAndrew, Public Works Director Thomas Farzetta, Finance Director Christine M. Bauman, HR Director Kathleen Yackin, Township Engineer James E. Blanch, P.E., Parks and Recreation Director Kurt W. Baker, and Recording Secretary Virginia Papale. There were approximately 60 remote attendees.

Director of IT Nicole Leininger gave a brief overview of the virtual meeting for those who are new to the process. Throughout the meeting, participants will be given the opportunity to speak. She turned the meeting over to Chair Michele Minnick who asked everyone to join in the Pledge of Allegiance. Following this, Chair Minnick called for a moment of silence and reflection to honor Township residents who lost their lives to COVID-19 as the screen showed an event earlier in the evening, part of a national tribute at 5:30 p.m. that was held at the gazebo in Wentz Run Park. She then called roll and announced that the Board met in executive session on Tuesday, January 12, 2021 to discuss matters of potential litigation.

Chair Minnick continued, noting that this evening we are honoring Susan Kasper who is retiring from Tiferet Bet Israel (TBI) after 17 years as Executive Director. Mrs. Kasper regularly met with members of the Whitpain Police to assure TBI was safe. She played major roles in the growth of TBI and led the efforts of providing home-cooked meals at Christmas to Whitpain Police and Second Alarmers personnel on duty that day. We congratulate her service to TBI and the Whitpain Community. Chair Minnick read the Proclamation for Mrs. Kasper and then called for any public comment.

Several of the congregants of TBI and participants in the call spoke of her strong role in the community, thanking her for her leadership, mentorship, partnership and capability of handling all aspects of TBI with strength and encouragement. Everyone said she deserves the accolades and wished her well.

Susan Kasper thanked all for the honor. She has been the envy of her colleagues because of her great relationship with the Township and its staff. Chair Minnick offered her best wishes and many blessings.

As advertised, the Board considered Ordinance No. 386, an Ordinance amending the Whitpain Township Code of Ordinances at Chapter 108 "Parks and Playgrounds." Chair Minnick explained that the amendment mandates that leashes be no longer than six feet, and retractable leashes are not permitted. She called for a motion. A motion was made by Mr.

Campolongo, duly seconded by Mrs. Keller to enact Ordinance No. 386. Chair Minnick called for any questions from the Board or the public. There were none. Chair Minnick then took a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye, and Chair Minnick also voted in favor. The motion carried.

As advertised, the Board considered Ordinance No. 387, an Ordinance of Whitpain Township authorizing execution of a Cable Franchise Agreement between Whitpain Township and Verizon Pennsylvania, LLC. Chair Minnick explained that this agreement with Verizon is extended for five years with a five percent franchise fee to be paid to the Township. Chair Minnick called for a motion. A motion was made by Mrs. Keller, duly seconded by Vice-Chair Koch to enact Ordinance No. 387. Chair Minnick asked for any questions from the Board or the audience. There were none. She then took a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

As advertised, the Board considered Ordinance No. 388, an Ordinance amending the Whitpain Township Code of Ordinances at Chapter 36 "Human Relations Commission" to allow for appointment of an alternate member by resolution. Chair Minnick called for a motion. A motion was made by Vice-Chair Koch, duly seconded by Mr. Campolongo to enact Ordinance No. 388. Chair Minnick called for any questions from the Board or the public. Vice-Chair Koch said this is a wonderful addendum to add another member with the others already appointed to the Commission. Should there be a time when the Commission needs to act, that person will be prepared. There were no additional Board comments and none from the public. Chair Minnick called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

A motion was made by Mrs. Keller, duly seconded by Mr. Campolongo to pass Resolution No. 1422 and recommended Larry Maltin as an alternate member on the Human Relations Commission for a three-year term ending December 31, 2023. Chair Minnick noted that the appointment will not be effective until Ordinance No. 388 becomes effective in five days. She called for any discussion from the Board or the public. There was none. Chair Minnick then called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

A motion was made by Mr. Conner, duly seconded by Chair Minnick to pass the Consent Agenda as follows:

- a. Approve the minutes of the Board of Supervisors' meetings of December 15, 2020 and January 4, 2021.
- b. Approve the final December 2020 Voucher List totaling \$986,256.48, check sequence #71917 through #72226.

- c. Approve the November 2020 Treasurer's Report.
- d. Authorize Chambers Associates, Inc. to proceed with professional engineering and survey services for the 2021 ADA Ramp Modification Project in the amount of \$23,010 in accordance with their proposal dated October 21, 2020.
- e. Advertise for all road resurfacing projects for 2021 and to include the Montgomery County Consortium of Communities and any member municipality or municipal authority of the Montgomery County Public Works Association. This motion will allow the same communities to piggyback our bids in 2021.
- f. Participate in the Montgomery County Consortium contracts for purchasing materials and piggyback awarded contracts for goods and services bid by other communities in 2021.
- g. Extend the 2019 Curb Line Milling Contract with Roto-Mill, Inc. for one year. This is the second of two extensions per the contract documents.
- h. Extend the 2019 Leaf and Lawn Waste Contract with Republic Services for one year. This is the second of two extensions per the contract documents.
- i. Extend the agreements with Armour and Sons for the inspection of traffic signals through the Township in accordance with PennDOT requirements, and for traffic signal maintenance for one year through March 2022 in accordance with the rate schedule submitted January 21, 2020.
- j. Sponsor, establish, participate in or administer a cooperative purchasing agreement for the procurement of any goods, materials and equipment or services with another public procurement unit as defined in the Commonwealth Procurement Code. This includes, but is not limited to the following cooperative purchasing programs:
 - The PA General Services Contract Program (Costars) for 2021. This includes the purchase of highway materials, road salt, vehicles, equipment and supplies, and services as need.
 - Sourcewell, formerly (NJPA) National Joint Powers Alliance for the calendar year of 2021.
 - TIPS-USA, the Inter-local Purchasing System Contract for the calendar year of 2021.
 - H-GAC (Houston-Galveston Area Council) for cooperative purchases for 2021.
 - Keystone Purchasing Network for the purchase of goods and services.
 - GSA cooperative purchasing program for the purchase of goods and services.

- k. Authorize the use of PennBid for advertising and bidding of projects.
- l. Motion to authorize Whitpain Township to dispose of Township personal property by public auction for the calendar year 2021 utilizing Municibid, JJ Kane Auctioneers or PennBid for the sale of surplus equipment, supplies and decommissioned vehicle disposition.
- m. Pass Resolution No. 1420 adopting social media policies.
- n. Approve the 2020 Planning Commission Annual Report per requirements of the PA Municipalities Planning Code Article II Section 207(a).
- o. Approve a request from Patiellie, LLC for a waiver from the requirements of preparing a land development plan to construct a temporary stone parking area and associated circulation modifications to the existing parking areas at the Whitpain Tavern located at 1529 DeKalb Pike. The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer. The applicant requested a temporary approval of one year for these improvements; therefore, the Waiver from LD approval expires one year from the date of final approval. Any improvements associated with this waiver from land development must be removed one year after final approval.
- p. Pass Resolution No. 1421 authorizing the Township Manager to sign an Application for Traffic Signal Approval to be submitted to the PA Department of Transportation. The application is required in order to install a flashing beacon at the Wentz Run crossing for the PECO Trail.
- q. Authorize McMahon Associates to proceed with engineering and surveying services related to Centre Square Park Access Improvements at the intersection of SR 0202 and Jolly Road in accordance with their supplemental work authorization form dated January 8, 2021 at a cost not to exceed \$8,500.
- r. Approve an Addendum to the Manor House Agreement subject to a final review of documents by the Township Solicitor.
- s. Approve the tax assessment appeal stipulation for parcel 66-00-01615-00-2 (1015 DeKalb Pike); said settlement will result in the taxpayer providing an underpayment to the Township of approximately \$16,092.04.
- t. Approve the tax assessment appeal stipulation for parcel 66-00-06740-00-7 (1905 Skippack Pike); said settlement will result in the Township providing a refund of approximately \$4,186.24.
- u. Approve the tax assessment appeal stipulation for parcel 66-00-06079-85-7 (350 Sentry Parkway., Bldg. 630); said settlement will result in the Township providing a refund of approximately \$5,307.91.

v. Approve the tax assessment appeal stipulation for parcel 66-00-08212-50-6 (1720 Walton Road); said settlement will result in the Township providing a refund of approximately \$3,421.59.

w. Approve the tax assessment appeal stipulation for parcel 66-00-06079-82-1 (350 Sentry Pkwy., Bldg. 660); said settlement will result in the Township providing a refund of approximately \$7,327.40.

Chair Minnick called for any questions or comments from the Board. Vice-Chair Koch noted that the passage of the Social Media policy is the result of resident requests from two years ago, and added that as government officials, the Board holds itself to high standards. Mr. Campolongo reminded residents that decisions are not made in a vacuum and the Board has an obligation to engage in transparency. Residents must know how important this is. We received solid legal advice and this policy is a result. He echoed the comments of Vice-Chair Koch in holding ourselves to a higher standard. Chair Minnick agreed. There were no additional comments from the Board or the public, and Chair Minnick called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

The Board took no action on the following Zoning Hearing Board cases scheduled to be heard January 21, 2021:

NO. 2262-20 – BADRISH AND SHRITA M. PATEL request variances from Article XII, Section 160-66.A.7, Section 160-66.A.9 and Section 160-66.B.3.b.1 relating to Special Regulations for Rural Cluster Subdivisions, and from Article XXVIII, Section 160-214.C.1 relating to Green Area Regulations to allow Applicants to install a shed and construct a 240 s.f. addition onto their residence located at 1412 Royal Oak Drive, Blue Bell, PA in the Township's R-5 Residential District. Applicant's requested relief, if granted, will: (1) allow an aggregate side yard width of 44.5 feet when the Ordinance requires a minimum of 45 feet; and (2) allow an existing shed on the property to remain 3 feet from the lot line when the Ordinance requires a minimum of 5 feet; and (3) allow a total non-green space of 6,969 s.f. when the Ordinance permits a maximum non-green space of only 6,552 s.f. and (4) allow Applicants to install the shed thereby using 9% of the Deed restricted open space of their property when the Ordinance allows a maximum of 5% use of that area.

NO. 2264-20: 720 PENLLYN PIKE, LLC requests the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article V, Section 160-14 relating to lot area and width requirements in the R-1 Residence District; (2) Article V, Section 160-15 relating to front yard setback requirements in the R-1 Residence District; (3) Article V, Section 160-17 relating to side yard requirements for single family dwellings requirements in the R-1 Residence District; (4) Article XXIII, Section 160-157 relating to IN Institutional District use regulations; (5) Article XXIII, Section 160-158(A) relating to area and width regulations requirements in the

IN Institutional District; (6) Article XXIII, Section 160-158(D)(4) relating to required setbacks in the IN Institutional District when abutting a residential use or district; (7) Article XXIII, Section 160-158(E) relating to required buffering of parking in the IN Institutional District; (8) Article XXIII, Section 160-160 relating to IN Institutional District additional controls for exterior lighting and setbacks; (9) Article XXXI, Section 160-241 relating to expiration of special exceptions and variances.

Applicant proposes a 4-lot residential subdivision and development on the property located at 720 and 730 Penllyn Pike (further identified as Tax Parcel Nos. 66-00-05374-00-5 and 66-00-05371-00-8) within the Township's R-1 Residence and the IN Institutional Districts. Proposed lots 1 and 2 shall be located partially in the R-1 District and partially in the IN-Institutional District. Proposed lots 3 and 4 shall be located in the IN District.

Applicant's requested relief, if granted, will:

1. Allow Lot 1 to have a lot width of 141 feet when the Ordinance requires a minimum lot width of 150 feet;
2. Allow Lot 2 to have a minimum front yard width of 30 feet when the Ordinance requires a minimum of 50 feet;
3. Allow Lots 1 and 2 to have a minimum side yard width of 30 feet when the Ordinance requires a minimum of 45 feet and an aggregate side yard width of 60 feet when the Ordinance requires a minimum of 100 feet;
4. Allow all four lots to be used for single family detached dwellings when the Ordinance prohibits same in the IN-District;
5. Allow Lot 4 to have 31,823 s.f. of developable acreage when the Ordinance requires a minimum of 4 acres and Lots 3 and 4 to have 142 feet of lot width when the Ordinance requires a minimum of 150 feet;
6. Allow all four lots to have less than the required 100 foot setback from a residential use district;
7. Allow no buffering between like uses when the Ordinance requires 50 feet along residential zoned districts;
8. Allow for R-1 Residential District lighting regulations to apply instead of the IN-District lighting regulations;

9. Allow Lots 2 and 3, which are both flag lots, to have a lot area of less than 1.5 times the minimum required for the zoning district and allow Lot 2 to have an area of 39,002 s.f. when the Ordinance requires a minimum of 45,000 s.f. and Lot 3 to have an area of 34,668 when the Ordinance requires a minimum of 6 acres;
10. Allow the Applicant to have 18 months to obtain a building permit instead of the 6 months provided for in the Ordinance.

NO. 2265-20 – JOHN J. IMPRIANO, JR. requests variances from Article XXVI, Section 160-183.B.2 and 183.B.3 relating to General Sign Specifications, Article XXVI, Section 160-188.A relating to Permitted Signs and Article XXVI, Section 160-189.F relating to General Regulations with respect to his property located at 1662 and 1664 DeKalb Pike, Blue Bell, PA 19422 in the Township's C-Commercial District. Applicant's requested relief, if granted, will allow Applicant to install an off-premises identification sign on the property located at 1684 Dekalb Pike, Blue Bell, PA when the Ordinance prohibits same.

Chair Minnick called for any comments from the public. Shannon Cunningham of 599 Village Circle commented regarding Zoning Hearing Board case #2264-20 (720 Penllyn Pike LLC), thanking Tom Messmer and Marc Salamone for working together with the neighbors. She also thanked the Township staff for upholding the standards of the community and expressed appreciation of all efforts. Referencing the same case, Edgar David said it has been a long back and forth, but they are making progress and working on details to make it a good project. He also thanked everyone. Michael Yanoff, Esq., attorney representing a number of neighbors surrounding the Messmer property thanked the Board and noted that they have been in conversation with the developer and attorney Bernadette Kearney who represents the developer regarding the stormwater runoff that needs to be addressed. They will be at the Zoning Hearing Board meeting and he is confident that they can work through any issues. Mr. Comonitski thanked the Board and Township staff for their assistance and reiterated that they are having good conversations with Marc and Bernadette. Bernadette Kearney, Esq. spoke on behalf of the applicant explaining several changes to the plans as recommended by the neighbors, adding that unresolved concerns will be addressed prior to the Zoning Hearing Board meeting on Thursday. Chair Minnick noted that great strides have been made on all sides.

Chair Minnick turned the meeting over the Vice-Chair Koch to read into the record any emails that were received. Vice-Chair Koch noted there were no emails received, and made a few comments:

- The first public meeting of the Mermaid Lake Master Plan will be held January 25th at 7 p.m. Information regarding the meeting is in the Wire and on our website.
- At the February 2nd Work Session meeting at 6 p.m., the Board will hear an informal introduction of the proposal for 795 Jolly Road, also known as Parcel D. Representatives from Ironwood Development will make the presentation. The

presentation is informational only. No formal application as been submitted. If the developer proceeds, the normal course of action will be followed beginning with a review by the Planning Commission.

Vice-Chair Koch then called for public comment. There was none and the meeting was returned to Chair Minnick who called for any old or new business from the Board. Mr. Campolongo noted that this evening was the first time the Board gathered in person in many months, and that was to commemorate the 17 residents who lost their lives to COVID. The numbers are shocking – over 400,000 nationwide have lost their lives, including three members of his family. In the future, we will propose an everlasting memorial to honor our residents whose lives were lost. Chair Minnick supports this effort, and the discussion is tabled for another evening. Perhaps something can be done at the Mermaid Lake site. Mr. Connor agreed, adding that we will come up with something meaningful, memorable and powerful in their honor.

With no further comments, a motion was made by Mr. Conner, seconded by Mr. Campolongo to adjourn the meeting at 7:47 p.m.

Respectfully submitted,



Frederick R. Conner, Jr., Secretary

/v