

WORK SESSION

January 15, 2019

A work session of the Whitpain Township Board of Supervisors was held on Tuesday, January 15, 2019 at the Centre Square Fire Company, 1298 Skippack Pike, Blue Bell, PA at 7:30 p.m. for the purpose of reviewing the agenda of the January 15, 2019 Supervisors' meeting. Chairman Frederick R. Conner, Jr., along with Supervisors Adam D. Zucker, Anthony F. Greco, Kenneth F. Wollman, and Michele Minnick were present. Also present were Township Solicitor Frank R. Bartle, Esq., Township Special Legal Counsel Scott M. Badami, Esq., Township Manager Roman M. Pronczak, P.E., Township Engineer James E. Blanch, P.E., Assistant Township Manager David J. Mrochko, Police Chief Kenneth Lawson, Director of Code Enforcement Michael McAndrew, Director of Finance Christine M. Bauman, Director of Public Works Thomas Farzetta, and Parks and Recreation Director Kurt W. Baker.

The Supervisors began the work session by reviewing the agenda for the meeting and discussing the Mission Moment, approval of the Consent Agenda, including minutes of the January 7th meeting, appoint the conflict solicitor for Zoning Hearing Board case #2161-18, extend contracts for traffic signal inspection and maintenance, the sale of a fire truck, authorize the signing of agreements related to the traffic signal system at 1301 Skippack Pike, authorize the release of escrow funds, authorize the signing of Deeds of Dedication, Resolution Nos. 1267, 1268, 1269 and 1270, and authorize the signing of two grant agreements. The Board also discussed Zoning Hearing Board Case #2161-18.

Mr. Pronczak continued the meeting by reminding Supervisors that the Township is slated to receive a Conservation Champion Award from the Wissahickon Valley Watershed Authority. The ceremony will occur on January 29 at 6:00 p.m. at Germantown Academy. Supervisors are invited to attend the ceremony.

When discussion on this topic ended at 7:39 p.m., Supervisors concluded the work session and met in executive session to discuss a matter of litigation. When the executive session ended at 7:59 p.m., Supervisors left for the public meeting. When the public meeting ended, Supervisors met in executive session at 10:38 p.m. to discuss a matter of litigation.



David J. Mrochko

Whitpain Township Assistant Manager

#02-2019
January 15, 2019

The regular meeting of the Whitpain Township Board of Supervisors was held Tuesday, January 15, 2019 at the Centre Square Fire Company, 1298 Skippack Pike, Blue Bell, PA. Chairman Frederick R. Conner, Jr., along with Supervisors Adam D. Zucker, Anthony F. Greco, Kenneth F. Wollman and Michele Minnick were present. Township Manager Roman M. Pronczak, P.E., Assistant Township Manager, David J. Mrochko, Solicitor Frank R. Bartle., Esq., Special Counsel Scott M. Badami, Esq., Police Chief Kenneth Lawson, Township Engineer James E. Blanch, P.E., Finance Director Christine M. Bauman, Code Enforcement Officer Michael E. McAndrew, Public Works Director Thomas Farzetta, Parks and Recreation Director Kurt W. Baker, and Recording Secretary Virginia Papale were also present. Fire Marshal David M. Camarda was absent. There were more than 275 members of the public at the meeting.

Following the Pledge of Allegiance the meeting was called to order at 8 p.m. by Chairman Conner, who welcomed everyone.

Chairman Conner explained that the Mission Moment that begins each meeting is built on the Mission, Vision, Values Statement that was adopted by the Board. This evening we will begin by highlighting the public safety factor, with a triad of honors.

Through a collaboration of more than a century, the partnership between the Township and the Centre Square Fire Company (CSFC) was instrumental in building this building, through grants and fundraising efforts. The volunteers who serve, along with the paid firefighters who serve with them, are instrumental in keeping us safe. Chairman Conner acknowledged CSFC Chief Lee Miller and President Wayne Coffin for all that they do. He thanked everyone for their service.

The next Mission Moment honored a member of the Public Works Department who retired after 34 years of service. In addition to police and fire first responders, public works employees are first responders during storms, tackling roadways for the emergency first responders to be able to act. Sam Ferrizzi is an example of such a first responder during long, snowy nights. Chairman Conner presented him with a parting gift.

The third Mission Moment highlighted an important step in the career of Police Officer Frank Franco. Chairman Conner turned the meeting over to Chief Ken Lawson. Chief Lawson told the audience not to be alarmed by the number of police officers in the building, but that they were here to honor one of their own. Officer Frank Franco is being promoted to the rank of Sergeant. It is important that the best men and women are in the position of Patrol Supervisor. The person in that position must be a good decision maker, have a calm presence, and has to know a lot about everything. The test for sergeant is very difficult. After passing the written test, a candidate must go before an oral panel, which consists of five chiefs from throughout the County. Officer Franco came out on top. In his nine years with the Department, Officer Franco received his degree in Psychology, he is working on his Master's Degree in Forensic Psychology, he has been an officer-in-charge when needed, he is a field training officer, a SWAT team member, a negotiator, firearms trainer, self-defense instructor, a member of the emergency management team, and a public

relations officer. Officer Franco started the Department's Facebook page, and took over much of the social media. He is a well-rounded Police Officer and deserves this promotion. Chief Lawson congratulated Sgt. Franco on his new position.

Chairman Conner explained the process of approving the Consent Agenda after a review and any discussion. A motion was made by Mr. Greco, duly seconded by Mr. Wollman to approve the Consent Agenda as follows:

- a. minutes of the January 7, 2019 Board of Supervisors' meeting.
- b. name Leigh P. Narducci, Esq. as Conflict Solicitor for Zoning Hearing Board Case #2161-18.
- c. extend the agreements with Armour and Sons for the inspection of traffic signals throughout the Township in accordance with PennDOT requirements, and for traffic signal maintenance for one year through March 13, 2010.
- d. approve the sale of the Centre Square Fire Company 2003 Peirce Pumper to Lairdsville Community Volunteer Fire Company of Lairdsville, PA in the high bid amount of \$70,000.
- e. authorize the Chairman and Secretary to sign on behalf of the Township a Traffic Signal Easement and Temporary Construction Easement between Rt. 73 Associates and Whitpain Township for the installation of traffic signal control signal system at the entrance to 1301 Skippack Pike (TMP #66-00-06655-002). This traffic signal will also manage traffic to the Centre Square Fire Company access driveway located at 1298-1310 Skippack Pike.
- f. authorize the Chairman and Secretary to sign on behalf of the Township a Traffic Signal Easement and Temporary Construction Easement between KIMCO and Whitpain Township for the installation of traffic signal control signal system at the entrance to 1301 Skippack Pike, subject to the review and approval of the Township Solicitor.
- g. authorize the final release of all remaining funds from the escrow fund for the Gable Estates subdivision project located at 960 Morris Road (S-01-13). A maintenance bond to guarantee the public improvements has been posted for a period of 18 months.
- h. authorize the Chairman and Secretary to sign on behalf of the Township a Deed of Dedication between Morris Holdings, LLC and Whitpain Township for an area of right-of-way located between the legal and ultimate right-of-way of Morris Road adjacent to the Gable Estates subdivision located at 960 Morris Road.

- i. authorize the Chairman and Secretary to sign on behalf of the Township of Deed of Dedication between Morris Holdings, LLC, and Whitpain Township for the area within the legal right-of-way of Brentwood Drive for the Gable Estates subdivision located at 960 Morris Road.
- j. authorize the Chairman and Secretary to sign on behalf of the Township a Deed of Dedication between Morris Holdings, LLC and Whitpain Township for a Utility Easement located at 400 Ginkgo Drive related to the Gable Estates subdivision project.
- k. authorize the Chairman and Secretary to sign on behalf of the Township a Deed of Dedication between Allen Dean, Jr. and Monica Mlynaryk, owners of 325 Brentwood Drive, and Whitpain Township for a Storm Sewer Easement "A" in the Gable Estates Subdivision
- l. authorize the Chairman and Secretary to sign on behalf of the Township a Deed of Dedication between Bradley Dickerson & Jennifer Dickerson, owners of 350 Brentwood Drive, and Xin Shen & Zan Miao, owners of 360 Brentwood Drive, and Whitpain Township for a Storm Sewer Easement "E" in the Gable Estates subdivision.
- m. authorize the Chairman and Secretary to sign on behalf of the Township a Deed of Dedication between Andrew B. Lerner, Trustee of the Steven D. Lerner & Maribeth P. Lerner Irrevocable Trust, owner of 330 Brentwood Drive, and Erick R. Shilling & Kathryn M. Shilling, owners of 340 Brentwood Drive, and Whitpain Township for a Sanitary Sewer Easement "F" in the Gable Estates subdivision.
- n. adopt Resolution No. 1267 to accept a Deed of Dedication from Morris Holdings, LLC, for an area of right-of-way located between the legal and ultimate right-of-way of Morris Road adjacent to the Gable Estates subdivision and to accept a Deed of Dedication from Morris Holdings, LLC, for the area within the legal right-of-way of Brentwood Drive for the Gable Estates subdivision.
- o. adopt Resolution No. 1268 to accept Deeds of Dedication for certain stormwater and sanitary sewer easements as part of the Gable Estates of Blue Bell subdivision development located at 960 Morris Road. The Deeds of Dedication include a Deed of Dedication from Allen Dean, Jr. and Monica Mlynaryk for a Storm Sewer Easement "A"; a Deed of Dedication from Bradley Dickerson and Jennifer Dickerson and Xin Shen and Zan Miao for a Storm Sewer Easement "E"; and a Deed of Dedication from Andrew B. Lerner, Trustee of the Steven D. Lerner and Maribeth P. Lerner irrevocable Trust and Erick R. Shilling and Kathryn M. Shilling for a Sanitary Sewer Easement "F".

- p. adopt Resolution No. 1269 to accept a Deed of Dedication from Morris Holdings, LLC for a Utility Easement located at 400 Ginkgo Drive as part of the Gable Estates of Blue Bell subdivision development.
- q. authorize the Chairman and Secretary to sign on behalf of the Township a Deed of Dedication between Salvatore S. Paone and Mary Catherine Paone and Whitpain Township for a Sanitary Sewer Easement located at 180 Penllyn-Blue Bell Pike (TMP#66-00-05413-00-2) related to the 499 Morris Road subdivision project.
- r. adopt Resolution No. 1270 to accept a Deed of Dedication from Salvatore S. Paone and Mary Catherine Paone for a sanitary sewer easement located at 180 Penllyn-Blue Bell Pike for the benefit of 499 Morris Road subdivision.
- s. authorize the Chairman and Secretary to sign the Montgomery County Transportation Program Implementation Grant Agreement between Montgomery County and Whitpain Township in the amount of \$30,376.50 to fund the replacement and modernization of traffic signal equipment at six intersections along Skippack Pike between Cathcart Road and Narcissa Road, along with upgrades to pedestrian accommodations, including pushbuttons and ADA ramps.
- t. authorize the Chairman and Secretary to sign the Montgomery County Transportation Program Implementation Grant Agreement between Montgomery County and Whitpain Township in the amount of \$9,947.50 to fund the replacement and modernization of traffic signal equipment at the intersection of Skippack and Penllyn-Blue Bell Pikes, including video detection and automated signal performance measures.
- u. confirming the release of escrow funds in the amount of:
 - \$23,468.50 (Release #3) for Blue Bell Quarters Land Development located at 1155 DeKalb Pike
 - \$65,655.04 (Release #8) for Township Line Condos Land Development located at 579-587 Township Line Road
 - \$11,040 (Release #2) for the 637 Cathcart Road subdivision located at 637 Cathcart Road

Chairman Conner called for any comments or questions. There were none and the motion carried.

As is customary during the Board of Supervisors' meetings, Chairman Conner explained that the Board reviews upcoming cases that will go before the Zoning Hearing Board (ZHB). In most cases the Board defers to the ZHB, and occasionally they take action which may include sending the Solicitor to represent the Township before the ZHB. The one

item that will be before the ZHB on Thursday night at 6 p.m. is application #2161-18 regarding the property at 813 Stonybrook Drive. Since the applicant's attorney is not present to discuss what is to come before the ZHB, Chairman Conner proposed a comment period from the public. He asked that comments be kept to a summation and a five-minute period in order to allow for all wishing to speak to have their time. Questions will be referred to the Solicitor and Special Counsel, as the Board cannot opine in legal matters.

Of the members of the audience who offered their thoughts, the most prevalent concerns were:

- the number of people proposed in a three-bedroom home
- to whom the owners will be accountable
- the increase in cost of Township services
- how this will affect the schools if property taxes are reduced
- who is legally responsible for the operation
- if it complies with Federal Laws, what recourse does the Township have
- the location, along with the anticipated increasing number of people and cars
- is it already in operation
- who is funding the venture
- what happens if someone relapses
- what are the rights for those in opposition
- how will the Township officials ensure the health, safety and welfare of Township residents, especially those in close proximity

Throughout the discussion period, Solicitor Bartle and Special Counsel Badami explained that the case will be presented at the hearing on January 17th, and many of the questions and concerns will be addressed then.

The discussion ended at 10:12 p.m. Chairman Conner expressed appreciation to those in attendance, generally and specifically to those who spoke. All were encouraged to attend the Zoning Hearing Board meeting on January 17th at Montco.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco to authorize the Township to intervene in the ZHB application for 813 Stonybrook Drive, by sending the Township Solicitor and Special Counsel to present the case of the Township consistent with the following:

1. It is the position of the Township that it shall in all respects comply with the legal dictates of Federal and State Law, including, but not limited to, the Fair Housing Act, the Americans with Disabilities Act and the PA Municipalities Planning Code.
2. The Township's case shall require that the applicant prove legal entitlement to the Sober House from a use standpoint. That is, that the persons to occupy the building in question be members of the class protected as disabled under the law, that the persons to

occupy the building do so such that it constitutes a single family dwelling, with occupants living together as a single housekeeping unit on a non-transient basis, in number equal to or less than the maximum occupancy level as set forth in the Building Code.

3. In the event of non-compliance, the Township shall oppose the application.

4. In the event of compliance as described in paragraph 2 above by the applicant, the Township shall determine and advocate for such reasonable restrictions (conditions) on the requested relief so as to address concerns of a health, safety and welfare nature, including, but not limited to, occupancy level, parking, supervision, verification of status and other concerns that may be determined from the testimony taken at the hearing.

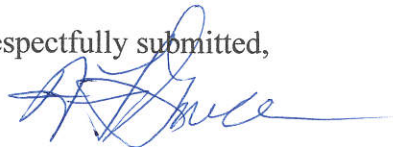
There was no additional discussion and the motion carried unanimously.

Chairman Conner turned the meeting over to Vice-Chairman Zucker who asked for public comment. One additional comment was made regarding the constitutionality of this zoning application and that the rights of individual property owners must be taken into consideration.

Vice-Chairman Zucker noted that the Board met in executive session prior to the public meeting to discuss a legal matter, and will return to executive session at the conclusion of this meeting to discuss the same matter.

There being no additional discussion, Vice-Chairman Zucker made a motion to adjourn the meeting at 10:22 p.m.

Respectfully submitted,



Anthony F. Greco
Secretary