

#10-2021  
May 19, 2021

The regular meeting of the Whippain Township Board of Supervisors was held virtually beginning at 6 p.m. on Tuesday, May 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, Township Solicitors Michael P. Clarke, Esq. and 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 24 remote attendees.

After an overview of the virtual meeting procedure by IT Director Nicole Leininger, Chair Michele Minnick welcomed everyone to the meeting and asked them to rise for the Pledge of Allegiance.

Tonight's Mission Moment honors two young men and their work toward achieving the highest rank in Boy Scouts - Eagle Scout. Supervisor Keller welcomed Brandon Rinehart of Troop 117 in Plymouth Meeting. Brandon's project included improving an area of the Mattie Dixon Community Cupboard. He and his team planned and managed construction of a picnic table and benches, a flower planter, custom shelving and a new sign. Brandon will attend Penn State University in the fall. Supervisor Keller read a proclamation honoring Brandon. Brandon thanked all who helped him. He was congratulated by all. Supervisor Conner introduced Matthew Irwin of Troop 24 in Edgewater Park, NJ. Matthew's project included enhancing an area of Wings Field. He and his team planned and managed construction of a viewing space for the community to enjoy aviation. Matthew will attend Drexel University in the fall. Supervisor Conner read a proclamation honoring Matthew. Matthew thanked everyone for the recognition and thanked all who helped him with his project. He is grateful for the support. He also was congratulated by all.

Chair Minnick commended both men for jobs well done.

A motion was made by Supervisor Conner, duly seconded by Supervisor Campolongo to approve the Consent Agenda as follows:

- a. Minutes of the Board of Supervisors' meetings of April 20 and May 4, 2021.
- b. April Voucher List in the amount of \$989,427.60, check sequence #72838 through #73072.
- c. March 2021 Treasurer's Report.

- d. Resolution Nos. 1449 through 1452, Emergency Declarations for the month of May.
- e. Authorize the Township Solicitor to reconcile a transfer of land to the PA Turnpike Commission for additional limited access right-of-way along the Northeast Extension, being portions of Parcel Nos. 66-00-02812-66-8, 66-00-02968-00-8 and 66-00-08515-00-5. The Township will receive \$100,000 in compensation upon completion of this transfer.
- f. Approve a Settlement Agreement with the PA Turnpike Commission for transfer to the Commission additional limited access right-of-way along the Northeast Extension, being portions of Parcel Nos. 66-00-02812-66-8, 66-00-02968-00-8, and 66-00-08515-00-5, and to subdivide and transfer to the Township land at the northeast corner of Wentz and Jolly Roads, being a portion of Parcel No. 66-00-02974-00-2, as agreed.
- g. Authorize the Township Solicitor to pursue a subdivision of land at the northeast corner of Wentz and Jolly Roads, being Parcel No. 66-00-02974-00-2, for the purposes of transfer of a portion to the Township and retention of the remainder by the PA Turnpike Commission, as agreed.
- h. Authorize Hibbeln Engineering Company to proceed with Professional Engineering and Surveying Services related to the subdivision of a parcel of land located at 1199 Jolly Road (TMP #66-00-02974-00-2) in accordance with their proposal dated April 27, 2021 at a cost not to exceed \$12,800.
- i. Confirm that Environmental Standards proceed with a supplemental soil investigation at the Mermaid Lake property located at 1002 Jolly Road per their proposal submitted April 15, 2021 at a cost not to exceed \$14,523.
- j. Authorize the Township Manager to advertise proposed Ordinance No. 389, an ordinance amending Chapter 142 (Vehicles and Traffic), Section 142-12 (Traffic Signals at Certain Intersections) of the Code of Whitpain Township. The three intersections with new traffic signals are Morris Road and Montgomery County Community College Driveway (north entrance/exit); Skippack Pike and Centre Square Fire Company/Centre Square Plaza Access Driveways; and DeKalb Pike and Centre Square Commons/WAWA Access Driveways.
- k. Authorize the Township Manager to send Ordinance No. 4-258 to the Montgomery County Planning Commission and the Township Planning Commission for review. Ordinance No. 4-258 is an ordinance amending the Township Zoning Code adding provisions for open or enclosed porches, decks, or patios and fences within the setback from property lines at Article

VII, Section 160-42.H [Development Requirements/Accessory Buildings or Structures].

- l. Approve the sale of the sewer VacCon (vacuum truck) to Ambler Borough n the amount of \$75,000, upon approval for purchase by Ambler Borough Council at its May 19<sup>th</sup> meeting.
- m. Approve the Comprehensive Recreation, Parks, Open Space and Trails Plan Update 2021-2030 “Conserve, Connect, Enhance”.
- n. Grant waiver requests from the requirement of preparing a land development plan to:
  - Caliber Service Management on behalf of PFI VPN Portfolio Fee Owner LLC and Brandywine Realty Trust to install a new paver patio with landscaping adjacent to the office building located at 910 Harvest Drive; and
  - Wings Field Preservation Associates, LP and the Philadelphia Aviation Country Club at Wings Field to install a 16’ x 40’ pavilion with restroom and changing room and a concrete sidewalk in the vicinity of the pool at their existing facility located at 1399/1501 Narcissa Road.

The waivers from land development are conditioned upon the review and approval of the site plans by the Township Engineer.

- o. Motion to award the 2021 Road Resurfacing contract to:
  - Asphalt Maintenance Systems of Center Valley, PA to apply an Ultra-Thin Bonded Wearing Course for a base bid of \$822,500;
  - Asphalt Paving Systems, Inc. of Hammonton, NJ to apply Type A Micro Surfacing at a unit price of \$2.99/sq. yd., single application; \$4.31/sq. yd., double application, on an as-needed/if-needed basis.

Contract awards are subject to the review of the bid documents by the Township Solicitor.

- p. Award the 2021 ADA Accessible Curb Ramps contract to Associated Paving Contractors, Inc of Warminster, PA in the low bid amount of \$115,756, subject to the review and approval of the bid documents by the Township Solicitor.
- q. Approve a Commonwealth and Municipal Traffic Signal Maintenance Agreement between Whitpain Township and the Commonwealth of

Pennsylvania, Department of Transportation for the ownership and maintenance of traffic signals within Whitpain Township.

- r. Pass Resolution No. 1453 authorizing the Township Manager to sign on behalf of the Township a Commonwealth and Municipal Traffic Signal Maintenance Agreement between Whitpain Township and the Commonwealth of Pennsylvania, Department of Transportation for the ownership and maintenance of traffic signals within Whitpain Township.
- s. Approve an Alternate Sewer Connection Permit Agreement between Blue Bell Self Storage, LLC and Whitpain Township regarding a new self-storage facility located at 1950 Skippack Pike, allocating 1 EDU for the facility. This agreement allows the property owner to purchase less sewer capacity than the amount prescribed by sewer allocation formulas; however, sewer usage is monitored by the Township and if the amount used exceeds the capacity purchased, the property owner is required to buy additional capacity at 1.5 times the normal tapping fee.
- t. Approve an agreement between Whitpain Township, Aqua Pennsylvania Wastewater, Inc. and Thomas Johnson, owner of a property located at 129 W. Township Line Road regarding acceptance of sanitary sewage into the Whitpain Township sanitary sewer collection system.
- u. Confirm the release of \$418,579.50 (Release #1) from the escrow fund for Creekside at Blue Bell (aka Beachcomber Tract) subdivision located at 652 DeKalb Pike.
- v. Pass Resolution No. 1455 authorize the Township Finance Director to rebalance the General Fund balances under the standards for financial reporting established by the Government Accounting Standards Board (GASB) as of December 31, 2020.
- w. Pass Resolution No. 1456 authorizing the Chair and Township Manager to execute documents for a grant from the Commonwealth Financing Authority (CFA) in an amount not to exceed \$500,000 for Phase 3 streambank restoration and stabilization.

Due to a transmission issue with Chair Minnick's microphone, Vice-Chair Koch called for any questions or comments from the Board. Supervisor Conner suggested that related to item (d), a good topic for the next work session will be to unwind some of the restrictions/precautions that were put into place a year ago due to the pandemic. Mr. Pronczak said we will also discuss outdoor dining provisions that are currently in place. Supervisor Conner asked Mr. Pronczak to summarize item (e). Mr. Pronczak noted that items (e) and (f) are at the end of Wentz Road at Jolly Road. Prior to the Rt. 202 widening project, the Township owned the parcel on the west side of Wentz Road and the Turnpike

owned the parcel on the east side. After this transaction is completed, the Township will own the larger piece where the current wood chip bin is located. He thanked the Solicitor for help with the process. Supervisor Conner then highlighted item (i) related to the sale of the vacuum truck for \$75,000, remarking that we have a net of \$175,000 with the two agenda items. He added that with the adoption of the Comp Park and Open Space Plan, we have reached another milestone. More important, as we begin the full budget process it will be a good guide to look at the cost of maintenance and operation of the parks. Vice-Chair Koch seconded the comments regarding the Comp Park and Open Space Plan and the presentation that was made, thanking Kurt and his team. Supervisor Campolongo asked about item (j) about traffic signals. Mr. Pronczak explained that when a new signal is installed a resolution has to be passed stating that we will maintain the signals. This ordinance ties all of the information together and updates the listing of traffic signals. Supervisor Campolongo stated that as far as the Comp Park and Open Space Plan, he agrees with Supervisors Conner and Koch and thanked Kurt and his group for all they have done.

Vice-Chair Koch called for public comment. There was none. With no additional comments from the Board or the public, Vice-Chair Koch called a roll-call vote to pass the Consent Agenda: Chair Minnick, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye, and Vice-Chair Koch also voted in favor. The motion carried.

A motion was made by Supervisor Keller, duly seconded by Supervisor Conner to consider Resolution No. 1454 to approve final plans titled "Preliminary/Final Subdivision Plans for 190 Plymouth Road" located at 190 Plymouth Road, Sheets 1 of 7 through 7 of 7, prepared by Robert E. Blue Consulting Engineers, plans dated March 19, 2021 in accordance with Section 509 (b) of the Pennsylvania Municipalities Planning Code conditioned upon execution of a Development Agreement, posting of financial security, planning module approval, receipt of all necessary permits from the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection, compliance with the recommendations contained in the motion from the Township Planning Commission and the resolution of items in the review letter from the Township Engineer dated April 2, 2021. Vice-Chair Koch called for any Board comments. There were none. She called for public comment. Resident Nicole Rife of neighboring property 210 Plymouth Road indicated that she never received any notification of this application and would like the consideration continued until a further review of the application is made. She requested a copy of the minutes from the Planning Commission as well. Mr. Pronczak noted that the previous application to the Zoning Hearing Board included two parcels (170 and 190 Plymouth Road) to be combined into one and subdivided into three parcels. Concerns were raised and the application was withdrawn. The present submittal is only for 190 Plymouth Road, and no zoning relief is required. He added that it is standard procedure to notify neighbors of land development and subdivision applications as a matter of courtesy, and he will have staff look into why Ms. Rife did not receive one. With Zoning applications, specific requirements must be met regarding notification and staff will also check why she did not receive notification. Ms. Rife added there are other neighbors who were not notified. As far as the minutes, Mr. Pronczak explained the Planning Commission has to approve the minutes at a public meeting before they can be released. Discussion ensued with members of

the Board asking if the vote can be postponed until the next meeting. Mr. Pronczak explained that there is a certain period of time during which an application has to be approved or denied, or the applicant receives a deemed approval. The vote could be postponed if the applicant agrees. Solicitor Clarke confirmed the timeline, and that the applicant has to grant an extension to move the vote to June. Mr. Carroll, the applicant, noted that this is a by-right project, and there is nothing contentious. The application has been on the website for some time and the vote should not be postponed. There were no objections from neighbors during the Planning Commission meeting, and review letters were clear. Discussion continued among the Board members and the Solicitor. Mr. Carroll questioned the basis for a continuance since he has gone through the proper channels during the required review period. Vice-Chair Koch asked that it be done in good faith as a courtesy to a neighbor due to a lapse in communication. Chair Minnick added that while the applicant is entitled to the approval, she is inclined to push for a continuance as a courtesy to the resident who did not receive notification. Solicitor Clarke explained the procedure to override the motion on the floor. Vice-Chair Koch motioned to table the vote until the next voting meeting on June 15<sup>th</sup>. This was seconded by Supervisor Campolongo. Vice-Chair Koch asked if there were any comments. The applicant's representative, Engineer Robert Blue said this project is not new; it has been around since March of 2019. They met with the neighbors and modified their plans accordingly. Chair Minnick said the Township fell short on its procedure. Solicitor Clarke noted there is a motion and a second to table the vote. Chair Minnick called a roll-call vote: Vice-Chair Koch confirmed; Supervisor Campolongo confirmed; Supervisor Conner, no; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried. Supervisor Campolongo thanked the participants. Supervisor Conner would like to discuss the breakdown in communication during the June 1<sup>st</sup> Work Session.

The Board took no action on the following Zoning Hearing Board cases scheduled to be heard May 20, 2021:

**NO. 2281-21 – STEVEN AND MICHELE GIRARD** request variances from Article V, Section 160-17 related to Side Yards for Single Family Dwellings and Article XXVIII, Section 160-203 related to Residential Projections into Side Yards with respect to their residence located at 680 Penllyn Pike, Blue Bell, PA in the Township's R-1 Residential District. Applicants' requested relief, if granted, will permit Applicants to expand the living area of the residence onto the existing porch area and build a new porch which will project 25 feet into the side yard when the Ordinance prohibits same and will reduce that side yard width to 20 feet when the Ordinance requires a minimum of 45 feet.

**NO. 2282-21 – RICHARD AND WENDY OBERHOLTZER** request variances from Article V, Section 160-21 related to Accessory Buildings or Structures with respect to his residence located at 559 Village Circle, Blue Bell, PA in the Township's R-1 Residential District. Applicants' requested relief, if granted, will permit one corner of an existing shed on the property to remain less than ten feet from the property lot line when the Ordinance requires a minimum of ten feet.

**NO. 2283-21 – KIM JONG JOSEPH AND SOOJIN ASHLEY** request variances from Article XXVIII, Section 160-204.D related to Residential Rear Yard Intrusions with respect to the property located at 9 Devonshire Court, Blue Bell, PA in the Township's R-5 Residential District. Applicants' requested relief, if granted, will permit Applicant to construct an attached pergola closer than 10 feet to a detached swimming pool accessory structure when the Ordinance prohibits same.

**NO. 2284-21 – JOHN COMINITSKI** request variances from Article V, Section 160-21 related to Accessory Buildings or Structures with respect to his residence located at 563 Village Circle, Blue Bell, PA in the Township's R-1 Residential District. Applicant's requested relief, if granted, will permit one side of the shed to be 10 inches from the rear yard lot line and another corner of the shed to be 9 feet from said lot line when the Ordinance requires a minimum of 10 feet.

Chair Minnick called for any public comment. Mr. Tom Messmer explained his thoughts on what the Board should do as the Board did when his property came before them. Chair Minnick explained that the Board normally remains neutral on Zoning cases, unless there is a detriment to the Township. She advised Mr. Messmer to appear before the Zoning Hearing Board to make his case before them. Mr. Messmer indicated he was looking for consistency. Chair Minnick confirmed there will be no action by the Board of Supervisors, and Mr. Messmer should attend the Zoning Hearing Board meeting and express his concerns. There was no further public comment.

Chair Minnick opened the discussion about Pride Month, noting that we are looking for ways to recognize it. Vice-Chair Koch thanked Supervisor Keller for bringing the discussion forward. Our commitment is to hear from our diverse community, as intended by the establishment of the Human Relations Commission. We are doing our due diligence to make Whitpain inviting and welcoming to all by embracing our differences. It is important to fly the Pride flag as a symbol in celebrating diversity. Supervisor Keller added that it is so important, and she wants to do all in her power to stand for the youth of our community and help them feel accepted. A month-long celebration will give us an opportunity to highlight deficiencies and make room for improvement; we have to raise awareness and look out for our youth. Supervisor Campolongo agrees with his colleagues, adding that this will set a wonderful precedent. Chair Minnick called for public comment. Mr. Richard Buttacavoli, founder of the LGBTQ Business Council added that Whitpain is following surrounding communities in showing that it is welcoming and open for business. Chair Minnick called for any additional comments. Supervisor Conner said he likes hearing the opinions of others. For anyone who has seen his office, they know he is a fan of flags and a history buff. He will not engage in debate, though he believes the National Flag is the only one that should be flown over a government building. He is opposed but appreciates everyone's views. The Board deferred to Solicitor Clarke regarding a vote to fly the flag. Solicitor Clarke said it is not required, but they can vote to direct the Manager to do something.

A motion was made by Supervisor Campolongo, duly seconded by Supervisor Keller to direct the Township Manager and/or staff to fly the Pride flag throughout the month of June as a symbol of inclusiveness in Whitpain Township. Chair Minnick called for any discussion. Supervisor Conner commented that he will oppose the motion for the sole fact that raising awareness of one social movement above others that might come before the Board is not a good idea. Whitpain Township is welcoming to all residents, as per the resolution passed some ten years ago protecting the rights of everyone. The American Flag is the only one we should fly over a government building. Chair Minnick then called a roll-call vote: Supervisor Conner, no; Supervisor Koch, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried by a vote of 4-1.

Chair Minnick turned the meeting over to Vice-Chair Koch for public comment. There was no public comment, and the meeting was turned back to Chair Minnick who asked if the Board had any old or new business to discuss. Vice-Chair Koch said that as emergency measures are beginning to be lifted, we will have a wonderful change to our meetings when we return to the building. All meetings will be broadcast. The plan has been discussed by the Operations Committee, though movement was halted because we were not sure when we would be returning. Now is the right time to move forward. Mr. Mrochko explained there is a six-month timeframe, and possibly sooner. The funds were budgeted. Supervisor Keller said this will make the meetings so much more accessible. Mr. Pronczak added that this will be discussed at the June 1<sup>st</sup> work session, and also noted that so many more people have attended virtual meetings than in-person meetings. Chair Minnick said something to think about is a hybrid setup for meetings. At the moment, we want to make sure our building is safe for employees, and we will analyze data and continue to follow guidelines. Supervisor Campolongo brought up the traffic concerns at Blue Bell Springs as part of old business. We have to do more to help find a solution for the residents. Supervisor Keller added that it is difficult to step over PennDOT as Rt. 202 is a state highway and they indicate a traffic signal is not warranted at that site. Mr. Pronczak gave additional background regarding an easement through Montgomery County Community College, though the College was not willing to grant the easement. We tried going through Village Square, but a stream has to be crossed. Supervisor Keller asked if a meeting with PennDOT would be considered. Supervisor Conner shared that we did have one with them in 2019, a three-hour meeting with a packed house, but it remains that Rt. 202 is a state road, and the current project is a federally funded project. We have tried all avenues. Chair Minnick said the residents have been very negatively impacted, and a community meeting part two is needed. Supervisor Conner thought that a night-time light would be helpful. Mr. Pronczak said that was also denied by PennDOT. Mr. Pronczak believes that with the work on that side of Rt. 202 being nearly finished, it is possible that with more gaps in traffic, it might become easier to turn on to Rt. 202. Chair Minnick suggested a follow up with PennDOT and direct communication with residents in Blue Bell Springs.



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With no further comments, a motion was made by Vice-Chair Koch, seconded by Supervisor Keller to adjourn the meeting at 7:46 p.m.

Respectfully submitted,



Frederick R. Conner, Jr., Secretary

/v