

WORK SESSION

April 18, 2017

A work session of the Whitpain Township Board of Supervisors was held on Tuesday, April 18, 2017 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA at 7:30 p.m. for the purpose of reviewing the agenda of the April 18, 2017 Supervisors' meeting. Board Chair Melissa M. Weber was present with Supervisors Kenneth F. Wollman, Anthony F. Greco, Adam D. Zucker, and Frederick R. Conner. Also present were Township Solicitor Frank R. Bartle, Esq., Township Manager Roman M. Pronczak, Township Engineer James E. Blanch, P.E., Assistant Township Manager David J. Mrochko, Director of Public Works Ronald J. Cione, Police Chief Kenneth Lawson, Director of Finance Christine M. Bauman, Director of Code Enforcement Michael McAndrew, Fire Marshal David M. Camarda, and Parks and Recreation Director Kurt W. Baker.

The Supervisors reviewed the agenda discussing the Mission Moment, the Consent Agenda including approval of the April 4th minutes, authorization to advertise for bids for milling and paving, award of a contract for professional design services for the Wissahickon Park Master Site Plan, and ratification of a separation agreement. The Board also reviewed the April Zoning Hearing Board cases.

After reviewing the agenda for the public meeting, the Supervisors met in executive session to discuss a matter of potential litigation from 7:40 p.m. until 7:50 p.m. When the executive session ended, Supervisors reviewed the work session agenda.

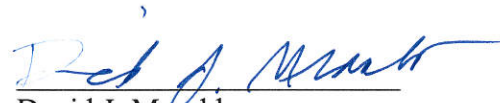
The first topic discussed on the work session agenda was a listing of upcoming events, including:

- Earth Day – April 20 – Prophecy Creek Manor House
- Tree Giveaway – April 23 at 8:00 a.m. – Prophecy Creek Park
- Business Breakfast – May 10 starting at 8:00 a.m. – Manor House
- Whitpain Recreation Association Soccer Tournament – May 20 – Centre Square Park
- Rotary – Second Alarmers Breakfast – April 30 from 8:00 to 11:30 a.m.
- Whitpain Parks and Recreation Department; Centre Square Fire Company; and Whitpain Police Association Golf Outing – June 26 – Blue Bell Country Club
- Big Rig Round-Up – Wentz Run Park – July 14 from 5:00 to 7:30 p.m.
- Community Festival – September 23 – starts at 11:00 a.m. and fireworks begin at 8:00 p.m. (one hour earlier this year)

The next topic discussed was an announcement that Senator Leach is planning a town hall meeting at the Whitpain Township Building. Although an official date has not been selected, both June 1 and June 20, 2017 are being considered.

The last topic discussed was a reminder that a table-top exercise for department heads and emergency management personnel will be held on June 8, 2017 from 4:00 to 6:00 p.m. This exercise focuses on access and functional needs. A separate training for elected officials from throughout Montgomery County will also be held at the Whitpain Township Building on May 24 from 6:00 to 8:00 p.m. This training is titled, an Overview of Incident Command and Emergency Management Training for Elected Officials.

When discussion on this topic ended at 7:55 p.m., Supervisors met once again in executive session to discuss matters of potential litigation. When the executive session meeting ended at 7:59 p.m., Supervisors left for the public meeting. When the public meeting ended, Supervisors met once again in executive session starting at 9:15 p.m.



David J. Mrochko
Whitpain Township Assistant Manager

#08-2017
April 18, 2017

The regular meeting of the Whitpain Township Board of Supervisors was held Tuesday, April 18, 2017 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chair Melissa Murphy Weber, along with Supervisors Kenneth F. Wollman, Anthony F. Greco, Frederick R. Conner, Jr. and Adam D. Zucker were present. Township Manager Roman M. Pronczak, P.E., Solicitor Frank R. Bartle, Esq., Assistant Township Manager David J. Mrochko, Police Chief Kenneth Lawson, Township Engineer James E. Blanch, P.E., Code Enforcement Officer Michael E. McAndrew, Fire Marshal David M. Camarda, Public Works Director Ronald J. Cione, Parks and Recreation Director Kurt W. Baker, Finance Director Christine M. Bauman and Recording Secretary Virginia Papale were also present. There were 17 members of the public at the meeting.

Following the Pledge of Allegiance the meeting was called to order at 8 p.m. by Chair Weber who welcomed those in attendance. She turned the meeting over to Vice-Chair Wollman, who welcomed Ms. Heng You in Mandarin. After stating our Mission and Values, Vice-Chair Wollman noted that this evening we are celebrating the Greater Philadelphia Chinese Cultural Center (GPCCC), a newly established non-profit organization and the Guang Hua Chinese School, which promotes Chinese culture and heritage through education. Vice-Chair Wollman shared that he attended the grand opening of the center in November of 2016. He then read the Proclamation and it was presented to Ms. You, Director of the GPCCC and the Principal of the Guang Hua Chinese School. Ms. You thanked the Board and invited everyone present to visit the GPCCC.

A motion was made by Mr. Greco, duly seconded by Mr. Conner to approve the Consent Agenda as follows:

- a. the minutes of the April 4, 2017 Board of Supervisors' meeting.
- b. authorization to advertise for bids for milling and hot-mix paving for Township roadways in 2017.
- c. award a contract for professional design services to Simone-Collins, Inc., Landscape Architects of Norristown, PA in an amount not to exceed \$50,000 per their proposal dated February 22, 2017 for the purpose of creating a Master Site plan for Wissahickon Park in West Ambler. Whitpain Township has received grants from the Department of Conservation and Natural Resources (DCNR) and the Department of Community and Economic Development (DCED), each for 50% of the amount of the contract.
- d. ratification of the Separation Agreement and Release with the Voluntary Retirement Incentive Program (VRIP) Participant, effective April 14, 2017.

Chair Weber called for any discussion. Mr. Conner commented on Item #3(c), the landscaping and design services award to Simone-Collins. This is an important milestone, and part of the action plan for the revitalization of West Ambler. After ten years and \$28 million, the EPA will soon complete its work on the Bo-Rit site, and the park will soon be open. It will open first as a passive, then as an active recreation site. We've recently heard from Congressman Boyle regarding FEMA initiatives in trying to control flooding. We are

looking forward to working with the Park and Open Space Board to get the park opened again. There was no further discussion and the motion passed.

The Board of Supervisors discussed the Zoning Hearing Board cases scheduled to be heard April 20, 2017. Mr. Conner expressed his concern about Application #2110-17, with Jeffrey Bill, equitable owner, and Rob Lowe, legal owner of the property located at 301 W. Maple Avenue in West Ambler. To continue intense usage at this property is contrary with the progress made in West Ambler to date. Mr. Conner made a motion to authorize the Township Solicitor to appear before the Zoning Hearing Board in opposition to this application. It was seconded by Mr. Greco. Mr. Zucker added that this application has several complexities that the Solicitor will address to the Zoning Hearing Board. With no further discussion, the motion carried.

Chair Weber recognized the audience members who were in attendance regarding Zoning Board Application #2108-17, The Meitner Family Partnership, and asked if any member of the audience wished to speak regarding any of the Zoning Hearing Board applications, and noting that there is no motion before the Board to take any action on the remaining cases other than to defer to the Zoning Hearing Board. Kim Ingersoll of 917 Valley Road asked that the Board reconsider its neutral position. The neighbors have opposed the first and second presentations, and the current application is no different from previous submittals. Bill Leonard of 929 Valley Road added that a flag lot development of three houses sets a bad precedent. Larger community issues include the fact that we now have pristine park surrounded by majestic, tall trees. The proposed development will eliminate a good number of the trees and open hardline views to Rt. 73. It will create a precedent for the development of the properties on either side of this site, and will affect not only the property owners on Valley Road, but also the owners of the park, which is the Township. Since Mr. Bartle will be at the meeting on Thursday evening, he requested that the Board send him in opposition of this application as well.

Mr. Meitner of 564 Skippack Pike explained that they are trying to improve the property and its value. A landscape architect inspected the trees and noted they are being strangled by vines. They intend to keep as many of the trees as they can. After last year's meeting, Mr. Meitner said they dropped several of the variance requests to keep with the Township's vision of open space. This property is not comparable to the quiet Valley Road neighborhood. It is situated between two commercial properties. They are trying to retain an historic house that is in a state of disrepair, to preserve the character of the house and build others that are of equal or higher value than the homes on Valley Road. The engineer is in attendance to answer any questions from the Board or from the audience.

Colleen Gallagher of 930 Valley Road said it appears to be a common practice of the Board to weigh-in to advise the Zoning Hearing Board when there appears to be a problem, and will otherwise allow the Zoning Hearing Board to do its work. Clearly, the Board saw a concern earlier in the evening. This case hasn't risen to that level of concern, and it doesn't have a very tangible problem. The homes will be beautiful, without question, and there is no gigantic red flag. This is an opportunity, as well as a risk, for the Township to step back and take a look at the quality and type of structure that is built in a sensitive area. Others on the

street will feel a tangible effect. What happens when dense zoning is allowed on a residential lot between two commercial parcels? This area is a somewhat center of the Township, with a sense of place. This matter is an opportunity for the Township to think about.

Linda Zoborowski of 914 Valley Road walks each day in the awesome park. The lower level is all wooded, the nature trail is lovely. If the woods are removed and two more homes are built, it won't be the same. People from all over the Township come to the park, and this development will affect the feeling of the park. What the people want should matter. Also, being within a flood zone, she doesn't want more boxes added to add more water. Stephan Martin of 937 Valley Road echoed the previous comments. The flood designation occurred after his home was purchased, and this intense usage will direct the additional water into the creek.

Mr. Meitner responded that when the Land Development plan is reviewed by the Supervisors, they will not allow more runoff. This is no more dense than others in the area. They are only asking for reasonable use of the property, and are only requesting a variance for lot width. Those on Valley Road who have added pools, sheds or additions had to request the same relief. Mr. Martin shared that his home is one house on 1.43 acres, and the requested development would be one house on .67 acres, which is not similar. When the Board weighed in last year, it was part of an extensive hearing that went before the Zoning Hearing Board. This is not the same.

Chair Weber asked Mr. Bartle to comment. Solicitor Bartle noted that the Board is always in a difficult position with respect to zoning cases because they do have the right to have party status before the Zoning Hearing Board. Whether or not the Board authorizes him to appear before the Zoning Hearing Board, the Board still remains a party in the process. This means the Board has the right to take an appeal from a Zoning Hearing Board decision. This can be done now, or wait until there are findings of fact and conclusions of law. The Board can move in either direction, whether to appeal a favorable decision or a denial. As with the substantive matters, Mr. Meitner is correct in that the stormwater matters will be addressed during the land development process and will be reviewed by the Township Engineer. As far as precedential value, each zoning case stands on its own merit. If the Board is deciding a matter of law or an interpretation of an ordinance, that would be one thing. This is a routine variance case, where they are looking at the law and the five criteria necessary to be met. There are two sets of parties in this case with differing opinions. The relief being sought is a variance relief which requires the applicant to show compliance with five sections of the Municipalities Planning Code Section 910.2. Notwithstanding what this Board or the Zoning Hearing Board may decide, this must be looked at from the Court's standpoint, and if the five criteria have been met. Mr. Bartle suggested that Mr. Meitner may want to request a continuance of the scheduled hearing, and meet with Mr. Leonard to find some middle ground with respect to a decision. The reality of the law for a Zoning Hearing Board determination, and possibly the Court of Common Pleas determination, would be better served if both parties tried one last time to work it out prior to appearing before the Zoning Hearing Board.

Chair Weber thanked Mr. Bartle and offered that discussions do not hurt. As previously stated, the Board was encouraged by Mr. Meitner's desire to preserve the existing house, but there were no discussion or response from the Planning Commission as far as the preservation of the house, in addition to the other aspects.

Chair Weber continued that tonight's action with regard to the West Ambler property, there is a special Subcommittee of the Board dedicated to the West Ambler Revitalization, of which Mr. Greco and Mr. Conner are members and have served for many years. What the Zoning Hearing Board will hear on Thursday is far different than what the West Ambler Committee has been doing. The Committee's work is what will be presented to the Zoning Hearing Board Thursday night, as that Board would not be as familiar with West Ambler as they are the Meitner property, and this Board's decisions and beliefs in terms of preservation, development and abiding by our Mission, Vision, and Values statement. The fact that the Board is not sending a representative to appear before the Zoning Hearing Board should not be seen as not standing up for an important issue. The Zoning Hearing Board is familiar with what the Township is looking to do as a whole, as its Chairman Ed Lane was part of the Comprehensive Plan Committee. Mr. Meitner has the burden on that night, and the Zoning Hearing Board is skilled and very capable of handling the matter. Therefore, there is no need to send the Solicitor to take any action.

Mr. Zucker added that as the last time this group came before the Board of Supervisors, he opined that this Board has great faith in the Zoning Hearing Board. There are two sides taking the same positions as they have previously. He echoed Chair Weber's comments regarding the complexity of the West Ambler case, adding that every neighborhood is important and any change is of great concern. Mr. Bartle made a suggestion, and it is up to the parties to decide.

Mr. Conner said that last time there was a property in question and a letter was sent to the Zoning Hearing Board, it was for the property at 350 Skippack Pike for the preservation of two early-1700's units: a house and barn. We encouraged the applicant and neighbors to find a way to do that. In his 7.5 years on the Board, Mr. Conner noted that we have sent the Solicitor to appear before the Zoning Hearing Board three times.

Mr. Greco shared that we are trying to relieve the flooding in West Ambler, and are trying to bring in the Boys and Girls Club to the Township. Very close to this property for which we are sending the Solicitor to the Zoning Hearing Board, we are planning to put temporary units for the Boys and Girls Club. Because of the children who will be in the vicinity, we are looking to see something less vigorous as far as a business.

Mr. Wollman continued by saying every neighborhood, every resident, is important. Someone said there seems to be a little extra for West Ambler. For the last 15 years we have been working with the residents in West Ambler. The children on Valley Road are not playing on an asbestos dump, and don't have the flooding as occurs in West Ambler. The children on Valley Road, as do his own, achieve at a level at which they're supposed to achieve. The children in West Ambler do not. It's about helping them achieve as do the children on Valley Road. It doesn't take away the concerns of the residents on Valley Road.

Ms. Gallagher believes her comments were misconstrued. Her comments were directed toward the principle of the larger good. She is very concerned about West Ambler, and her comments had no bearing on that. She follows and supports issues regarding the Boys and Girls Club and the achievement gap initiatives. She questioned if the Board's concern rises to the same level as that in West Ambler. Ms. Gallagher thanked everyone for their comments and asked that the record reflects her support for West Ambler. Chair Weber clarified that these two issues exemplify why we asked the Solicitor to appear before the Zoning Hearing Board for the West Ambler matter.

Mr. Bruce Morris of 930 Valley Road asked what the Board's vision is for the entire tract of land that includes O & F Farms, the Boxwood House, and the Korean Restaurant. Chair Weber said the vision is identified in the Comprehensive Plan as part of a village makeup. The Board is always monitoring what happens with properties and advise neighbors when necessary.

The Board of Supervisors took no action on the following Zoning Hearing Board cases scheduled to be heard April 20, 2017:

#2108-17	The Meitner Family Partnership
#2109-17	Michael and Jessica Riesmeyer
#2111-17	Michael and Linda Shanda Zahner
#2112-17	Anthony DePaul and Gianna Bojazi

Chair Weber turned the meeting over to Vice-Chair Wollman who asked if there was any public comment. There was no public comment. Before returning the meeting to Chair Weber, Vice-Chair Wollman thanked Ms. Gallagher for her clarification and thanked everyone for coming and recognized the Boy Scouts in the audience, as did Chair Weber, who noted they attended a good meeting.

Chair Weber shared news about several exciting upcoming events, including:

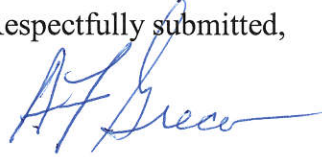
April 20 th	Earth Day at the Manor House at Prophecy Creek Park
April 23 rd	The Annual Tree Giveaway at Prophecy Creek Park
April 30 th	The Rotary Club Breakfast at the Manor House 8 to 11:30 a.m.
May 20 th	WRA's First Soccer Tournament

Chair Weber asked if there was any old or new business to discuss. There was none. She noted that the Board met briefly in executive session prior to the public meeting and will return to executive session after the public meeting.

#08-2017
April 18, 2017
Page 6

There was no additional discussion. Upon motion by Mr. Zucker, the meeting was adjourned at 9:09 p.m.

Respectfully submitted,



Anthony F. Greco
Secretary

/v