

#10-2022  
May 18, 2022

A business meeting of the Whitpain Township Board of Supervisors was held at 6 p.m. Wednesday, May 18, 2022 in hybrid mode – in person and virtually via Zoom. In-person attendees include: Supervisors Kimberly J. Koch and Scott M. Badami, as well as Solicitor Alex M. Glassman, Esq., Police Chief Kenneth Lawson, IT Assistant Robert Marcy and Recording Secretary Virginia Papale. Remote attendees are: Supervisors Michele Minnick, Jeffrey Campolongo and Joyce M. Keller, as well as Township Manager Roman M. Pronczak, P.E., Assistant Township Manager David J. Mrochko, Finance Director Christine M. Bauman, Fire Marshal David M. Camarda, Code enforcement Officer Travis DeCaro, Public Works Director Thomas Farzetta, Parks and Recreation Director Kurt W. Baker, and Human Resources Director Kathleen Yackin. Township Engineer James E. Blanch, P.E. and IT Director Nicole M. Leininger were absent. There were five members of the public in attendance in person, and nine remote participants.

Chair Koch reminded everyone that we will continue to use the closed-captioning service that is autogenerated by Zoom. It is not 100% accurate and not the official minutes of the Board of Supervisors' meetings, as the written minutes are approved at a subsequent meeting of the Board. If anyone has questions regarding the closed-captioning service, please contact IT Director Nicole Leininger. She then asked everyone to stand for the Pledge of Allegiance.

Chair Koch took a roll-call vote for attendance. She then announced that the Board met in executive session following the Work Session meeting of May 3, 2022. The Board also met in executive session prior to this meeting tonight to discuss legal, personnel and real estate matters.

Chair Koch turned the meeting over to Solicitor Glassman for proposed Ordinance No. 395, which is related to disturbing the peace. Solicitor Glassman called for a motion to open the hearing.

A motion was made by Chair Koch, duly seconded by Supervisor Badami to open the hearing on Ordinance No. 395. Solicitor Glassman marked two items into the record. Exhibit 1 is a copy of the ad that ran May 9, 2022, and Exhibit 2 is a draft of the ordinance, which has been properly advertised by evidence of Exhibit 1. He turned the proceeding over to the Township Manager for a brief summary of what the ordinance states. Mr. Pronczak said there are two parts of the ordinance that deal with disturbing the peace. The previous ordinance had some ambiguities regarding noise issues and was also subjective to interpretation. This proposed ordinance eliminates that and has quantifiable provisions that can be measured. It eliminates any issues that we previously had with enforcement. It also addresses procedures that have to be followed in measuring noise levels, as well as consequences for someone who does not comply with regulations. The second major part of the ordinance deals with lighting issues in residential areas. The current ordinance deals with

lighting in commercial, or non-residential areas but never addressed what is specifically permitted in residential districts. This is something that was recently brought to the Township's attention, and the proposed ordinance will resolve both concerns. Solicitor Glassman called for any questions from the Board. There were none. Chair Koch called for any questions from the public. There were none. Chair Koch called for a motion to close the hearing.

A motion was made by Supervisor Minnick, duly seconded by Supervisor Badami to close the hearing. Chair Koch called a roll-call vote to close the hearing: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

A motion was made by Supervisor Keller, duly seconded by Supervisor Minnick to adopt Ordinance No. 395 on disturbing the peace. There were no comments from the Board or the public. A roll-call vote was taken to adopt Ordinance No. 395: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

Chair Koch gave an overview of the Consent Agenda. A motion was made by Supervisor Campolongo, duly seconded by Supervisor Badami to approve the Consent Agenda as follows:

- a. Minutes of the Board of Supervisors' meetings of April 19<sup>th</sup> and May 3<sup>rd</sup>.
- b. April Voucher List totaling \$1,182,583.47, check sequence #75663 through #75887.
- c. Treasurer's Report of March 2022.
- d. Authorize the Township Manager to advertise Ordinance No. 396, an Ordinance amending the Code of the Township of Whippan at Part II [General Legislation], Chapter 142 [Vehicles and Traffic], Article IV [Stopping, Standing and Parking], Section 132 [Parking Prohibited at All Times in Certain Locations] to add a new parking prohibition on both sides of Narcissa Road between Township Line Road and Skippack Pike and to remove the formerly established boundaries of the prohibited parking locations along Narcissa Road; and repealing Ordinance No. 336 in its entirety, which formerly established the boundaries of the prohibited parking locations along Narcissa Road.

- e. Authorize the Township Manager to advertise Ordinance No. 4-259, an Ordinance amending the Code of the Township of Whitpain at Part II [General Legislation], Chapter 160 [Zoning], by amending and restating Article XIX [C Commercial Districts], Section 160-119 [Use Regulations] and Article XXII [I Limited Industrial Districts], Section 160-142 [Use Regulations] to prohibit on-premises use of medical marijuana at a medical marijuana dispensary or grower/processor.
- f. Authorize the Township Manager to advertise Ordinance No. 397, an Ordinance of the Township of Whitpain, Montgomery County, Pennsylvania, amending the Whitpain Township Code of Ordinances at Chapter 37 to provide for the creation of the Whitpain Township Environmental Advisory Council.
- g. Award the contract for the 2022 Curb line Milling Project to Rota-Mill, Inc. of Oley, PA in the low bid amount of \$201,335, subject to the review of the Township and the Solicitor.
- h. Award the contract for the 2022 ADA Ramp Modification Project to Breezecon, LLC of King of Prussia, PA in the low bid amount of \$97,269.43, subject to the review of the Township and the Solicitor.
- i. Pass Resolution No. 1499 authorizing the submission of a grant application to the PA Department of Community and Economic Development's Greenways, Trails & Recreation Program (GTRP) requesting \$177,354.20 to provide funding for the installation of Renewable Energy Solar Lights and Poles to the Wentz Run Park Parking Lot areas.
- j. Sign an Agreement for Determining Hydric Floodplain boundaries between Whitpain Township and William and Heidi Jeitner, owners of 805 Longfield Drive, Blue Bell, PA.
- k. Authorize the final release of all remaining funds from the escrow fund for the Montgomery County Community College Health Sciences Center land development project located at 340 DeKalb Pike (LD-02-14). The final release is contingent on the issuance of the NPDES Notice of Termination for the land development project.
- l. Authorize Carroll Engineering Corporation to proceed with construction observation services related to the Pulaski Drive Bridge Replacement Project in accordance with their proposal dated April 8, 2022 and revised April 27, 2022 at a cost not to exceed \$42,320.00 (Tasks include technical observation of foundation subgrade & concrete placement, technical observation of reinforcement placement & culvert installation, concrete testing, overall site inspections, and office support/administration).

Chair Koch called for any questions from the Board. There were none. She asked if the public had any comments or questions. There were none. Chair Koch took a roll-call vote: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

A motion was made by Supervisor Keller, duly seconded by Chair Koch to approve a Memorandum of Understanding between Whitpain Township and the Whitpain Township Police Association subject to final review by labor counsel. There were no comments from the Board or the public. A roll-call vote was taken: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

A motion was made by Supervisor Keller, duly seconded by Vice-Chair Minnick to accept the resignation of Celia Cameron from the Shade Tree Commission. Chair Koch noted that we are grateful to have had Ms. Cameron on the Shade Tree Commission and thanked her for volunteering. There were no additional comments from the Board or the public. A roll-call vote was taken: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

A motion was made by Supervisor Badami, duly seconded by Supervisor Keller to elevate Mark Eberle from Alternate No. 1 to full member of the Shade Tree Commission with a term expiring December 31, 2024. Chair Koch called for any comments. There were none from the Board or the public. She took a roll-call vote: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

A motion was made by Chair Koch, duly seconded by Vice-Chair Minnick to elevate Nilza Lozada to Alternate No. 1, and Timothy Knowles to Alternate No. 2 on the Shade Tree Commission with terms expiring December 31, 2024. Chair Koch called for any comments from the Board or the public. There were none. She took a roll-call vote: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

A motion was made by Vice-Chair Minnick, duly seconded by Supervisor Badami to pass Resolution No. 1500 to approve plan titled "Preliminary/Final Subdivision Plans for 830 North Wales Road" located at 830 North Wales Road, Sheets 1 of 4 through 4 of 4, prepared by Woodrow & Associates, Inc., plans dated September 24, 2021 and last revised November 3, 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 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 November 15, 2021. Chair Koch called for any questions from

the Board. There were none. She called for any questions from the public. There were none. The motion carried.

A motion was made by Vice-Chair Minnick, duly seconded by Supervisor Badami to establish a flag policy for flying commemorative flags as directed by the Chair. Chair Koch called for any questions or comments. Supervisor Badami clarified with Solicitor Glassman that this is the Township's ability and decision, and if the Board chooses to fly a flag as policy, it will not subject the Board to any liability. Solicitor Glassman confirmed that any flag the Board chooses to fly is government speech and not open to a public forum. There were no public comments. A roll-call vote was taken: Vice-Chair Minnick, aye; Supervisor Campolongo, aye; Supervisor Keller, aye; Supervisor Badami, aye and Chair Koch also voted in favor. The motion carried.

The Board took no action on the following Zoning Hearing Board cases scheduled for May 19, 2022, with Supervisor Badami recusing himself from Case No. 2317-22 due to a conflict of interest with representation.

**2316-22 – CRESCO YELTRAH, LLC** – requests a variance from Article XXVI, Section 160-191.D related to Schedule of Sign Regulations with respect to its property located at 28 W. Skippack Pike, Blue Bell, PA, in the Township's C- Commercial District. Applicant's requested relief, if granted, will allow Applicant to install a second illuminated façade sign of 29.95 square feet on the exterior of its facility when the Ordinance permits only one such sign.

**2317-22 – UNIVEST FINANCIAL CORP.** - requests a variance from Article XX, Section 160-130.C(2)(c) related to Special Regulations with respect to its property located at 649 Dekalb Pike, Blue Bell, PA, in the Township's VC- Village Commercial District. Applicant's requested relief, if granted, will allow Applicant to install a façade sign on the exterior of its facility which will be: (1) at a height of 22 feet 9 inches above grade when the maximum height allowed by the Ordinance is 15 feet above grade; and (2) measuring 49.875 square feet when the Ordinance allows a maximum of 40 square feet and installed.

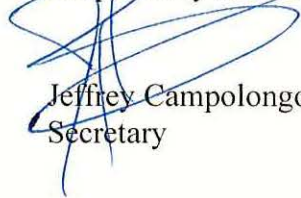
**2318-22 – ANDREW AND JESSICA SOBEL** - request variances from Article VII, Section 160-33 related to Front Yards on Corner Lots, Article VII, Section 160-34 related to Side Yards for One Family Detached Dwellings, Article XXVII, Section 160-202 related to Residential Projections in Front Yards and Article XXVII, Section 160-204 related to Residential Projections into Side Yards with respect to their property located at 833 Ivy Rd., Ambler, PA in the Township's R- 2 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct a 1,240 square foot new addition onto their residence which will: (1) project into the side and front yards when the Ordinance prohibits same; and (2) reduce the two front yard setbacks to 45 feet and 25 feet, respectively, when the Ordinance requires a minimum of 50 feet; and (3) reduce one side yard setback to 19.7 feet when the Ordinance requires a minimum of 25 feet.

Chair Koch turned the meeting over to Vice-Chair Minnick to conduct the public comment portion of the meeting. Vice-Chair Minnick called for any public comment. Mr. Fondots of 1633 Pulaski Drive brought up an incident with a supervisor that occurred at one of the polling sites on election day. Supervisor Campolongo responded that he was the person being discussed and added that he reached out to the two individuals with whom he had an interaction and apologized to them. He will have a continuing discussion with one of them about the issues, and again apologized to all who were there. There was no additional public comment.

The meeting returned to Chair Koch who asked for any old or new business or closing comments from the Board. Supervisor Keller thanked the participants at the Senior Games, and especially thanked the Parks and Recreation Department and others who volunteered during the games. All did a wonderful job. Vice-Chair Minnick thanked the Rotary Club for their fundraiser being held tonight and wished them success and support.

With no additional comments, a motion was made by Supervisor Badami, seconded by Supervisor Keller to adjourn the meeting at 6:24 p.m.

Respectfully submitted,



Jeffrey Campolongo  
Secretary

/v