

WORK SESSION

February 17, 2015

A work session of the Whitpain Township Board of Supervisors was held on Tuesday, February 17, 2015 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 February 17, 2015 Supervisors' meeting. Chairman Frederick R. Conner was present with Supervisors Adam D. Zucker, Anthony F. Greco, and Kenneth F. Wollman. Supervisor Melissa M. Weber was absent. Also present were Township Solicitor James J. Garrity, 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 Mark A. Smith, Parks and Recreation Director Kurt W. Baker, Director of Code Enforcement Michael McAndrew, Assistant Zoning Officer William McManus and Director of Finance John Nagel.

The Supervisors reviewed the agenda discussing approval of the minutes of the February 3, 2015 Board meeting, the January 2015 Voucher List, appointment to the Shade Tree Commission, adoption of Resolutions #1068, #1069, and #1070, two waiver requests, a Pillar Agreement for 1065 Blyth Court, a Declaration concerning stormwater facilities at 1921 Cori Lane, release of funds, disposition of public records, advertisement of Ordinance No. 336, the February Zoning Hearing Board case and the public hearing on Ordinance No. 4-236.

After reviewing the agenda, Mr. Blanch gave a more in-depth overview of item number 15 on the agenda, which would authorize the advertisement of an ordinance to restrict parking at the intersection of Copper Beach Rd. and Narcissa Rd. and at Copper Beach Rd. and Norristown Rd. The Engineering Department analyzed both intersections using PennDOT's standards which contemplate the posted speed limit, roadway geometry, and sight distance.

At 8:00 p.m., the Supervisors adjourned the work session and left for the public meeting. When the public meeting ended, the Supervisors met in executive session at 9:30 p.m. to discuss legal matters.

David J. Mrochko
Whitpain Township Assistant Manager

#04-2015
February 17, 2015

The regular meeting of the Whitpain Township Board of Supervisors was held Tuesday, February 17, 2015 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Frederick R. Conner, Jr., along with Supervisors Adam D. Zucker, Anthony F. Greco, and Kenneth F. Wollman were present. Township Manager Roman M. Pronczak, P.E., Assistant Township Manager, David J. Mrochko, Solicitor James J. Garrity, Esq., Police Chief Mark A. Smith, Township Engineer James E. Blanch, P.E., Finance Director John B. Nagel, Code Enforcement Officer Michael E. McAndrew, Public Works Director Ronald J. Cione, Parks and Recreation Director Kurt W. Baker, Assistant Zoning Officer William McManus and Recording Secretary Virginia Papale were also present. Fire Marshal David M. Camarda was absent. There were 13 members of the public at the meeting.

Following the Pledge of Allegiance, Chairman Conner called the meeting to order at 8 p.m. He mentioned that Mrs. Weber has been delayed this evening for a work emergency.

Mission Moments was presented by Finance Director John Nagel, who focused on Stewardship. Mr. Nagel concentrated on the lessons we've learned related to the recent sewer service charge, which was implemented to promote water conservation. The Sewer Fund has one major source of funding, and that is sewer rentals. Residential properties are assessed \$85 per quarter for usage less than 20,000 gallons. Despite increased costs, the base rate has remained unchanged for seven years. Treatment costs are directly affected by the flows. In 2014, we implemented a \$21.25 surcharge for water consumption over 20,000 gallons per quarter. We continue to assess this process in 2015. The Finance Committee did not contemplate an appeals process. When given information that warrants a review of a charge, it will be reviewed. It is the industry standard to assess a surcharge based on water usage. The cost of installing a monitoring device far outweighs the amount of the surcharge. The Finance Committee and the Board will continue to monitor the Sewer Fund status and funding strategy for 2015.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco to approve the minutes of the Board of Supervisors' meeting of February 3, 2015. Chairman Conner called for any discussion. There was none and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to approve the January 2015 Voucher List in the amount of \$277,784.17, checks #54192-54230 and #54233-54336. Checks #54231-54232 were issued in December 2014. Chairman Conner called for any discussion. There was none and the motion carried.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco to appoint Edgar David, ASLA to the Shade Tree Commission to fulfill the vacancy left by the passing of former Chairman, Joseph T. Steuer. The term expires December 31, 2017.

Chairman Conner noted there was much discussion related to this appointment. Mr. David has many years of experience, is noted for his design work and is a welcome addition to the Commission. Over time, we expect he will demonstrate the same commitment as Mr. Steuer. There was no further discussion and the motion carried.

A confirming motion was made by Mr. Zucker, duly seconded by Mr. Greco to adopt Resolution No. 1068, appointing Janney Montgomery Scott, LLC as investment banker and underwriter for the Township, Eckert Seamans Cherin & Mellott, LLC as bond counsel for the Township and administration of the Township to perform such acts on behalf of the Township which are necessary in order for the Township to issue the Bonds and undertake Capital Projects of the Township should they be necessary. Chairman Conner called for any discussion. There was none and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to adopt Resolution No. 1069 to amend fees for extra protection for events and public assemblages by the Whitpain Township Police Department. Chairman Conner said this is a wonderful service provided by the Police Department. Those who utilize it receive quite a bargain for the work perform in all weather conditions. It complements the work the Police Department does. There was no further discussion and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to adopt Resolution No. 1070 authorizing Whitpain Township to submit a grant application to the PA Department of Transportation for the Green Light-Go Grant Program, Pennsylvania's Municipal Signal Partnership Program for traffic signal upgrades and improvements. The following intersections will be included in the grant application: Morris Road and School Road/Plymouth Road; Skippack Pike and Union Meeting Road; Skippack Pike and Walton Road; Morris Road and Tournament Drive; and Butler Pike and Norristown Road. Chairman Conner called for any discussion. There was none and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker to grant a request to Montgomery County Community College for a waiver from the requirement of preparing a land development plan for the installation of new LED site lighting (parking lot lighting as well as pedestrian lighting) throughout the campus located at 340 DeKalb Pike. The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer. Chairman Conner noted that Montco is utilizing the lighting consulting engineer used by the Township. The plan has been looked over and given a positive review. There were no additional comments and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to grant a request to the Wissahickon School District for a waiver from land development related to the installation of sidewalk improvements at Stony Creek Elementary School located at 1721 Yost Road. The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer. Chairman Conner mentioned that the improvements are being implemented at the suggestion of the Township. We are working with the Wissahickon School District to see that it gets done for the safety of

those traveling to the school. Chairman Conner called for additional discussion. Mr. Matt Hilbush of 970 Clover Court asked if the sidewalks are replacement or new walks. Mr. Blanch responded that 95% of the walks will be new, with removal and replacement of a limited section where there is a transition. There were no further comments and the motion carried.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco to authorize the Chairman and Secretary to sign on behalf of the Township, a Pillar Agreement with David and Theresa Wyher, owners of the parcel located at 1065 Blyth Court. This agreement will permit the installation of a Belgian block driveway apron within the legal right-of-way of Blyth Court, on the condition that the material will be removed if any future road widening, repair or excavation is necessary. Chairman Conner noted that this is not an unprecedented action, and the Board is more than happy to accommodate the request, with restrictions. There were no further comments and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to authorize the Chairman and Secretary to sign on behalf of the Township, a Declaration of Covenants, Easements and Restrictions Concerning Stormwater Facilities Agreement between Clifford and Linda Montgomery, property owners of 1921 Cori Lane and Whitpain Township. This agreement addresses operations and maintenance responsibilities for an on-site stormwater management system to be installed at 1921 Cori Lane. Chairman Conner again noted that this is not an unprecedented action. There were no further comments and the motion carried.

A confirming motion was made by Mr. Greco, duly seconded by Mr. Zucker to release \$33,238.62 (Release #2) from the escrow fund for Broad Axe Station Land Development located at 244 Skippack Pike. Chairman Conner called for any discussion. There was none and the motion carried.

A motion was made by Mr. Wollman, duly seconded by Mr. Greco to authorize the disposition of the following public records in accordance with Resolution No. 1004, adopted March 19, 2013: 68 sets of various paper blueprints which have been scanned into the system. Chairman Conner called for any discussion. There was none and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker to authorize advertisement of Ordinance No. 336 to add a parking restriction along Narcissa Road in the area of Copper Beech Drive and along Norristown Road in the area of Copper Beech Drive. Chairman Conner noted this is a motion to advertise. This has been a recurring situation in the vicinity of Blue Bell Woods and this Ordinance will resolve it. There were no further comments and the motion carried.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco to send the Solicitor to the Zoning Hearing Board meeting scheduled for February 19, 2015 in opposition to application #2032-15, Pet Supplies Plus and Forman Sign Company. Chairman Conner called for any discussion. There was none and the motion carried.

As advertised, a public hearing on Ordinance No. 4-236, an Ordinance amending the Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), Section 160-185 (Types of Signs) to add a new Subsection "F" setting forth a new definition of a "Changeable Text Electronic Message Board", and further amending Chapter 160 (Zoning), Article XXVI (Signs), Section 160-189 (General Regulations) to repeal existing Subsection "B" and replace it with a new Subsection "B" prohibiting any sign or portion thereof within the clear sight triangle at any intersection of streets, or any intersection of a driveway and a street; and prohibiting any signs, other than an official street sign, within the legal right-of-way of any street; and further amending Section 160-189 (General Regulations) to add a new Subsection "O" to establish special regulations for signs including a changeable text electronic message board. Solicitor Garrity opened the hearing. He will explain the procedure to be followed and explain the Ordinance. Assistant Code Enforcement Officer William McManus will present a Power Point explanation, there will be questions by the Board, followed by questions from the audience. Solicitor Garrity described a two-year process by staff in response to various requests and comments during the process. In its current format, this is the seventh amended version of the Ordinance. Overall it cleans up the current sign ordinance, and introduces regulations for changeable text signs. Solicitor Garrity further explained the details of the Ordinance, including allowable locations, special regulations regarding height, images and symbols, utilization of the overall sign space, illumination and movement. Changeable text signs are only permitted in the institutional district. Mr. McManus provided further visual details of Solicitor Garrity's comments. Solicitor Garrity asked if any member of the Board had questions. Chairman Conner commented that this Ordinance was reviewed the week prior to this meeting by our Planning Commission, which had no comments on the latest draft. He further explained that over the past two years, this Ordinance has been reviewed and refined in what was an outreach.

Mr. Pronczak added that the most significant contribution to the changes of the earlier version came from St. Helena's. We listened to their requests and incorporated many of their concerns in this current edition of the Ordinance. Chairman Conner reserved the balance of his questions until after public comment is made.

Solicitor Garrity opened the floor to the public. Monsignor Nicolo of St. Helena's Church, 1489 DeKalb Pike explained that he was led to believe digital signs were not permitted at the time he made his prior request. Chairman Conner asked for a clarification regarding Monsignor's comments. Mr. Pronczak said the sign Monsignor requested at that time was not permitted. What was requested was larger than the permitted allowable sign area. LED signs are permitted, although not with a changeable message. Monsignor said there was no explanation as to why it was not permitted. Further discussion centered on the sign at the Village Commercial shopping center across from Blue Bell Country Club.

Mr. Pronczak explained that the sign in question was permitted by a separate ordinance and conditional use application. Mr. Pronczak further noted that there is a maximum square footage allowed for businesses with entrances along Rt. 202. The square footage of the permitted signs for each tenant in that center was so small that they were unreadable and creating a distraction and dangerous situation for motorists in the area.

The conditional use hearing allowed a portion of the sign to have a digital display, and each vendor can have a sign on there. Mr. McAndrew recalls that the changes were permitted either every 30 or 60 seconds. Mr. McAndrew said it required a separate ordinance, along with the hearing. When a comment was made that the particular sign has movement, it was determined that it was approved as a static sign and should not have movement. Staff will check into this. The discussion continued back and forth in the same manner, with comments made by Monsignor that he was misled by staff after making his request. Chairman Conner said it has been established that what Monsignor wanted at the time was not permitted by the ordinance. Had an application been submitted, he would have been informed what he was requesting was not in compliance with the ordinance and told how to further proceed in order to be granted relief from the ordinance. Solicitor Garrity clarified that Monsignor was told there was significant opposition to images on the requested sign in the institutional district. It was to be only for messages; no images.

Mr. Matthew Hilbush asked if the signs are permitted only in institutional districts. It seems as if the Ordinance was written to accommodate the Township sign. He suggested that this Ordinance be tabled and amended to better suit what the Township needs, to include commercial areas. Mr. Pronczak explained that it wasn't drafted for the Township needs, but for compliance with what is permitted today, as many changes are occurring with technology. Many signs are unattractive and not within the character of the Township. Solicitor Garrity said it is the Board's desire to make sure not all signs are electronic, and to limit them to districts where they are a necessity. Mr. Hilbush asked if commercial applications are included. Solicitor Garrity responded that this Ordinance addresses the institutional district (schools, churches or municipal buildings) only. Mr. Wollman asked how many of the large banners are along Rt. 202 in front of St. Helena's Church. Mr. McAndrew said there are five. Mr. Wollman asked what they depict, and Monsignor responded, St. Helena. Mr. Wollman asked if Monsignor is looking for something more. Monsignor said he wants to publicize what is happening at the Church or School.

Mr. Vince Thompson of 1705 Windsor Road asked who approved the Village Commercial sign and why was it approved. Mr. Zucker said if there is movement within the sign, it is a violation that will be addressed. Mr. Thompson asked that the vote on this Ordinance be tabled until a resolution is made regarding the size of an image.

Mr. Richard DeLello of 2533 Stony Creek Road said he believes a small image is a safer view than text, and is visually and aesthetically appealing rather than text. He said it could be done with a limited number of visual presentations.

Before closing the hearing, Chairman Conner asked if this Ordinance is specific to institutional use. Solicitor Garrity confirmed the electronic message board is permitted only for the institutional districts. Mr. Greco asked if this Ordinance is passed, how it will affect Monsignor's request, specifically with the images. Monsignor again expressed that he thinks he was misled when he first asked about images on the sign. Chairman Conner said any sign application has to be reviewed. Mr. McAndrew added that if an application

for a sign is not in compliance, the applicant can seek a variance with the Zoning Hearing Board. Mr. Zucker asked if St. Helen's has previously been before the Zoning Hearing Board. Mr. McAndrew said they were when the Church was under construction and there was a hearing regarding landscaping and the height of Church. Monsignor said the height of the Church was lowered. Mr. Zucker asked who purposely misled Monsignor when he made his previous inquiry regarding the sign. It was determined that there was a misunderstanding regarding the provisions of the Ordinance, and there was no intent to dupe or mislead anyone. Solicitor Garrity explained that in the Zoning provisions for other signs in the Township, there is no movement, no animation, nothing may move. Messages may not be changed more than once per hour.

The hearing was closed at 9:15 p.m. Chairman Conner said that in the 10 years he has been involved with Whitpain government, the Township has always been opposed to less restrictions. As a Township, we must be cautious regarding sign regulations with good reason. The ongoing dialogue with the community related to the Comprehensive Plan confirms it is obvious from input that protecting community character is paramount. There is a sense of urgency to having this Ordinance in place. He further explained that he is very concerned that anyone would have the impression of being misled. Because Mrs. Weber did not weigh in on this publicly tonight, he would like to consider waiting until the next meeting for a decision. Mr. Greco agreed with Chairman Conner in that the Board will take another look for the Township's protection. Mr. Zucker wants to take a vote, as this Ordinance has been work on for over one year. St. Helena's was very involved in the process, and it is difficult to believe staff might have intentionally misled anyone. Other issues can be revisited. It should not be left open. Mr. Wollman agreed with Mr. Zucker. He stated that thirteen months is ample time for the review and amendments. There were no additional comments from the Board or the staff.

A motion was made by Mr. Zucker, duly seconded by Mr. Wollman to pass Ordinance No. 4-236. The Board members were polled. Mr. Wollman, aye; Mr. Greco, nay; Mr. Zucker, aye; Chairman Conner, no. With a 2-2 vote, the motion to approve the Ordinance failed. Solicitor Garrity said with the non-passage of the Ordinance, it must be completely re-advertised.

Chairman Conner turned the meeting over to Vice-Chairman Zucker who asked if any member of the audience wished to make public comment. There was none. He asked if any member of the Board wished to discuss old or new business. There were no comments. Vice-Chairman Zucker announced that the Board held an executive session on February 12th to discuss a legal matter, and that the Board will retire to executive session to discuss legal matters.

There being no further business, Vice-Chairman Zucker moved to adjourn the meeting at 9:25 p.m.

Respectfully submitted,
Anthony F. Greco
Secretary