

WORK SESSION

March 1, 2016

A work session of the Whitpain Township Board of Supervisors was held on Tuesday, March 1, 2016 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 March 1, 2016 Supervisors' meeting. Chairman Adam D. Zucker was present with Supervisors Melissa M. Weber, Anthony F. Greco, Frederick R. Conner and Kenneth F. Wollman. Also present were Township Solicitor Andrew R. Freimuth, 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, Parks and Recreation Director Kurt W. Baker, Director of Code Enforcement Michael McAndrew, Director of Finance Christine M. Bauman, and Fire Marshal David M. Camarda. Seven members of the public were also present.

Before the work session began, Supervisors met in executive session from 7:00 p.m. to 7:28 p.m. to discuss legal matters.

When the work session meeting started at 7:30 p.m., the Supervisors reviewed the agenda discussing Mission Moments, approval of the January 2016 Treasurer's Report, the February 2016 Voucher List, the February 16, 2016 Board of Supervisors' meeting minutes, Conditional Use Application #CU29-15, an extension of the current energy contract with Constellation Energy, authorization to McMahan Associates to proceed with engineering services, the release of funds for Deerfield Estates, a Maintenance Agreement with Deerfield Estates, Resolutions #1115 and #1116, and the March Zoning Hearing Board case.

Mr. Pronczak continued the meeting and reviewed a listing of upcoming events, including:

- WRA Opening Day / Parade on the morning of April 9
- Earth Day – Thursday, April 21
- Harvest Festival – September 24 – Montgomery County Community College

The next topic discussed focused on internet and mobile device security protocols. Mr. Pronczak indicated that mobile devices capable of receiving Township email must be protected with passwords.

The meeting continued with a discussion on a proposed beer garden as part of the annual Community Festival to be held at Montgomery County Community College on September 24. The proposed beer garden would be fenced off and only those who are 21 or older would be allowed to enter. Mr. Baker indicated that PJ Whelihan's Pub and Restaurant would provide beer, fencing, security, and would also be checking identification at the event. The Board of Supervisors asked several questions about

security but supported the concept. Montgomery County Community College will review the proposal in the coming months.

The meeting continued with a discussion of committee assignments for 2016. These assignments will remain the same as they were in 2015, but they will be evaluated on an as-needed basis.

The final topic discussed was an update on the 202 Widening Project. The widening project was initially slated to begin in 2017; however, changing stormwater management regulations will likely force the project to be delayed until 2018. PennDOT, the Pennsylvania Department of Environmental Protection, county officials, and township staff members have been meeting to look for solutions to these stormwater management issues. PennDOT has proposed using the front lawn at the Township Building for stormwater management basins. Mr. Pronczak indicated that this lawn area is used for parking during certain Township events, but this area affords PennDOT its most promising opportunity to manage stormwater associated with this project. Staff will continue discussions on this topic and will update the Supervisors on an ongoing basis.

At 8:00 p.m., the work session ended and Supervisors left for the public meeting.


David J. Mrochko
Whitpain Township Assistant Manager

#05-2016
March 1, 2016

The regular meeting of the Whitpain Township Board of Supervisors was held Tuesday, March 1, 2016 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Adam D. Zucker, along with Supervisors Melissa Murphy Weber, Anthony F. Greco, Frederick R. Conner, Jr., and Kenneth F. Wollman were present. Township Manager Roman M. Pronczak, P.E., Assistant Township Manager, David J. Mrochko, Solicitor Andrew R. Freimuth, 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 Ronald J. Cione, Fire Marshal David M. Camarda, Parks and Recreation Director Kurt W. Baker, and Recording Secretary Virginia Papale were also present. There were approximately 45 members of the public at the meeting.

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

Mission Moments was presented by Mrs. Weber highlighting the Comprehensive Plan: Whitpain 2035 – Four Villages within a Community. The process began over one and one-half years ago. Four very well attended Town Hall meetings were held in various locations. With feedback from attendees and through surveys, we have reached a point where we are ready to present the proposed plan. All segments of Whitpain are included. This plan is the future footprint of the Township. On Tuesday, March 8th, all are invited to attend the presentation which is scheduled for 7 p.m. as part of the Planning Commission meeting. A draft of the plan will also be on our website. It has been a collaborative effort by many.

A motion was made by Mr. Greco, duly seconded by Mrs. Weber to approve the January 2016 Treasurer's Report. Chairman Zucker called for any discussion. There was none and the motion carried.

A motion was made by Mrs. Weber, duly seconded by Mr. Conner to approve the February 2016 Voucher List in the amount of \$414,910.16, check sequence #57286 through #57494. Chairman Zucker 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 minutes of the Board of Supervisors' meeting of February 16, 2016. Chairman Zucker called for any discussion. There was none and the motion carried.

Chairman Zucker asked Solicitor Freimuth to give a brief procedural posture and essential ground rules for the forthcoming agenda item. Mr. Freimuth explained how we arrived to this point. Regarding billboards generally, Pennsylvania courts recognize them as legitimate, reasonable uses that must be accommodated. The Township took a proactive step in 2012 by creating the off-premises sign overlay district to protect itself from challenges to the locations of signs on a property the company controls. By enacting the zoning ordinance at that time, the Township would control where billboards could be placed, resulting in the

least amount of impact possible to the residents, while still allowing for a reasonable billboard use in the Township. The ordinance permits billboards by conditional use. The conditional use hearing for this application was held January 19, 2016. A summary of the process includes the applicant appearing before the Board of Supervisors for conditional use approval for a permitted use. A conditional use is different from other permitted uses in that it requires a hearing before the Board of Supervisors, as provided in the Zoning Code and the PA Municipalities Planning Code. The hearing has to be held pursuant to public notice, by publication and mailing to certain property owners. During the conditional use and decision process, the Supervisors have an opportunity to impose certain conditions of the use to provide protection to the community as a whole and the properties in the vicinity of the requested use. The conditional use of Outfront Media has gone through the process. During the hearing of January 19th, many residents attended and several became parties to the conditional use proceedings. After testimony and comments, the hearing was closed. The Supervisors, by law, cannot receive additional testimony and are only permitted to consider the testimony presented at the night of the hearing.

Mr. Freimuth then highlighted the conditions set forth in the Decision and Order of this application. When Mr. Freimuth concluded his summary, Chairman Zucker called for a motion by the Board to approve the draft Decision and Order of Conditional Use as prepared by the Solicitor's office.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to approve the Decision and Order of Conditional Use Application #CU29-15 with Outfront Media. Chairman Zucker noted that this is a decision on a hearing that is closed, there will be no comments taken. There was no opposition to the motion, and it was approved.

Chairman Zucker asked for Board comments. Mr. Wollman stated that during the hearing, someone he respects said "Whitpain is not a billboard community." Mr. Wollman noted that this is not so; every municipality is a billboard community. Court cases are very clear that municipalities must permit billboards to be located within their boundaries as a legitimate land use. The Board took action in 2012 to establish guidelines for billboards. The Board of Supervisors respects the concerns of the residents, and hopes they understand that once certain conditions are met, the application cannot be denied. This is the most appropriate and reasonable decision for all residents in the Township. Mr. Conner concurred that every community is a billboard community, and that the Board has struggled with this issue for over five years. It was four years ago this month that the zoning district was approved. The year prior to that was spent in research in order to put the ordinance together. Mr. Conner remains committed that this was the right move; it was prudent, reasonable and proactive. Mr. Greco commented that neighboring East Norriton Township refused to have an approved billboard location. They were taken to court and they lost. The location our Board designated along the Turnpike was made so as not to affect our residents. Mrs. Weber added that it was clear that the decision was unanimous. This was a process that took two meetings of public comment before developing and adopting the ordinance. We took proactive steps after seeing neighboring communities getting mired down in litigation, and having the courts decide where they would put a billboard. The Board has always been

proactive and transparent, working for the best interests of the Township as a whole. The applicant asked for some relief. With the relief come certain conditions, which are reasonable to balance the concerns the residents expressed. The Board wants to do what is best for the Township. With the conditions, we have a situation where the Township is in control, not the courts or billboard sign companies. Chairman Zucker added that we have a reasonable, albeit most restrictive ordinance, which helps maintain control. He thanked everyone for their input and patience. Input is important and valued. Chairman Zucker asked for any additional comments.

Mr. Travers of 932 Netherwood Drive questioned why an ordinance or a rule in place could be challenged. He expressed disappointment in the decision.

A question was asked as to whether it is a state requirement or not that the sign be digital. Mr. Freimuth explained that the law provides that billboards are a legitimate use, and that includes electronic-style billboards. Chairman Zucker added that during testimony, hours of operation was part of the hearing, as the intent of the Board was to have minimal light spillage.

Mr. O'Connor of 1638 Woodford Way asked about the size of the sign, and Mr. Freimuth responded that it is 300 sq. ft.

Mrs. White of 660 Chatham Lane asked about the notification requirements. Mr. Freimuth responded that all were provided notice within 500 feet along the roadway and 150 ft. to the rear, as required.

There were no additional comments. On behalf of the Board, Chairman Zucker thanked all who participated.

A confirming motion was made by Mr. Greco, duly seconded by Mr. Wollman to extend the current energy contract with Constellation Energy for an additional three-year period ending December, 2019 to reflect the current market price of \$0.05814/KWH. The current contract price is \$0.09406/KWH. Chairman Zucker called for any discussion. There was none and the motion carried.

A motion was made by Mr. Conner duly seconded by Mrs. Weber to authorize McMahon Associates to proceed with engineering services related to the Survey Base Mapping for the Railroad Avenue Sound Wall Project for the West Ambler Area in accordance with their proposal dated January 29, 2016 at a cost not to exceed \$13,750. Chairman Zucker asked Mr. Pronczak for a description of the project. Mr. Pronczak said this is related to the West Ambler Revitalization Project. A safety concern that was identified included an insufficient safety barrier between the residential properties on Railroad Avenue and the high-speed train. We are hopeful to obtain grants to deal with this, but the first step is to accurately survey the area and make a recommendation to the Board. Chairman Zucker called for any additional discussion. Mr. Conner offered that the West Ambler Revitalization Plan is part of our Comprehensive Plan. The sound walls and

screening along Railroad Avenue is part of improving the quality of life and the property values in the area. There were no additional comments and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Wollman to authorize the final release of all remaining funds from the escrow fund for the Deerfield Estates (Wistar) subdivision and land development project located at 527 Stenton Avenue (S-06-04). Chairman Zucker called for any discussion. There was none and the motion carried.

A motion was made by Mr. Greco, duly seconded by Mr. Conner to authorize the execution of the Maintenance Agreement for the 18-month maintenance period and acceptance of the Bill of Sale for the sanitary sewer main installed in connection with the Deerfield Estates development. The 18-month maintenance agreement will be executed between the developer, Deerfield Custom Homes LP, and Whitpain Township to ensure proper maintenance of the constructed public improvements. Chairman Zucker called for any discussion. There was none and the motion carried.

A motion was made by Mrs. Weber, duly seconded by Mr. Conner to approve Resolution No. 1115 accepting Deeds of Dedication for certain rights-of-way along Walton Road and Stenton Avenue in connection with the completion and dedication of the Deerfield Estates development. Chairman Zucker 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 Resolution No. 1116 accepting a Deed of Dedication for certain open space offered for dedication to the Township as part of the Deerfield Estates development. Chairman Zucker called for any discussion. There was none and the motion carried.

The meeting continued with a lengthy discussion regarding the proposal by the Meitner Family Partnership, LP which is scheduled to be heard by the Zoning Hearing Board March 17, 2016 (Application No. 2068-16), and was continued from February 18, 2016. Mr. Leonard, a resident and spokesperson for a number of residents living adjacent to or close to the property for which the Meitners are seeking relief, was recognized by the Board. A petition was presented by the residents in opposition of the application, citing overdevelopment, the effect on Wentz Run Park, and the quality of the setting of the property in its current state. All of this will completely change the image of Whitpain Township. Several residents spoke of anticipated water problems, stating there are currently ponding conditions on portions of the land, in addition to the impact the proposed project will have on wildlife. Statements were given as to the wooded view the residents currently enjoy, and how the proposed new construction would effect the quality of life for the current residents. Mr. Meitner explained that what he proposes will enhance the quality of life by preserving an historic property and at the same time, clearing woods that are in decline. Remarks from both sides continued. The residents believe that the least intensive development on this property is to redevelop the Gingerbread House, but not as a high density development.

When discussions ended, Mr. Conner followed saying the discussions were worthwhile. Many things brought up are what the Board struggles with week in and week out. The Township is built-out. The point of our Comprehensive Plan is to address situations such as this. People have property rights, and tonight's discussion is very helpful. The Zoning Hearing Board will make its decision based on facts and evidence.

Mrs. Weber said that it seems as though everyone understands the role of the Board of Supervisors in this matter. The Zoning Hearing Board is a separate quasi-judicial entity that will make a decision. The Board of Supervisors will choose, at times, to take a position on matters the Zoning Hearing Board will consider. The Board will not trample on what will occur at the Zoning Hearing Board. Evidence will be heard and entered as a clear record is developed. It is important that the Board of Supervisors maintains the integrity of the structure of the Zoning Hearing Board. There are matters that the Board will weigh-in on, if the Board believes it will affect the Mission, Vision, Values statement. A recent meeting was evidence of this when an applicant wished to have an age-restricted limitation changed. We appreciate the input of all residents, but it is the Zoning Hearing Board that will hear all of the facts.

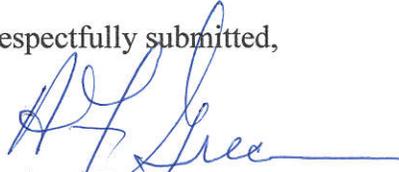
A motion was made by Mrs. Weber, duly seconded by Mr. Conner to remain neutral on the subject application (#2068-16), while recommending that the historic "Gingerbread House" at 1030 Skippack Pike be preserved and maintained. At the same time, the Board wishes to maintain and preserve the values of Stewardship with regard to natural resources, Partnership and Respect, demonstrating respect for all and appreciation of others. The Board stands by the Mission, Vision, Values Statement. We must protect open space, not only at the request of the neighbors, and not only this particular application, but for Whitpain Township as a whole. Chairman Zucker added that change is difficult. Our Zoning Hearing Board is the best in Montgomery County. The members are passionate about the Township, they understand the zoning laws, are represented by competent counsel, and support our mission. There were no additional comments and the motion passed unanimously. He thanked everyone for coming and for their time. He also encouraged everyone to sign up for The Wire.

Chairman Zucker turned the meeting over the Vice-Chairman Weber for public comment. Vice-Chairman Weber asked if anyone had public comment, first announcing that WRA will have its opening day parade and ceremonies on April 9th, Earth Day is Thursday, April 21st at 9:30 a.m. at the Prophecy Creek Park Manor House, and the Harvest Festival is scheduled for September 24th when we will again partner with Montgomery County Community College. Look for updates in The Wire and on Twitter.

Mrs. Weber announced that the Board met in executive session prior to this meeting, and will have completed business for the evening once this meeting is adjourned. She again asked for public comment. Mr. McGovern thanked the Board for a job well-done and for the updates to future events.

Chairman Zucker thanked the community for coming out to the meeting. There were no additional comments, and Vice-Chairman Weber moved to adjourn the meeting at 10:05 p.m.

Respectfully submitted,



Anthony F. Greco
Secretary

/v