

#02-2022
January 18, 2022

A business meeting of the Whitpain Township Board of Supervisors was held at 6 p.m. Tuesday, January 18, 2022 in hybrid mode – in person and virtually via Zoom. Supervisors Kimberly J. Koch, Michele Minnick, Jeffrey Campolongo, Joyce Keller and Scott M. Badami were present. Also in attendance were Township Manager Roman M. Pronczak, P.E., Assistant Township Manager David J. Mrochko, Township Solicitor Michael P. Clarke, Esq., Police Chief Kenneth Lawson, Finance Director Christine M. Bauman, Fire Marshal David M. Camarda, Township Engineer James E. Blanch, P.E., Code Enforcement Officer Michael E. McAndrew, Public Works Director Thomas Farzetta, Parks and Recreation Director Kurt W. Baker, IT Director Nicole M. Leininger, Human Resources Director Kathleen Yackin and Recording Secretary Virginia Papale. There were two members of the public in attendance in person and three participating remotely.

Chair Koch reminded everyone that we will continue to use the closed-captioning service that it 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. This was followed by a roll call for attendance.

As advertised, consideration of Ordinance No. 392 began with a reading of the summary, followed by Solicitor Clarke reading into the record Exhibit No. 1, the dates of advertisement, Exhibit No. 2, the legal notice, and Exhibit No. 3, Proof of Publication. A brief overview of the Earned Income Tax (EIT) was presented by Mr. Pronczak, who explained that this was first introduced with the budget presentation. It is recommended for consideration. The increase must be used for acquisition, debt service and maintenance and is governed by certain laws. It must be approved by voters by referendum, which is what this ordinance provides. If the ordinance is enacted, the referendum question will appear on the May 17, 2022 ballot. With approval by the voters, the increase to the EIT will generate approximately \$640,000 per year beginning in 2023. Taxes have not been increased since 2010. Since then, several key properties have been acquired, and we continually improve our park and trail system. If voters choose the increase, the funds will create a dedicated stream of revenue to pay down open space debt and to maintain open space. This increase will not impact seniors and those living on a fixed income as an increase in real estate taxes would.

A motion was made by Supervisor Keller, duly seconded by Vice-Chair Minnick to enact Ordinance No. 392 providing for a question to be placed before the voters of Whitpain Township by a referendum at the primary election of May 17, 2022 asking whether the electors favor the imposition of an increase in the Earned Income tax rate from one (1%) percent to one and six one-hundredths (1.06%) percent to be used to retire the indebtedness incurred in purchasing interests in real property, or make additional acquisitions of real property for the purpose of securing an open space benefit, or to pay transactional fees incidental to such acquisitions, or to pay expenses necessary to prepare the required resource, recreation, or land use plan, or to develop, improve, design, engineer, or maintain such property as authorized by the Open Space Lands Act, act 442 of 1967 as amended.

If the Ordinance is enacted, the referendum question will appear on the May 17th ballot for voter approval. Chair Koch called for any comments or questions from the Board. Vice-Chair Minnick said it is important to note that this is the most palatable increase that is equal to everyone and is dependent on income, with no negative impact on seniors, as pointed out by Mr. Pronczak. She asked Mr. Pronczak to explain why we do not have a business privilege or mercantile tax. He said some time ago there was a brief window when a municipality could have enacted an ordinance to establish the taxes. At the time, Whitpain chose not to pass an ordinance, and there is no current state law that allows for establishment of either of the taxes. Supervisor Campolongo commented that if the referendum is approved, the increase will be in effect for at least five years and will continue unless repealed. If it is not approved, there are no restrictions to considering it in the future, as long as procedure is followed. Mr. Pronczak added that if it is not approved, we will have to make adjustments to the 2023 budget for whatever shortfall there might be. Supervisor Keller asked if in the future an additional increase to the EIT is needed, will that be put to the voters by referendum, and the answer is yes. Supervisor Badami confirmed with Mr. Pronczak that the real estate tax bills remain the same under this plan, unless a property is reassessed, and for seniors who are not earning income, there is no increase. Chair Koch substantiated that the Board is not voting on an increase this evening. This is a vote to put the question on the ballot on May 17th, at which time the voters will determine if there is an increase. There was no public comment. Chair Koch called 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.

As advertised, consideration of Ordinance No. 393 began with Chair Koch reading the summary of the ordinance, and Solicitor Clarke reading into the record Exhibit No. 1, a request to advertise, Exhibit No. 2, the legal notice, and Exhibit No. 3, the Proof of Publication. Mr. Pronczak continued noting that our current ordinance does not allow metal detectors in Township parks. We were approached by residents who do this as a hobby, and as a result, this ordinance was prepared. It permits metal detectors to be used on a limited basis, by permit. There are provisions on how the property has to be restored and what happens to anything discovered.

A motion was made by Supervisor Keller, duly seconded by Supervisor Campolongo to enact Ordinance No. 393, amending the Code of the Township of Whitpain, Park II (General Legislation), Chapter 108 (Parks and Playgrounds), Section 108-4 (Rules and Regulations for Specific Activities). Chair Koch called for any comments or questions from the Board. Supervisor Keller thanked Mr. Pronczak and Solicitor Clarke for all of their work on this matter. There were no additional comments from the Board, and none from the public. Chair Koch took a roll-call vote: Supervisor 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 approve the Consent Agenda as follows:

- a. Minutes of the Board of Supervisors' meetings of December 21, 2021 and January 3, 2022.
- b.
 - (i) Preliminary December 2021 Voucher List totaling \$940,634.61, check sequence #74764 through #74981;
 - (ii) Final December 2021 Voucher List totaling \$1,135,370.29, check sequence #74764 through #75069.
- c. Resolution No. 1483 appointing delegates to the Tax Collection Committee.
- d. Resolution No. 1484 appointing a deputy tax collector.
- e. 2021 Planning Commission Annual Report per requirements of the PA Municipalities Planning Code Article II Section 207(a).
- f. Certify that the following have met the Qualifying Volunteer criteria to receive the Volunteer Local Property Tax Credit for 2021, subject to the confirmation by the Centre Square Fire Company Chief: Jessica Brunner, Sharon Brunner, Michael DiDomenico, Sr., Antoinette Dowds, Bernie Dwyer, Theodore Fonash, Thomas Kozeniewski, Kareem Lee, Paul Lusch, John Posen and Scott Tiffany.
- g. Certify that the following have met the Qualifying Volunteer criteria to receive the Volunteer Earned Income Tax Credit for 2021, subject to the confirmation by the Centre Square Fire Company Chief: Joseph Bradley, Jessica Brunner, Sharon Brunner, Zayne Brunner, Michael DiDomenico, Sr., Antionette Dowds, Bernie Dwyer, Theodore Fonash, Matthew Kozeniewski, Thomas Kozeniewski, Kareem Lee, Paul Lusch, Nelson Lee Miller, John Posen and Scott Tiffany.
- h. Authorize the Chair and Secretary to sign on behalf of Whitpain Township a Declaration of Restrictions between Joshua A. and Kathryn M. LeFever, owners of 1625 Yost Road (Parcel No. 66-00-08554-01-1) and Whitpain Township. This agreement addresses stipulations applicable during the construction of a new dwelling at 1625 Yost Road and is subject to the final review by the Township Solicitor.
- i. Advertise for bids for Upgrades and Additions to the Public Works Garages.

- j. Extend the 2021 road resurfacing contracts for 2022 and to include the Montgomery County Consortium of Communities and any member municipality or municipal authority of the Montgomery County Public Works Association. This motion will allow the same communities to piggyback our bids in 2022. This is the first of two extensions, per the terms of the contract.
- k. Participate in the Montgomery County Consortium contracts for purchasing materials and piggyback awarded contracts for goods and services bid by other communities in 2022.
- l. Advertise for bids for the 2022 Curb Line Milling Contract.
- m. Advertise for bids for the 2022 Collection and Disposal of Municipal Residential Leaves and Lawn Waste Contract.
- n. Extend the agreements with Armour and Sons for the inspection of traffic signals throughout the Township in accordance with PennDOT requirements, and for traffic signal maintenance for one year through March 2023 in accordance with the rate schedule submitted December 9, 2021.
- o. Sponsor, establish, participate in, or administer a cooperative purchasing agreement for the procurement of any goods, materials and equipment or services with another public procurement unit as defined in the Commonwealth Procurement Code. This includes, but is not limited to the following cooperative purchasing programs:
 - the PA General Services Contract Program (Costars) for 2022. This includes the purchase of highway materials, road salt, vehicles, equipment and supplies, and services as needed.
 - Sourcewell, formerly (NJPA) National Joint Powers Alliance for the calendar year of 2022.
 - TIPS-USA, the Inter-local Purchasing System Contract for the calendar year of 2022.
 - H-GAC (Houston-Galveston Area Council) for cooperative purchases for 2022.
 - Keystone Purchasing Network for the purchase of goods and services.
 - GSA cooperative purchasing program for the purchase of goods and services.

- p. Authorize the use of PennBid for advertising and bidding of projects.
- q. Authorize Whitpain Township to dispose of Township personal property by public auction for the calendar year 2022 utilizing Municibid, JJ Kane Auctioneers or PennBid for the sale of surplus equipment, supplies and decommissioned vehicle disposition.
- r. Extend the 2021 ADA Ramp Modification Project contract with Associated Paving Contractors, Inc. of Warminster, PA to 2022. This is the first of two extensions, per the terms of the contract.
- s. Confirm the release of
 - \$41,312.85 (Release #12) from the escrow fund for Blue Bell Springs – Phase I (Latham Realty Associates, LP)
 - \$41,558.18 (Release #A1-2) from the escrow fund for Blue Bell Springs – Phase II (Latham Realty Associates, LP)
 - \$10,468.35 (Release #8) from the escrow fund for Blue Bell Springs – Phase III (Latham Realty Associates, LP)
 - \$3,400.00 (Release #5) from the escrow fund for the 637 Cathcart Road subdivision located at 637 Cathcart Road

Chair Koch called for any questions from the Board. Supervisor Keller thanked the qualifying volunteers applying for tax credits for the amazing work that they do. Supervisor Campolongo asked for an explanation of the ADA ramp modification project. Mr. Pronczak explained that every intersection is evaluated based on current standards prior to resurfacing each year. Any Township roadways scheduled for resurfacing in 2022 will have the ramps replaced. In addition, any ramps that are defective will also be replaced. Supervisor Campolongo asked if there would be any ramp work done on Rt. 202. Mr. Pronczak explained that we are only responsible for traffic signals and line striping at intersections on state roads. Chair Koch asked for public comment. There was none. She then called a roll-call vote: Supervisor 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 Campolongo, duly seconded by Supervisor Badami to appoint Amy McAndrew to fulfill a vacancy on the Zoning Hearing Board with a term expiring December 31, 2025. Chair Koch said she is a member of the committee that interviews candidates with Supervisor Campolongo and asked for any comments. Supervisor Campolongo said Ms. McAndrew is a 20-year resident, and she and her husband are active in the community. She is an attorney and is familiar with zoning issues. He wholeheartedly endorses her appointment. Supervisor Badami concurred with Supervisor Campolongo's comments. There were no additional comments and Chair Koch took a roll-call vote:

Supervisor 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 Campolongo, duly seconded by Chair Koch to appoint Steven Odhiambo as Alternate No. 1 on the Human Relations Commission with a term expiring December 31, 2024. Chair Koch called for any comments. Supervisor Campolongo said Mr. Odhiambo introduced himself during the tree giveaway and expressed an interest in participating on the Human Relations Commission. Chair Koch called for any additional comments. Supervisor Badami noted as a previous member of the HRC, an alternate member is more than an alternate, and Mr. Maltin, who served as an alternate is now a full member. He fully supports the appointment. There were no further comments. Chair Koch took a roll-call vote: Supervisor 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 Minnick to name Joyce Keller as the Supervisor Liaison to the Shade Tree Commission for the purpose of establishing a clear line of communication between the Board of Supervisors and the Shade Tree Commission. Chair Koch asked if the Board had any questions or comments. Supervisor Keller said she is pleased and honored to be chosen. The Shade Tree Commission does extraordinary work throughout the year, and this is another step toward creating a more environmentally friendly Township and its commitment to the tree canopy. Chair Koch said there is no better advocate than Joyce Keller for environmental causes. She asked if there was any public comment. There was none and a roll-call vote was taken: Supervisor 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 Minnick, duly seconded by Chair Koch to pass Resolution No. 1482 to approve plan titled "Preliminary/Final Approval – Plan of Subdivision/Land Development Plans for 327 Maple Avenue" located at 327 Maple Avenue, Sheets 1 of 12 through 12 of 12, prepared by Hibbeln Engineering Company, LLC, plans dated October 25, 2021 in accordance with Section 509(b) of the PA Municipalities Planning Code conditioned upon execution of a Development Agreement, posting of financial security, planning module approval, 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 23, 2021. Chair Koch called for any question or comments. There were none. She took a roll-call vote: Supervisor 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 Zoning Hearing Board cases scheduled for January 20, 2022:

NO. 2305-21 – VINCENT AND TRACY MARROCCO request variances from Article V, Section 160-17 related to Side Yards for Single family Dwellings and from Article XXVIII, Section 160-203 related to Residential Projections into Side Yards with respect to their property located at 1029 Blue Rock Lane, Blue Bell, PA in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow Applicants to construct an 8 foot, 9 inch by 25 feet, three quarters of an inch, one story addition with deck onto the north side of their existing non-conforming residence which will: (1) project into the side yard when the Ordinance prohibits same; and (2) will reduce the minimum side yard width to 33 feet one and three-quarters inches when the Ordinance requires a minimum of 45 feet; and will reduce the aggregate side yard width to 81 feet, one and three-quarters inches when the Ordinance requires a minimum aggregate width of 100 feet.

NO. 2306-21 – NIEL TAGLIAMONTE requests variances from Article VII, Section 160-34 related to Side Yards for One Family Detached Dwellings and from Article XXVIII, Section 160-203 related to Residential Projections into Side Yards with respect to his property located at 1518 Sullivan Dr., Blue Bell, PA in the Township's R-2 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct an 12 foot by 18 foot roofed patio in the side of his existing residence which will: (1) project into the side yard when the Ordinance prohibits same; and (2) reduce the minimum side yard width to 13 feet when the Ordinance requires a minimum of 25 feet; and (3) reduce the aggregate side yard width to 48 feet when the Ordinance requires a minimum aggregate width of 60 feet and; (4) allow installation of an emergency standby generator to be located within the minimum side yard 10 feet off the side lot line when the Ordinance does not permit same.

NO. 2307-21 – NORMANDY DEVELOPMENT, LP requests variances from Article XIII, Section 160-77.D.(4).(p) & (t) and Section 160-77.C.(6) related to Special Regulations for Rural Cluster Subdivisions with Historic Preservation, Article XXVII, Section 160-192.B(2)(h) related to Required Off-Street Parking, Article XXIX, Section 160-222 related to Buildings and Article XXIX, Section 160-227 related to Destruction of Building by Fire/Condemnation with respect to its property located at 1401 Morris Rd., Blue Bell, PA in the Township's R-6 Agricultural/Rural Residential District. Applicant's requested relief, if granted, will allow Applicant to demolish an existing non-conforming fire damaged structure on the property and, in its place, construct an expanded non-conforming structure which will: (1) have 381 parking spaces when the Ordinance requires at least 387 parking spaces; and (2) encroach into the minimum perimeter setback for historic preservation when the Ordinance prohibits same; and (3) have 21 guest units where 9 previously existed when the Ordinance prohibits such expansion; and (4) add a .5% increase in impervious surface area when the Ordinance prohibits same; and (5) increase the height of the existing building from 25 feet to 40 feet when the Ordinance prohibits such expansion.

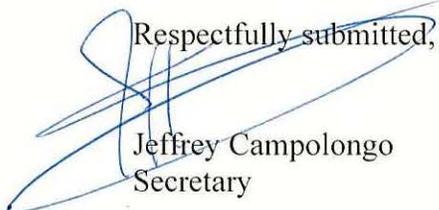
Chair Koch turned the meeting over to Vice-Chair Minnick to conduct the public comment portion of the meeting. Vice-Chair Minnick called for any public comment. Residents Sue Royer and Ruth Chang, gave a brief presentation, proposing an Environmental Advisory Council (EAC) to address the area's environmental challenges. The purpose of the council would be to advise/inform the public of environmental issues, and would include promotion through programs, education, policy and proposals. The council would work in cooperation with the Park and Open Space Board, Shade Tree Commission, Planning Commission, Sustainability Coordinator as well as Wissahickon Trails and Friends of the Wissahickon. They would be accountable to the Board of Supervisors, not an independent group, with a commitment to advise. There is much variety to what other EACs are doing, and this program would be tailored to the needs of Whippany Township.

Supervisor Minnick thanked them for the presentation and would be in favor of having the Solicitor work on an ordinance to create the EAC to compliment our Ready for 100 initiative. Supervisor Keller thanked them as well and agreed with having the Solicitor work on an ordinance. She added that education is the key. Supervisor Keller appreciates the work they put into the presentation. Supervisor Badami said the presentation answered the questions he had prepared. Supervisor Campolongo was also impressed with the presentation. He asked if there are revenue-generating opportunities. At the moment, there are none. Chair Koch, on behalf of the Board, directed the Solicitor to draft an EAC ordinance. There were no additional questions or comments.

The meeting was returned to Chair Koch who asked for any closing comments from the Board. Supervisor Keller said she would be happy to volunteer with the EAC.

With no additional comments, a motion was made by Supervisor Campolongo to adjourn the meeting at 6:53 p.m. This was seconded by Supervisor Minnick.

Respectfully submitted,


Jeffrey Campolongo
Secretary

/v