

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES**

JANUARY 23, 2020

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, January 23, 2020 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Laura Boyle Nester, Chair; Fran McCusker, Vice-Chair; Michael Drossner; Vincent Manuele and Jacy Toll.

Also Present: Richard L. Mellor, Jr., Township Manager; Sean Kilkenny, Township Solicitor; James Hers, P.E. Township Engineer and Charles L. Guttenplan, AICP

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor McCusker announced:

The Board would like to thank the first responders who assisted the victims of the fire at Sherry Lake Apartments earlier this week. The Colonial Neighborhood Council is collecting food and toiletry donations for the victims and can be reached at 610-828-6595, or through their Facebook page. We would like to remind all residents that anyone in need of a smoke detector can get one, free-of-charge, by calling the Whitemarsh Fire Marshal's Office at 484-594-2614, or stopping by the Township Building.

Thank you to all of our residents and volunteers who attended the William Jeans Library's Day of Service this past Monday. Your efforts resulted in hundreds of items being assembled for local charities; including, Meals on Wheels, Montgomery County SPCA, and Laurel house, among others.

Are you worried you won't make it to Comicon this year? No worries! Stay local AND get your Star Wars fix by attending William Jeans Library's Star Wars Day on Saturday, February 1st from 11am to 4pm. There will be crafts, raffles, snacks and of course, a costume contest. Additional details are available at jeaneslibrary.org

INTRODUCTION OF THE NEW FIRE MARSHAL – NICK WEAVER

Mr. Mellor introduced the new Fire Marshal, Nick Weaver. He talked about Mr. Weaver's extensive background in the fire service. He explained he is a 5 year career firefighter, fire inspector who does plan reviews and fire investigation for Bensalem Township. He is a part time EMT and teaches Fire Fighting, Rescue and inspection at Bucks County Community College. Additionally, he works part time with Fire Planning Associates as a pre-planner and consultant. He has a Bachelor of Arts Degree in Fire Science and Public Safety from Holy Family College and a Master's of Science Degree in Public Safety Administration from St. Joseph's University. Mr. Mellor explained that Nick's first day was the day of the Sherry Lake Apartment.

Nick spoke about the fire and the damage the fire cost. He acknowledged the local fire companies that attended the fire, he thanked the Public Works Department. He said it is hoped that 4 of the units will be inhabitable by the end of the week. Mr. Mellor spoke about all of the different emergency services from Whitmarsh and the surrounding communities. Chair Nester thanked him and spoke about donating things to the residents. Supervisor McCusker stated he talked to residents of the fire who were grateful for the courtesy and professionalism of the first responders.

RECONITION OF ST. PHILIP NERI BASEBALL

Supervisor McCusker introduced the St. Philip Neri Baseball Team, who were the 2019 District 21 CYO Archdiocesan Baseball Champions. Tom Rocks, Head Coach spoke about the team and introduced the players, who received certificates from the Board of Supervisors. The players and coaches are:

Players: Luke Gartland, Tyler Gartland, Marco Indelicato, Nicco Delucca, Dylan Robinson, Patrick Fertig, Tyler Fahringer, Tommy Flaherty, Chase Hannon, Carter Blake, Sam Downey, Brendan Deleo, Tyler TO Olszewski, Conner Crist, Lincoln Sharpe, Tucker Herncane, Joe Foy, Gavin Rocks

Coaches: Tom Rocks, Kevin Flaherty, Jeff Gubicza

PUBLIC HEARINGS

1. Hearing for Liquor License Transfer - 10 East Ridge Pike/Giant Food Stores, LLC

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors opened the public hearing for Liquor License Transfer at 10 East Ridge Pike/Giant Food Stores, LLC.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

Sean P Kilkenny, Solicitor
Ellen M. Freeman, Esquire for the applicant

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors closed the public hearing.

RESOLUTIONS

1. Liquor License Transfer - 10 East Ridge Pike/Giant Food Stores, LLC.

On a motion by Supervisor Manuele, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-05** granting Liquor License Transfer for 10 East Ridge Pike/Giant Food Stores, LLC.

APPROVAL OF MINUTES

1. January 23, 2020

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the January 23, 2020 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #03-19; Sunnybrook Golf Club/398 Stenton Avenue – Preliminary/Final Plan

Mr. Guttenplan explained an item discussion is SLD #03-19, a Minor Subdivision and Lot Line Adjustment Plan for Sunnybrook Golf Club at 398 Stenton Avenue. This is a four-lot minor subdivision submitted for preliminary/final plan approval. Supervisor Chair Sterling and Supervisor Boyle-Nester and staff met with representatives of the Club to discuss the Board's concerns and find out more about the Club's vision for the future. He showed a color-coded map was a result of that meeting; it shows that of the Club's 226 acres, 169 are 'protected' either as preferentially assessed land under 'Clean and Green', PA Act 515 (the golf course at 135 acres in green) and lands under Conservation Easements managed by the Natural Lands Trust (34 acres in blue); the red areas comprise 57 acres of unprotected land, all zoned AA - Residential. The Club is now ready to proceed with this subdivision; representatives of Sunnybrook will present the attached PowerPoint to illustrate the Club's philosophy and its intent for the future use of their grounds. He stated on the currently proposed subdivision, Lot 2 is intended to be annexed to the adjacent single-family home lot at 352 Stenton Avenue to resolve a previous encroachment from that lot onto Sunnybrook's property. Lots 3 and 4 are two proposed rear (or flag) lots for possible single-family residential use in the future (no development proposed at the present time). Lots 1, 2 and 3 are portions of the unprotected AA - Residential land. Lot 1 is the remaining acreage, which includes the entire golf course, lands protected by Natural Lands Trust, and the remaining AA - Residential area. He stated the Planning Commission reviewed this plan. After discussion (much of which concerned the future disposition of Lots 3 and 4, based on the Zoning Hearing Board's Condition #5 in their decision), the Commission passed a motion by a 3-2 vote to recommend granting preliminary/final plan approval and recommending approval of the requested waivers (acknowledging that #5 is no longer required and #12 pertaining to the park/recreation land dedication or fee in lieu, is one that the Commission does not generally take a position on).

Scott Bidami, First Vice President to the Board at Sunnybrook Country Club gave comments. He introduced a number of colleagues from Sunnybrook Country Club. He showed slides of the club in its present state. He stated he wanted to insure that the club is not being sold, not developing the club, and will not be putting any townhomes on the property. He gave the history of the club, Chartered in 1914 and the move of the club in the 1950's to Whitmarsh Township. He showed the clubhouse and the improvements made over the course of the years. He explained Sunnybrook continues to invest millions of dollars into the club – to invest in the membership, all done without selling any land. He said it is the goal to continue to be partner here in Whitmarsh for the next 60 years. He showed the 35 acres they put into a conservation easement, with Montgomery County Lands Trust.

Supervisor Drossner asked why there are so many pieces of property. Mr. Bidami always thought it was one plat, but when Sunnybrook bought the property, the other properties were not included and were

purchased to enlarge Sunnybrook. Mr. Hicks, Sunnybrook, explained the country club is all about protecting their borders. Supervisor Manuele asked if any current members of the club have expressed interest in purchasing the properties being subdivided. Mr. Bidami stated they have no confirmed members of the club requesting that. There was a discussion of the subdivision, financial status and membership.

Bob Sague (Kottle Drive) objected without a real plan.

RESOLUTIONS (CONTINUED)

2. SLD #03-19; Sunnybrook Golf Club/398 Stenton Avenue – Preliminary/Final Plan

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-06** granting Preliminary/Final Plan approval for SLD #03-19; Sunnybrook Golf Club/398 Stenton Avenue for a 4-lot subdivision for the creation of two building lots for two single family homes.

ORDINANCES

None

MOTIONS

1. Notice of Intent to Award Public Bid - Stenton Avenue/Joshua Road and Flourtown/Joshua Roads Intersection Improvements – Highway Materials, Inc.

Mr. Hersh explained as requested, we have reviewed the bids submitted to the Township and publicly opened on January 10, 2020 for the above referenced project with the following results:

Bidder's Name	Base Bid (Stenton Ave & Joshua Rd)	Alternate A (Flourtown Rd & Joshua Rd)	Alternate B (Traffic Signal Cameras)	Total Bid
Highway Materials Inc.	\$1,589,915.50	\$2,317,322.50	\$323,830.00	\$4,231,068.00
James D. Morrissey Inc.	\$2,021,130.62	\$2,805,630.62	\$351,130.62	\$5,177,891.86
Road-Con, Inc.	\$2,372,614.40	\$3,388,645.40	\$345,954.00	\$5,177,891.86

Mr. Hersh stated that based on the bid evaluation that is summarized above, Highway Materials Inc. is the lowest responsive bidder for the Total Bid for this project. It is therefore recommended that the Board of Supervisors authorize the Township Engineer's office to issue a Notice of Intent to Award to Highway Materials Inc. for the Total Bid cost of \$4,231,068.00. Final awarding of the contract is contingent upon a successful outcome to the required Responsible Contractor Determination that will be performed by our office. He explained This project will be partially funded by a County Transportation Program (CTP) grant in the amount of \$199,504.00 and a PennDOT Green-Light-Go Grant in the amount of \$593,312.00 which will help offset the cost of construction. Mr. Mellor explained this is a long-term capital project.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Intent to Award the public bid for the Stenton Avenue/Joshua Road intersection improvement along with the two alternates for Flourtown/Joshua Roads intersection improvements and cameras to Highway Materials, Inc. for \$4,227,473.50. Motion by Supervisor Drossner, Second by Supervisor Manuele (Vote 5-0) the Board of Supervisors **rejected** the motion.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Intent to Award the public bid for the Stenton Avenue/Joshua Road intersection improvement along with the two alternates for Flourtown/Joshua Roads intersection improvements and cameras to Highway Materials, Inc. for \$4,231,068.00.

Eli Glick (Whitefield Drive) asked if the improvements came because of the court order. He said the court order was between Whitemarsh Township and Mr. DePaul. He said and now the township is paying Mr. DePaul's company to do this work. Chair Nester stated they are the lowest bidder. There was a discussion regarding the amount in the budget is left for these improvements.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Intent to Award the public bid for the Stenton Avenue/Joshua Road intersection improvement along with the two alternates for Flourtown/Joshua Roads intersection improvements and cameras to Highway Materials, Inc. for \$4,231,068.00.

2. 2020 Road Paving Program - Bid Authorization

Mr. Hersh explained he preparation of the contract documents for the 2020 Road Program is nearing completion and it is anticipated that authorization to bid the project will be considered by the Board of Supervisors at the January 23, 2020 public meeting so that the bid process can begin with a bid opening scheduled for March 2019. Project completion should occur sometime in July or August. The estimated bid construction cost for the project is \$305,000.00 which is funded by the Township's Liquid Fuels Allocation and contributions from PECO to cover resurfacing associated with their utility relocation work on Wagner Road. The following roadways have been scheduled for resurfacing:

Name of Road

Foxwood Circle

Militia Way

Harry Street

Whitemarsh Valley Road

Williams Road

Dileo Drive

Dogwood Lane

Tamara Court

Wagner Road

Cedar Drive

Cedar Place

Hain Drive

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorized the public bid for the 2020 road paving program.

3. Certificate of Appropriateness - 14 Catherine Lane

Mr. Guttenplan explained the Certificate of Appropriateness is for a paver patio and sitting wall at 14 Catherine Lane in the Maple Hill Development. This will be constructed in the rear of the home and will not be seen from the street. It is proposed to be constructed of E P Henry pavers in various shades of gray. HARB reviewed this proposal and noted that it was similar to other patios reviewed recently in this development. They passed a unanimous motion recommending approval of a Certificate of Appropriateness for the patio and sitting wall as proposed (confirming that the drawing presented accurately reflects that there is no pergola proposed).

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for the construction of a patio and sitting wall at 14 Catherine Lane.

4. Board/Commission Appointments

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors appointed the following individuals to Boards/Commissions:

Elizabeth Shaw-Fink – Planning Commission term ending December 31, 2022

Patrice Turenne – Shade Tree Commission term ending December 31, 2020

5. December 2019 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors approved expenditures totaling \$950,716.75; and payroll totaling \$658,707.63 and pension paid costs totaling \$4,384.57 for December 2019.

AMEND AGENDA

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors amended the agenda.

6. Escrow Release – Whitemarsh Knolls

Supervisor McCusker spoke about the issues being raised at the resident meeting and the steps being taken to help the residents. He explained some of the issues.

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized escrow release #2 for Whitemarsh Knolls, LLC/Germantown Pike in the amount of \$46,631.98

7. Order and Settlement Stipulation

Mr. Kilkeny explained how the settlement came about.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized the Order and Settlement Stipulation between 14 East Germantown, LLC v. MONTCO Board of Assessment Appeals resulting in the decrease in the assessment between 2015-2019 requiring a repayment of \$786.00 in Township real estate taxes. Supervisor Manuele, seconded by Supervisor Toll (Vote 5-0) amended the motion to read the repayment as being \$789.00

8. Township Solicitor Intervention

Mr. Kilkeny stated the Township does not normally get involved in assessment appeals – however, the CSD asked that the Township become involved since it is a very large appeal.

On a motion by Supervisor Toll, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the cost sharing agreement with the Colonial School District and have the Township Solicitor intervene in the Court of Common Pleas case, Green Valley Country Club v. Board of Assessment Appeals.

9. Township Solicitor Appearance in Appeal

On a motion by Supervisor Toll, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized the Township Solicitor to enter the appearance to defend the Board of Supervisors decision before the Commonwealth Court in the Abolition Hall Appeal.

PUBLIC COMMENT

BOARD MEMBER COMMENTS

EXECUTIVE SESSION

Chair Nester announced the Board of Supervisors held an Executive Session prior to the meeting to discuss litigation and real estate

ADJOURNMENT

On a Motion by Supervisor Drossner, seconded by Supervisor McCusker the meeting for January 23, 2020 was adjourned at 8:50 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager

January 23, 2020