

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
February 7, 2019**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday February 7, 2019 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

Supervisors Present: Amy Grossman, Vice Chair; Michael Drossner, Laura Boyle Nester and Fran McCusker

Supervisors Absent: Missy Sterling, Chair

Also present: Richard L. Mellor, Jr., Township Manager; Sean P. Kilkenny, Township Solicitor; Krista Heinrich, P.E.; and Charles L. Guttenplan, AICP

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Whitemarsh Township Police Department Officer Introduction: Police Officer Stephen Dunning

Sgt. Greg Keenan introduced Officer Dunning to the Board and public.

Supervisor Grossman announced:

Spring Shredding Day – March 12, 2019

Indoor Winter Movie – Trolls, February 15, 2019

Township Planning Commission voted against Harth Development on Bethlehem Pike. The Board of Supervisors will not vote on the plan.

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. January 7, 2019

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the January 7, 2019 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

ACTION ITEMS

Ordinances

1. Ordinance Amendment - Update to Recycling Ordinance

Mr. Mellor explained the amendments to the recycling regulations include;

- ☑ Created generic recycling definition and requirements and removed specific materials to provide versatility.
- ☑ Same recyclable materials for both residential and non-residential
- ☑ Included definition of non-resident from township ordinance definition section for ease of use
- ☑ Amended leaf waste definition to specify seasonal and added separate yard waste definition. Added yard and leaf waste requirement to residential requirements
- ☑ Deleted collection regulations section Time/placement directions provided in other documentation
- ☑ Changed reporting requirement for multifamily rental properties and non-residential activities from certificates of compliance to written documentation to allow flexibility in collection of data and compliance assurance.
- ☑ Added requirements for providing recycling containers accessible to customers and to ensure cleaning staff does not comingle recyclable materials with municipal waste

The Environmental Advisory Board (EAB) worked on this for the better part of 2018 and recommended the recycling ordinance amendments.

Deb Sheero (EAB Chair) spoke about flexibility in the amendment to allow what could be recycled in the future.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Ordinance #994** amending the Whitemarsh Township Code Chapter 109, "Trash and Garbage Collection", Article III, "Recycling" to update the current ordinance establishing current policies and procedures for residents and business to recycle in the Township.

Resolutions

1. TCC Delegate Resolution - Appointment of Delegate and Alternative Delegate

Mr. Mellor explained in accordance with Act 32, it requires the governing bodies of school districts, townships, boroughs, and cities that impose an Earned Income Tax to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. The TCC meets periodically to review collection matters as well as evaluate the performance of the County wide tax collector, Berkheimer. Currently, Len Gricoski is listed at the voting delegate and Rick Mellor as the first alternate. Due to Len's passing, the resolution needs to be updated naming Nate Crittendon as the voting delegate and Rick Mellor as the first alternate.

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-05** appointing Nathan Crittendon as the voting delegate and Richard L. Mellor, Jr. as the first alternate voting delegate to the County's Tax Collection Committee (TCC) in accordance with Act 32.

2. PENNDOT Signal Resolution - Line Stripping and Signage – Bethlehem Pike/Skipack Pike/Camp Hill Road Intersection

Mr. Mellor explained that in order to make recommended changes to the Bethlehem Pike/Skipack Pike/Camp Hill Road intersection a PENNDOT signal permit plan resolution must be approved. The improvements include additional line stripping and signage.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-06** authorizing the submission of a PENNDOT Signal Plan to add line stripping and signage at the intersection of Bethlehem Pike/Skipack Pike/Camp Hill Road.

3. Stormwater Facilities Agreement with DCNR - Fort Washington State Park

Mr. Mellor explained the Stormwater Facilities Agreement was between Whitemarsh Township and the Department of Conservation and Natural Resources (DCNR). The purpose of this agreement is to obtain the right-of-way from the DCNR for the construction, operation, maintenance and removal of stormwater management improvements on, across, and under designated locations on state park land situated in Fort Washington State Park at the corner of West Valley Green Road and Stenton Avenue. This work is necessary in accordance with the intersections improvements for Flourtown Road /Cricket Road/Stenton Avenue. The agreement provides that we compensate DCNR the cost of the removal of trees that we plan to remove, cut, damage, or destroy during construction. This agreement was reviewed by the Solicitor's office and they recommend the language in the agreement. Also, this agreement is required by the Department of Environmental Protection (DEP) in order for them to issue their permit following the 60 review process.

Sydelle Zove (Harts Ridge Road) asked the Manager how compensation would be provided. Mr. Mellor stated it would be in the form of cash based on the removal of trees and it was DCNR's intent to use the month replant trees per the agreement.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-07** authorizing the execution of a stormwater Facilities agreement between Whitemarsh Township and the Pennsylvania Department of Conservation and Natural Resources for the installation of stormwater facilities at the corner of Stenton Avenue and West Valley Green Road on Fort Washington State Park as part of the intersections improvements at Stenton Avenue/Flourtown and Cricket Roads.

4. Berkheimer Resolution - Authorize Staff Liaison for the Berkheimer – Nathan Crittendon

Mr. Mellor explained the resolution names Nathan Crittendon as the authorized staff liaison to receive confidential information from Berkheimer. As a result of Len's passing, this resolution needs to be updated in order for Nate's name to be on record with Berkheimer's for accessing Earned Income Tax information.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-08** appointing Nathan Crittendon as the authorized staff liaison with our Earned Income Tax Collector, Berkheimer.

Motions

1. Allocation of Funds – Annual Clothing Drive

Whitemarsh Township Parks & Recreation hosted the 2nd Annual Clothing Drive Fundraiser, which was the first special event for 2019. Whitemarsh Township residents and non-residents were able to drop off usable and wearable men's, women's, and children's clothes, shoes, accessories, belts, handbags, hats, scarves, ties, gloves, and so much more. There were tax receipts offered to individuals who donated. The drop off location was at the Cedar Grove Barn. Over the course of that week, over 100 individuals dropped off a total of **483 bags**. On Tuesday, January 29th A&E informed us that our clothing drive collected **5,191 lbs.** worth of donations. A check will be issued for a grand total of **\$1,042.64**. Those proceeds will be and go towards Township Day- April 27th, 2019 and the Colonial Neighborhood Council.

Last year we collected 215 bags weighing in at 2,310 lbs. and received a check for \$462.00. We doubled in number of bags and weight, setting a new record. The 2nd Annual Clothing Drive on Martin Luther King, Jr. weekend was a huge success and a continuation of a great cause on a holiday weekend of "Giving Back" by the Whitemarsh Township community.

On a motion by Supervisor Drossner seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors allocated \$260.66 in donations from the 2019 Clothing Drive to the Colonial Neighborhood Council.

Supervisor Drossner commented that his basketball team delivered bags of clothes and the importance of having clothes and food for those in need and thanked the Department of Parks and Recreation for coordinating the event.

2. Certificates of Appropriateness (2) - 3047 Spring Mill Road – Housing Style for Maple Hill Development

Mr. Guttenplan explained there are three Certificates of Appropriateness for the 'Maple Hill' development (Sal Paone, 3047 Spring Mill Road). These are for two custom home that deviates somewhat from the ten standard and five historic option models for which you have previously approved Certificates of Appropriateness. They are for the proposed homes on Lots 14 and 16. HARB reviewed these three applications at their January 9th meeting, and found both to be appropriate for the development and the Historic District. They therefore passed motions recommending approval of both.

Sam Paone (applicant) spoke to confirm Mr. Guttenplan statements as they were requests by the homebuyers that the applicant wanted to accommodate.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the two Certificates of Appropriateness for the housing styles for the Maple Hill Development at 3047 Spring Mill Road.

3. Estoppel Agreement - Whitemarsh Township and Sherry Lake Associates, f/k/a Lakeside Apartments Associates/1801 Butler Pike

Mr. Mellor explained the agreement was requested due to the new company purchasing of membership interests in an entity owning Sherry Lake Apartments, located at 1801 Butler Pike. The current

owner/seller entered into a stormwater management facilities agreement with the Township on May 30, 2014. They are requesting that the Township deliver an estoppel in connection with this agreement to the contract purchaser.

On a motion by Supervisor Drossner, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the Estoppel Agreement between Whitemarsh Township and Sherry Lake Associates/1801 Butler Pike related to the Stormwater Management Facilities Agreement recorded in 2015.

4. 2019 Road Paving Program - Bid Authorization

Ms. Heinrich explained in preparation of the contract documents for the 2019 Road Program it is anticipated to be advertised next week with a bid opening scheduled for on March 12, 2019. Authorization for issuance of a Notice of Intent to Award can then be considered at the March 14, 2019 Board meeting with finalization of the award at the April Board meeting. Project completion will occur sometime in July or August. The estimated base bid construction cost for the project is \$327,500 which is funded by the Township's Liquid Fuels Allocation and contributions from Aqua PA. Alternate A to the base bid at an estimated cost of \$542,650 which is full depth overlay of Sheaf Lane between Skippack Pike and Stenton Avenue. She listed the roadways scheduled for paving.

On a motion by Supervisor McCusker, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the 2019 road paving bid for advertisement.

5. Resignation - Historical Architectural Review Board

Supervisor Nester thanked Ms. Brown for her service to HARB.

Sydelle Zove (Harts Ridge Road) thanked Ms. Brown for her service to HARB.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors accepted the resignation of Nancy Brown from the Historical Architectural Advisory Review Board and thanked her for her many years of volunteer service to the Township.

6. Appointment – Boards and Commissions

Sydelle Zove (Harts Ridge Road) requested qualification of Timothy Ford. Supervisor Grossman and Solicitor Kilkenny provided his educational background. Ms. Zove requested review of the HARB Code by the Board prior to any additional appointments.

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

Gene Swider – Whitemarsh Township Authority term ending December 31, 2023

Timothy Ford – Historical Architectural Review Board term ending December 31, 2020

Debra Harris – Environmental Advisory Board term ending December 31, 2021

7. December 2018 and January 2019 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Nester, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved expenditures totaling \$3,155,457.63; payroll totaling \$1,268,773.54 and pension paid costs totaling \$13,426.86 for December 2018 and January 2019.

AMEND AGENDA

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

8. Tax Assessment Appeal Settlement

Solicitor Kilkenny explained a settlement in the assessment appeal between Colonial School District and Home Properties Whitemarsh, LLC had been reached. It will provide an increase in the assessment and additional real estate tax revenue to taxing bodies.

On a motion by Supervisor Nester, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorize the Order and Settlement Stipulation between Colonial School District and Home Properties Whitemarsh, LLC, 1101 East Hector Street resulting in the increase in the assessment of the property

9. Whitemarsh Township Pension Plan Resolution - Compliance with Act 44

Mr. Mellor explained due to the Board's request to issue a Request for Proposal (RFP) for Police Pension Plan Investment Consulting Services this resolution is necessary to comply with Act 44. The Act requires that all municipal pension plans adopt procedures for selecting the most qualified person to enter into a professional services contract. This includes advertisement for professional services, review of proposals, disclosures, conflicts of interest, public information, increases in the costs of professional services contracts, and notice and summary of factors that resulted in an award.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-09** adopting procedures for Whitemarsh Township Pension Systems to select the most qualified person to enter into a profession services contact as required by Act 44 of 2009.

10. Escrow Release #1; 6201 Henry Lane

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized escrow release #1 for Venezia/6201 Henry Lane in the amount of \$71,133.46.

11. Escrow Release #2; 735 Bethlehem Pike

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized escrow release #2 for Mastroni/735 Bethlehem Pike in the amount of \$110,668.50.

PUBLIC COMMENT PERIOD

Gigi Glendening (Lower Gwynedd) requesting the Board ban traveling wild animal acts from Whitemarsh Township. Took concerns to State Legislature and Sen. Leach will introduce a bill to prevent these from occurring in Pennsylvania. Of concern is Lulu Shriners annual circus. Ms. Glendening provided packet of information to the Board supporting her request.

Judy Mezeroff (Fountain Green Road) expressed her concerns due to the location of the TCAR related to The Hill development. She requested the road location be reassessed.

John King (Fountain Green Road) expressed his concerns due to the location of the TCAR related to The Hill development.

Bob Dambman (Fountain Green Road) expressed his concerns due to the location of the TCAR related to The Hill development. He discussed flooding and stormwater concerns related to the TCAR

Rosemary Polmario (Fountain Green Road) expressed her concerns due to the location of the TCAR related to The Hill development.

Linda Doll (Fairway Road) commented to support constituents.

Sydelle Zove (Harts Ridge Road) commented if Supervisor Sterling is running for County Judge will it impact her service to the Board. Supervisor Grossman and Drossner commented it will not.

BOARD MEMBER COMMENTS

Supervisor Drossner expressed his appreciation for the residents coming out to express their concerns. Supervisors are not always voting against the residents who express concerns with an issue. The Board must look at laws and requirements set forth to make an informed and at times difficult decision.

Solicitor Kilkenny commented staff will review complaints that Township can regulate and will provide a review of the application to the Board.

Supervisor Nester commented that we hear and it matters what the neighbors say and they will look into the issue brought forth.

Supervisor Grossman commented that the Board worked to put together an agreement to move the location of the TCAR farther away from the neighbors but the residents did not accept and took it to Court. The legal proceedings decided the location of the TCAR.

Judy Mezeroff (Fountain Green Road) commented Flourtown Road is a safety hazard due to the TCAR.

Supervisor Grossman commented Board cares greatly to serve the residents of this Township.

Emmitt Miller (Fountain Green Road) concerns about the start time for contactor hours.

Sydelle Zove (Harts Ridge Road) commented to look at parameters of decision from Courts ruling on this case to determine if other issues can be addressed.

ANNOUNCE EXECUTIVE SESSION

Chair Grossman announced the Board of Supervisors held an Executive Session prior to this meeting to discuss Litigation.

ADJOURNMENT

On a motion by Supervisor Nester, seconded by Supervisor Sterling, the meeting was adjourned at 8:35 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager