

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

**APRIL 13, 2023**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, April 13, 2023 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Fran McCusker, Chair; Jacy Toll, Vice-Chair; Vincent Manuele; Laura Boyle Nester and Patrice Turenne (virtually)

Supervisor Absent:

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

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS**

Supervisor Toll announced:

Whitemarsh Township received the distinguished honor by the Arbor Day Foundation with the “Tree City USA” designation to honor the Township’s commitment to effective urban forest management. This is a tribute to the entire Township Staff along with the volunteers on the Shade Tree Commission, Environmental Advisory Board along with Colonial Canopy Trees for their active roles in caring for and planting trees throughout the Township.

Whitemarsh Township also received the Citizens Communication Award of Excellence from PA State Association of Township Supervisors (PSATS) for our outstanding efforts and achievement in citizen communications in the category of Cable TV Programs specifically for the “Snow Emergencies Public Service Announcement”. Great job by Rob Brown our Media Production Coordinator for his creativity with the script and his work behind the camera.

Saturday, April 22, 2023, is Whitemarsh Township Day at Victory Fields from 12:00pm to 5:00pm. Come out and enjoy the food, music, games and prizes with your neighbors and friends from Whitemarsh!

In recognition of Arbor Day, the Township and Colonial Canopy Trees will host a Community Tree Planting Event at Miles Park on Saturday, April 29, 2023, from 9:30am to 12noon. Volunteers with shovels, gloves and a good pair of boots are needed to help.

Two Events to ease your Tax Stress:

On April 18, 2023, at Miles Park Playground, Kona Ice will provide free Kona Ice from 3:30pm to 4:30pm to cool you off; and

A representative from Berkheimer Associates will be at the Township Office on Wednesday, April 26, and Friday, April 28, 2023, to save you a stamp, receive the 2% discount, and collect your real estate tax payments. Please note that April 30, 2023, is the deadline to receive the 2% discount.

April 13, 2023

## **Whitemarsh Township Day – Saturday, April 22, 2023**

Tom Blomstrom, Director of Parks and Recreation and Miles the Gecko introduced the information regarding this year's Whitemarsh Township Day on Saturday April 22 at Colonial School Districts, Victory Fields from 12 – 5 (rain or shine). He thanked the Board of Supervisors and Colonial School District as hosts. He listed the partners and sponsors that are supporting Township Day. He spoke about the Vendors, Food Trucks, Crafters, Businesses, Non-profits and Community Groups that will be participating. He explained the entertainment that is lined up as well as the rides and games that will be available. He said he and his entire department wishes to thank the Public Works Department, the Police Department, the Fire Marshal's Office and Emergency Services who all contributed to the day.

### **Proclamation for Arbor Day**

Chair McCusker read the Proclamation declaring Friday, April 28 as Arbor Day in Whitemarsh Township. He urges residents to celebrate the day and support efforts to protect our trees and woodlands and he urges all citizens to plant trees to gladden the heart and promote the well being for this and future generations.

### **National Library Week Proclamation**

Supervisor Toll read the Proclamation which explains National Library week is the week of April 23 – 29, 2023 and this year the William Jeanes Memorial Library and Nicholas and Athena Karabots Center for Learning is celebrating their 90th Anniversary this month. She stated they have been serving this community at the same location on Joshua Road since 1970, and they are pleased to welcome everyone. They abide by the American Library Association's Library Bill of Rights and support the ALA's Freedom to Read statement. The mission of the William Jeanes Memorial Library is to be a resource center that serves the diverse and changing needs of the community by providing materials, programs, and services for education, enrichment, and enjoyment. They look forward to seeing you at the Library this week and all year long. Supervisor Toll stated she is fortunate to be the Board Liaison to the Library.

Lisa Clancy, Director of the Library stated on Saturday, May 20, 2023 the Library will celebrate its 90<sup>th</sup> Anniversary and in partnership with The Highlands Mansion and Gardens to hold the celebration there. She explained it will be from 5 – 8PM. She said the Library Board has done a great job in planning the event.

## **PUBLIC HEARINGS**

### **1. Application of Goats Beard III, LLC/1100 Hector Street - Liquor license transfer**

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors opened the public hearing for an application of Goats Beard III, LLC/1100 Hector Street for a liquor license transfer.

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 Kilkenny, Township Solicitor  
 Vincent T. Donohue, Esq., Attorney for the applicant  
 Sean Coyle, Owner

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

## RESOLUTION

### 1. Application of Goats Beard III, LLC/1100 Hector Street - Liquor license transfer

On a motion by Supervisor Toll, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2023-11** authorizing the liquor license transfer for the Goats Beard III, LLC/1100 Hector Street.

## APPROVAL OF MINUTES

### 1. March 9, 2023

On a motion by Supervisor Nester, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted the meeting minutes from March 9, 2023.

## BOARD PUBLIC DISCUSSION

None

## CONSIDER ACTION ITEMS

### Ordinances

### 1. Cable Franchise Agreement with Verizon Pennsylvania, LLC

Mr. Mellor explained the Township's Verizon Franchise Agreement has been expired for several years. He stated the law group Cohen Law has been working on behalf of Whitemarsh Township and several other Montgomery County Consortium Communities as they negotiate agreements with Verizon. He said the Franchise Agreement allows for cable operators to receive a franchise fee on their bill from their gross revenue for cable services delivered in the municipalities with their fiber-optics in the Township's right-of-way. He stated there is a similar agreement with Comcast. He explained the agreement provides a franchise fee grant to the township. He explained it is a one-time grant in the amount of \$15,000. It also provide the township to receive a high-definition channel. He explained the township channel is currently in standard definition. He said the agreement is for five years.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors adopted **Ordinance #1026** authorizing the execution of a cable franchise agreement between the Township and Verizon PA, LLC.

### 2. Rental Premises and Inspection

Mr. Mellor explained Keystone Municipal Services was tasked to review and manage the rental inspection program for Whitemarsh Township. The first order of business is to review the current Rental Premise Ordinance originally adopted in 1983 with amendments in 1988 and 2009. He explained they found several inconsistencies throughout the original ordinance. He explained some of the changes: Throughout the old Ordinance, the Finance Director was the enforcement officer for rental facilities not the Code Enforcement Officer; the owner or agent of the rental property had to register every two years which would trigger an inspection. This new ordinance would be automatically schedule an inspection every two years with the accompanying letter as an example as what will be mailed to each rental owner prior to their yearly inspection with the responsibilities and requirements to maintain their rental units; The new ordinance eliminated the

partial inspection for units over 100 every three years and brought it into compliance for every two years; Changed the Board of Appeals from the Township Manager, Director of Code Enforcement and Fire Marshal to the current Whitemarsh Township Building Code of Appeal Board. Mr. Mellor stated overall, the new ordinance provides more structure and timely inspections for all rentals throughout the Township to ensure properties are being maintained in a safe manner for the tenants and the properties are in compliance with current codes and regulations.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Ordinance #1027** amending Chapter 94 – Residential Rental License Requirements.

### **3. 2023 Bond Refinancing**

Mr. Mellor explained in accordance with the presentation by PFM at the Board's Departmental Workshop meeting in February is requested the Board authorize the ordinance advertisement for the issuance of Bonds, in one or more series, to refund the Township's Series 2014 and 2018 Bonds. The 2018 bonds have a call date of November 15, 2023 which allows for the refinancing and savings provided we received a favorable interest rate. The bond rate is currently fixed at 4%. The 2014 TD bank loan is a variable interest rate loan in which we have received a very favorable rate throughout its term. The current rate is 1.625% but will reset this year based on the current rates with a cap of 5%. PFM has recommended that the Township adopt the ordinance now since we can lock in an interested rate up to 90 days in advance of the call date. This will provide flexibility so we do not have to worry about this administrative requirement if rates are favorable within the early period of the call date. Mr. Mellor stated Township staff and PFM are working with bond counsel from Obermeyer who is preparing the ordinance on behalf of the Township. Mr. Patrick Scott, Bond Council with Obermeyer further explained the ordinance is set so that the two series of bonds the 2018 and the bank load could be refunded at different times, depending on where the market is.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors adopted **Ordinance #1028** authorizing the approval of a refinancing to the 2018 Township General Obligation Bond.

## **MOTIONS**

### **1. Settlement of Litigation - The Hill at Whitemarsh Five-Year Vesting Period**

Mr. Mellor explained this is a settlement from litigation that arose out of the vesting period the Board authorized back in December 2021. That authorizing resolution was for an approximate one-year extension. Until the end of 2023. He said the Township has been in discussions with the Hill in order to settle that litigation which they have come to terms in the settlement. He explained the 5 years is a date in which the Hill believes they can complete the construction of their project. He explained the process if there is any extension beyond December 31, 2028.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the settlement agreement between Whitemarsh Township and The Hill at Whitemarsh related to the vesting period for their development project.

## **Resolutions (CONTINUED)**

### **2. SLD #03-13; The Hill at Whitemarsh/4000 Fox Hound Drive; Phase 2**

Mr. Mellor explained the 5 years is a date in which the Hill believes they can complete the construction of their project. He explained the process if there is any extension beyond December 31, 2028.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2023-12** granting a five-year vesting rights extension for SLD #03-12; The Hill at Whitemarsh/4000 Fox Hound Drive; Phase 2 to December 31, 2028.

### **3. Fee Resolution - Rental Inspection Fees**

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors adopted **Resolution #2023-13** authorizing changes to the fee schedule related to rental inspection fees to be consistent with the new Residential Rental License Ordinance.

## **MOTIONS (continued)**

### **2. Allocation of Funds - Spring Shredding Day Donations**

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors allocate \$1,201.52 in donations received from the Spring Shredding Day to Spring Mill Fire Company for volunteering their services in coordinating activities on the day of the event.

### **3. National Opioid Settlement - Opt-in to Settlement and Authorize Signature**

Mr. Mellor explained the Commonwealth of Pennsylvania has elected to participate in one or more of the five national opioid settlements with Teva, Allergan, CVS, Walgreens, and Walmart. Each political subdivision must consider opting in to be eligible for the potential funds from the settlement with these pharmaceutical companies. The Township took the same action in 2021 with the settlement from three companies, McKesson, Cardinal Health, and AmerisourceBergen. He stated the it is recommended the Township opt-in again for this National Opioid Settlement and authorize the Township Manger to execute the agreement on behalf of the Township in advance of the April 18, 2023 deadline.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorized opting into the National Opioid Settlement Agreement and authorizing the Township Manager execute the necessary documents for this Agreement.

### **4. Board/Commission Appointment**

Ms. Griffin-Shelley thanked the Supervisors for the appointment and she had an opportunity to meet the other members of the Media Communications Advisory Board and she is excited to get to work them on behalf of the township.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the appointment of the following individual to Boards/Commissions:

Megan Griffin-Shelly – Media Communications Advisory Board term ending December 31, 2026

### **5. Real Estate Tax Appeal Order and Settlement**

On a motion by Supervisor Nester, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorized the Order and Settlement Stipulation between 7251 Willow Lane v. MONTCO Board of Assessment Appeals resulting in the increase assessment for 2023 requiring a payment of \$884.54 to the Township for real estate taxes.

**6. Escrow Release #3 - River Place/901 Washington Street**

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the escrow release #3 for River Place/901 Washington Street in the amount of \$221,002.47.

**7. March 2023 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Toll, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved expenditures totaling \$818,856.94; and payroll totaling \$973,840.76; and pension paid costs totaling \$8,378.31 for March 2023.

**PUBLIC COMMENT PERIOD**

Ron Cionne (Hillside Road) commended the Board and whoever was involved in the interactive zoning map now available on the website.

**BOARD MEMBER COMMENTS**

None

**EXECUTIVE SESSION**

Chair McCusker announced the Board of Supervisors held an Executive Session prior to the meeting to discuss real estate, personnel and litigation.

**ADJOURNMENT**

On a Motion by Supervisor Toll, seconded by Supervisor Manuele the meeting for April 13, 2023 was adjourned at 8:00 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.  
Township Manager