

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
September 12, 2019**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday September 12, 2019 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

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

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Recognize John 'Jack' Fields - Director of Public Works

Mr. Mellor introduced John 'Jack' Fields as the new Director of Public Works. He spoke of Jack's 28 years of employment with Whitemarsh Township. He stated Jack started as a mechanic and then he was promoted to Fleet Manager. He said due to his excellent organizational skills and leadership he was promoted to the Assistant Director of Public Work, a position he held until he was named Interim Director upon the retirement of the previous Director, Jerry Breitmayer. Through an internal interview it was clear with Jack's experience, leadership and enthusiasm to the position he was the right choice for the promotion to the position of Director of Public Works starting in July 2019. He said Jack has hit the ground running and you are going to see Jack around the township meeting with residents and businesses to address any infrastructure concerns. Mr. Mellor congratulated Jack Fields on a well-deserved promotion to the Director of Public Works for Whitemarsh Township.

Supervisor Grossman announced:

Saturday, September 21, 2019 from 11:00AM until 2:00PM the Township Parks and Recreation Department is holding Touch a Truck in the lower parking lot at Miles Park.

On Sunday, September 15, 2019 Saint Philip Neri Parish will be celebrating their 75th Jubilee beginning with a procession on Germantown Pike from Miles Park to the church. The procession will begin at 2:00PM. There will be road closures and delays on Germantown Pike between 2:00 and 3:00 for the procession.

Wednesday, September 25, 2019 at 12:00PM the Township Parks and Recreation Department is holding an Eat and Enjoy Social at the Miles Park building it is the first of four socials that will take place in the fall and winter.

ORDINANCES

1. Prohibiting the Display of Wild Animals

Mr. Mellor explained the ordinance was drafted at the request of the Board to prohibit the display of wild animals in Whitemarsh Township. This was in response to the public's request to prohibit the type of animals being displayed at the Lulu Shriners' annual circus. Mr. Mellor explained that rodeos have been removed from the exemption list. The ordinance prohibits several types of wild animals while providing an exemption for the following: the display of animals at a nonmobile, permanent accredited institution, facility, zoo, or aquarium, and educational activities conducted by such facilities; accredited wildlife sanctuaries; veterinarians in the ordinary course of a veterinarian's practice of business; university, college, laboratory, or research facilities registered by the United States Secretary of Agriculture. He explained the enforcement would be handled by the Police Department or Code Enforcement Officer which includes fines and penalties for anyone not in compliance.

Supervisor Drossner said it is exciting to be on the cutting edge. He stated there are so many people supporting the ordinance and he thanked GiGi Glendenning for bringing the issue to the Board.

Supervisor Grossman stated that was a long journey and she thanked GiGi Glendenning. She stated she is proud of this ordinance.

Eli Glick (Whitefield Drive) said it is a great ordinance. He asked that under livestock have honeybees be included.

GiGi Glendenning (Gwynedd Valley) thanked all of the people who came out to support the ordinance and the Board for their support. She spoke about the animal cruelty at the Shriners rodeo and circus.

Maryann thanked the Board. She said they are proud of the Board for standing with 90 other jurisdictions in the country who have taken a stand against animal cruelty. She stated there are two others in Pennsylvania.

Joan Capuzzi, a small animal veterinarian explained wild animal behavior in captivity.

On a motion by Supervisor Nester, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors adopted **Ordinance #995** amending the Code of Whitemarsh Township to add provisions to protect the public from hazards associated with traveling wild or exotic animal displays and to protect wild and exotic animals from cruel and inhumane treatment.

PUBLIC HEARINGS

1. Conditional Use #04-19 Theresa Jones/Fabulous Me, LLC/632 Germantown Pike

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors opened the Public Hearing for the Conditional Use #04-19, Theresa Jones/Fabulous Me, LLC/632 Germantown Pike, Personal Service Shop in VC-1 District.

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:

Dave Sander, Solicitor
 Charles L. Guttenplan, AICP
 Carl Weiner, Attorney for the Applicant
 Theresa Jones, Applicant

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

Motions

1. Conditional Use #04-19 - Theresa Jones/Fabulous Me, LLC./632 Germantown Pike

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors approved Conditional Use #04-19, Theresa Jones/Fabulous Me, LLC./632 Germantown Pike for a personal service shop in the VC-1 Zoning District.

PUBLIC HEARING (continued)

2. Zoning Amendment - Remove 11 Conditional Uses from VC-4

On a motion by Supervisor Grossman, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors opened the Public Hearing for a Zoning Amendment - Remove 11 Conditional Uses from VC-4.

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:

Dave Sander, Solicitor
 Carolyn Edwards, Attorney for the Applicant

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors set a public hearing on the ordinance to amend the zoning ordinance to remove the VC-4 district from the list of districts in which certain conditional uses are permitted and fixing that hearing for October 10, 2019, at 7:00 p.m., at the Whitmarsh Township building, 616 Germantown Pike, Lafayette Hill, Pa 19444

3. Conditional Use #03-19 - Argos Associates/Adelphi Land Associates/Polergodom Group; Longfield Farms/Butler Pike

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors opened the Public Hearing for a Zoning Amendment - Remove 11 Conditional Uses from VC-4.

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:

Dave Sander, Solicitor
 Carolyn Edwards, Attorney for the Applicant
 Robert Downs
 Richard Collier
 Patricia Sheinman
 Christopher Lee Miller

On a motion by Supervisor Drossner, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors continued the public hearing until Thursday, September 26, 2019, at 7:00 p.m., at the Whitemarsh Township building, 616 Germantown Pike, Lafayette Hill, Pa 19444

Motions (Continued)

2. Appointment – Director of Finance - Nathan Crittendon

Mr. Mellor stated he is recommending to the Board that Nate Crittendon be appointed to the position of Finance Director for Whitemarsh Township. Nate was appointed by the Board to the position of Interim Finance Director in December 2018. Prior to this he was the Assistant Finance Director, a position he held since his hire in April 2017. Nate had to step into this position following the death of Len Gricoski. Furthermore, Nate took over numerous Assistant Manager responsibilities when previous Assistant Manager left for other employment. He gave a list of the accomplishments Nate has had including: 2019 Budget; the Telephone System upgrade; Wireless Phone System; Credit Card System and Electric Bid. He also listed additional projects Nate oversaw. Mr. Mellor stated prior to coming to Whitemarsh Township, Nate started his career in the banking industry before transitioning to local government in Cheltenham Township as an Accounting Supervisor in their Finance Department. Nate holds a Bachelor's degree from West Chester University and Master's degree in business from Lincoln University. He said due to his excellent performance evaluation from the past seven months and key accomplishments I recommend Nate Crittendon to the position of Director of Finance.

Chair Sterling spoke about the seamless transition last year when he was thrust into working on the Budget after the passing of the Director of Finance. She commended Nate on the work he has done. Supervisor Grossman concurred and stated she is happy to have him as the Director.

Mr. Crittendon thanked the Board for giving him the opportunity and having the faith in him. He thanked Mr. Mellor for all of his support.

On a motion by Chair Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors appointed Nathan Crittendon as the Finance Director in Whitemarsh Township.

APPROVAL OF MINUTES

1. August 8, 2019

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the August 8, 2019 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. Review SLD #04-16 Brixmor Property Group/10 Ridge Pike (Whitemarsh Shopping Center) - Conditional Preliminary Land Development Plan

Mr. Sander explained the Board previously adopted a resolution approving the Preliminary/Final Land Development Plan. One of the requirements of the plan approval was the applicant comply with the review letter from the township traffic engineer. He stated the applicant had some concerns about the legal requirements to comply and its practical ability to comply with some of the comments. The applicant did not sign the approved resolution and it became a denial. Township staff, the Solicitor's office, the Township Engineer, and Andy Heinrich of Heinrich and Klein (the traffic engineer) met with the applicant and its representatives. There is now agreement on compliance with certain of Mr. Heinrich's comments and agreement on the appropriate traffic impact fee. It has also been acknowledged that certain of the comments will be satisfied by the County's work through its Ridge Pike Improvement Project.

Mr. Guttenplan said there is one other difference in the resolution which was a note on a 1995 recorded plan regarding hours of operation for deliveries. He stated the hours listed are much later in the evening and later in the morning and were inconsistent with the township code which allows deliveries between 7:00AM and 6:00PM. He said there is a note added to the land development plan noting the hours of operation to make everything consistent.

Mr. Sander explained the requirement that all of the recommendations in the traffic engineers letter was broken out to require the applicant to comply with some of the recommendations that was acceptable to the traffic engineer. Mr. Guttenplan further explained most of the ones that he does not need to comply with are because the county with the Ridge Pike project will be covering those issues as they go through the project. Supervisor Nester asked if the Township has been re-assured the county will be taking care of the issues. Ms. Heinrich explained nothing was removed from the letter; it is just those things were negotiated.

Sydelle Zove (Harts Ridge Road) asked what the ultimate traffic impact fee was. Mr. Guttenplan stated there was a discussion with the traffic engineer and they came to an agreed upon amount. Ms. Heinrich explained how the calculation was done. She spoke to the issue of parking at this shopping center.

Resolutions

1. **SLD #04-16 Brixmor Property Group/10 Ridge Pike (Whitemarsh Shopping Center) - Conditional Preliminary Land Development Plan**

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2019- 18** granting conditional Preliminary/Final Plan approval for SLD#04-16; Brixmor Property Group/10 Ridge Pike for an additional 8,973 square foot of retail and redesign of the parking area lot for Whitemarsh Shopping Center.

ACTION ITEMS

Ordinances

1. **Zoning Amendment Ordinance - Remove 11 Conditional Uses from VC-4**

A public hearing on the ordinance to amend the zoning ordinance to remove the VC-4 district from the list of districts in which certain conditional uses are permitted and fixing that hearing for October 10, 2019, at 7:00 p.m., at the Whitemarsh Township building, 616 Germantown Pike, Lafayette Hill, Pa 19444

Resolutions (continued)

2. **2020 Minimum Municipal Obligation (MMO) - Police and Non-uniformed Pension Plans**

Mr. Mellor explained Act 205 requires the Township to submit a 2020 budget for the Police and Non-Uniformed Employee pension plans by September 30, 2019. The required contribution amount is known as the Minimum Municipal Contribution (MMO) as determined by the Plan Actuary based in part on the Act 205 Actuarial Valuation Report dated January 1, 2017. The Police Pension Plan is a Defined Benefit Plan subject to the provisions of Act 600. The current Police labor contract requires a 5% officer contribution on applicable employee compensation. The Officer contributions projected at \$213,379 are applied to the Total Police Pension Plan Financial Requirement \$1,222,010 to arrive at the Township MMO of \$1,008,631 as indicated on line 11 of the resolution. The Non- Uniform Employee Plan is a Defined Contribution Plan where the Township matches employee contributions up to 6% of compensation. The Total Financial Requirement for the Employee Pension Plan of \$248,358 includes Normal Costs of \$178,358 based on 6% of compensation plus a \$70,000 provision for administrative expenses. The combined MMO for both Plans totals \$1,256,989 comprised of \$1,008,631 for the Police Plan and \$248,358 for the Non-Uniformed Employee Plan. The combined MMO calculated for 2019 was \$1,277,588. The primary reason for the decrease between years is an increase in portfolio the Whitemarsh Township Police Pension Plan performance between years.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors adopted **Resolution 2019-19** approving the 2020 Minimum Municipal Obligation for the Police and non-uniformed pension plans in the combined amount of \$1,256,989.

Motions (Continued)

3. Ordinance Advertisement - Handicap Parking – 722 E. Hector Street

Mr. Mellor explained the Traffic Safety Unit of the Police Department sent a request for handicap parking at 722 E. Hector Street. They stated Kim Jackson contacted the Traffic Safety Unit for a sign request. Mrs. Jackson would like the installation of a handicap parking space in front of or as close to her residence on E. Hector Street. Mrs. Jackson forwarded a copy of the handicap placard, and a letter requesting the new sign. PennDOT records were checked and the handicap placard is registered to Kim Jackson. He stated the Police Department is requesting an ordinance to the Whitmarsh Township Code Section 111-22. I Reserved Parking, for the handicap parking as close to or in front of 722 E. Hector Street. Mrs. Jackson understands only vehicles with handicap placards will be allowed to utilize this parking space. This reserved parking space will be open to anyone who has a handicap placard on their vehicle.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors authorized the advertisement for an ordinance amendment to allow handicap parking at 722 East Hector Street.

4. Hold Harmless Agreement - 1707 Butler Pike/ Cadence Education, LLC; Sign in the ultimate right-of-way

Mr. Guttenplan explained the Hold Harmless Agreement is for replacement of the Flanagan's Preschool sign at 1707 Butler Pike, due to a rebranding of this preschool chain. The new sign, for Cadence Academy Preschool, will be located on the same base as the previous sign. The sign and base are partially within the ultimate right-of-way of Butler Pike. There is nothing on file concerning the specific location of the existing sign; it was not separately approved but was part of the original land development approval almost 30 years ago. He stated he accompanied the Traffic Safety Unit of the Police Department on a site visit on and they determined the sign is far enough off of the road and there is therefore no safety hazard or sight distance interference caused by the existing or proposed sign.

On a motion by Supervisor Grossman, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a sign in the ultimate right-of-way at 1707 Butler Pike.

5. Certificate of Appropriateness - 8 E Germantown Pike

Mr. Guttenplan explained the Certificate of Appropriateness is for the replacement of one of the signs at 8 E. Germantown Pike to reflect a change in the tenancy in one of the spaces in this office building. There is currently a sign post with three signs attached identifying each tenant; the one proposed is consistent in size with the other two remaining, and is proposed to be painted in historical colors from one of the accepted historic color paint palettes. This application was reviewed by HARB and a Certificate of Appropriateness was recommended for approval for the sign as presented. There was a discussion regarding the type of sign.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors approved a Certificate of Appropriateness for a sign 8 E Germantown Pike/Steward Partners Global Advisory.

6. Resignation - Historical Architectural Review Board

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors accepted the resignation of Alex Pientka from the Historical Architectural Review Board and thank him for his years of service.

7. Escrow Release #3; \$253,529.40 – Whitemarsh Station/Butler Pike

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized escrow release #3 for Whitemarsh Station/Butler Pike in the amount of \$253,529.40.

8. August 2019 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Grossman, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved expenditures totaling \$858,617.86; and payroll totaling \$658,247.51 and pension paid costs totaling \$4,267.13 for August 2019.

PUBLIC COMMENT PERIOD

BOARD MEMBER COMMENTS

ANNOUNCE EXECUTIVE SESSION

Chair Sterling announced the Board of Supervisors held an Executive Session prior to this meeting to discuss Real Estate and litigation.

ADJOURNMENT

On a motion by Supervisor Grossman, seconded by Supervisor Nester, the meeting was adjourned at 10:15 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager