

## **JANUARY 17, 2002**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, January 17, 2001 at 8:00 P.M. in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Ann Younglove, Chairman, Ronald J. DeRosa, Vice Chairman, William P. Rimel III, Peter B. Cornog and Michael A. Zeock.

Also Present: Lawrence J. Gregan, Township Manager, Robert A. Ford, Assistant Township Manager, and Ross Weiss, Esquire, Township Solicitor.

### **APPROVAL OF MINUTES**

On a Motion by Supervisor Cornog, seconded by Supervisor Rimel, the Board approved the following Minutes:

December 13, 2001 (Vote 5-0)

### **PUBLIC COMMENT**

Celine Childs (53 E. Germantown Pike) questioned the format of calling for public comment only after the Supervisors vote on an issue. Chairman Younglove replied that it is what is being done. There was no further public comment.

### **DEPARTMENTAL REPORTS**

On a Motion by Supervisor Zeock, seconded by Supervisor DeRosa (Vote 5-0), the Board waived the reading of the Departmental Reports for the month of December, 2001, noting that the reports are on file in the Township Building.

There was no public comment on this action.

### **ANNOUNCEMENTS**

Chairman Younglove announced the resignation of Steven Slutsky from the Township Planning Commission.

Chairman Younglove announced that the Household Hazardous Waste Collection Sites for 2002 in Montgomery County, as established by the Waste System

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Authority of Eastern Montgomery County, will be held at Green Lane Park, Upper Frederick Township (April 6, 2002), Fort Washington Expo Center, Fort Washington (June 22, 2002), North Penn High School Parking Lot, Towamencin Township (July 13, 2002) and Lower Merion Public Works Facility, Lower Merion Township (October 26, 2002), all of which will be held from 9:00 AM to 3:00 PM on the given dates.

#### **CONSIDER RESOLUTION 2002-4 – YEAR 2002 COMPENSATION SCHEDULES**

On a Motion by Supervisor DeRosa, seconded by Supervisor Rimel (Vote 5-0), the Board adopted Resolution 2002-4 establishing Year 2002 Employee Compensation Schedules, as budgeted.

There was no public comment on this action.

#### **CONSIDER RESOLUTION 2002-5 – RECORDS DISPOSAL AUTHORIZATION**

On a Motion by Supervisor Cornog, seconded by Supervisor Zeock (Vote 5-0), the Board adopted Resolution 2002-5 setting rules and regulations for records disposition in accordance with the schedule established by Act 428 of 1968, Local Government Records Committee, Retention and Disposition Schedule for Records of Pennsylvania Municipalities.

There was no public comment on this action.

#### **CONSIDER AUTHORIZATION TO SUBMIT HAZARD MITIGATION GRANT APPLICATION – RESIDENTIAL PROPERTY ACQUISITION AND DESIGNATION OF AGENT**

Mr. Gregan explained that during Tropical Storm Allison in 2001, there were several properties in the Township that suffered significant flood damage. The affected property owners met with the Township Staff and Pennsylvania Emergency Management Agency (PEMA) representatives in August 2001 at which time the voluntary residential buyout and residential elevation programs were described. Applications from four property owners were subsequently received for the voluntary residential buyout program. Montgomery County expects to receive approximately \$1.3-\$1.6 Million Dollars in Federal disaster aid for the residential buyout program. The buyouts are funded 75% from the Federal Government disaster aid, and 25% of the funding would need to come from non-Federal sources. Generally, the State picks up 22% of the costs, leaving 3% for the Municipality and County. The total grant funding for the

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four applications, if approved, would be \$880,000.00 (the local share being 3% or \$26,400.00).

On a Motion by Supervisor Cornog, seconded by Supervisor Zeock (Vote 5-0), the Board authorized the submission of the application to FEMA for a \$880,000.00 buyout grant or properties damaged during Tropical Storm Allison.

On a Motion by Supervisor DeRosa, seconded by Supervisor Rimel (Vote 5-0), the Board approved Resolution 2002-6 designating the Township Manager as Agent for the Township on the submission of the application to FEMA.

There was no public comment on these actions.

### **CONSIDER OUT-OF-STATE TRAINING REQUEST – TACTICAL MEDICAL OPERATIONS**

On a Motion by Supervisor Rimel, seconded by Supervisor Zeock (Vote 5-0), the approved the request for Officer Dominic Venezia to attend a Tactical Medical Operators course at the Florida Counter-Drug Training Academy, Camp Blanding, Florida.

Dr. Joseph Corson (3047 Spring Mill Road) asked for a definition of Tactical Medical Operations. Chief Zolko explained the program. There was no further public comment on this action.

### **RECYCLABLE MATERIALS COLLECTION REPORT – DECEMBER 2001**

The Board reviewed the Recyclable Materials Collection Report for the month of December 2001. A copy of the Recycling Report is attached and made a part of these minutes. Robert A. Ford, Assistant Township Manager, noted that during the month of December 2001, 50.07 tons of commingled goods, and 97.65 tons of paper products were recycled, for a total of 147.72 tons of recycled material. The total disposal savings during the month was \$12,214.97 with a cost of \$9,100.00, for a net savings of \$3,114.97. This represents a recycling rate of 20% of the waste collected in the Township for December, with a year-to-date rate of 18%.

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**AUTHORIZE ADVERTISEMENT – BID SPECIFICATION 2002-1 – LIQUID CHLORINE**

On a Motion by Supervisor DeRosa, seconded by Supervisor Zeock (Vote 5-0), the Board authorized the advertisement of Bid Specification 2002-1 for Liquid Chlorine for the Sewer Department.

**AUTHORIZE ADVERTISEMENT – BID SPECIFICATION 2002-2 – SULFUR DIOXIDE**

On a Motion by Supervisor DeRosa, seconded by Supervisor Zeock (Vote 5-0), the Board authorized the advertisement of Bid Specification 2002-2 for Sulfur Dioxide for the Sewer Department.

**CONSIDER AUTHORIZATION TO COMMENCE CONDEMNATION ACTION – ACQUISITION OF EASEMENT – SEWAGE PUMP STATION #3**

Thomas F. Zarko, P.E., Township Engineer, reported that during the field survey work on the design of Sewage Pump Stations #1, 2 and 3 upgrades, it was determined that a portion of the existing Pump Station #3 was located outside of the Authority-owned right-of-way. The station was found to be encroaching on property owned by Andorra Glen Associates. In addition, as part of the improvements for the pump station, the driveway will be extended from Birch Drive, and a portion of that driveway was also found to be outside of the existing right-of-way. In order to accomplish both of these needs, an easement was requested from the property owner. Initially, the property owner indicated an willingness to grant the easement so long as its mortgage company did not object to the granting of the easement.

Ross Weiss, Esq., Township Solicitor, advised that an agreement on the easement was reached with the property owner; however, their mortgage company has not responded. Therefore, it is recommended that the Township initiate a condemnation to obtain the easement.

On a Motion by Supervisor Rimel, seconded by Supervisor DeRosa (Vote 5-0), the Board authorized advertisement of Proposed Ordinance 2002-6 to commence acquisition of the easement from Andorra Glen Associates, L.P. for Sewer Pump Station #3 – Birch Drive.

There was no public comment on these actions.

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**CONSIDER AUTHORIZATION FOR PAYMENT – BUTLER PIKE EMERGENCY SANITARY SEWER REPAIR PROJECT**

On a Motion by Supervisor Zeock, seconded by Supervisor DeRosa (Vote 5-0), the Board authorized payment to Tru-Line Contractors, Inc. in the amount of \$85,853.96, including tow change orders totaling \$22,208.96 for the Butler Pike Pump Station #5 emergency sanitary sewer repair. The Board further authorized Staff to issue an invoice to the Plymouth Crossing Complex property owner for the additional costs (\$15,331.94) associated with the conflict in the sewer easement created by their installation of utility lines on top of the sewer line in the Township's easement.

There was no public comment on these actions.

**CONSIDER PROPOSED ORDINANCE 2002-1 – HISTORIC DISTRICT REGULATIONS**

Robert A. Ford, Assistant Township Manager, reviewed the background of the joint Plymouth/Whitemarsh Historic District and the proposed Ordinance to establish new design and approval procedures for construction in the District. The proposed Ordinance was prepared by the Plymouth Meeting Historical Society and submitted simultaneously to Plymouth and Whitemarsh Townships. Some modifications were recommended and made by the County and Township Planning Commissions. Plymouth Township adopted a similar ordinance in December 2001 for their section of the Historical District and the Township and County Planning Commissions have recommended adoption of the Ordinance.

Gail Momjian of the Plymouth Meeting Historical Society advised that the Pennsylvania Museum Commission has indicated that they will approve the Ordinance if adopted by the Township.

Supervisor DeRosa questioned if the proposed Ordinance is the same as that adopted by Plymouth Township and why the Paone/Spring Mill Estates development on Spring Mill Road was included as part of the Historic District. Ms. Momjian explained that the development which is located on the former Corson properties had been included in the Historic District when it was established in 1971. Supervisor DeRosa asked what the impact of the proposed Ordinance would be on non-historic structures in the district. Ms. Momjian explained that if the structures are located within the boundaries of the district they would have to go to the HAR Board for recommendation for issuance of a certificate of appropriateness.

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Joseph T. Leis, Building and Zoning Officer, explained the process by which applicants for permits for residential and commercial properties located in the Historic District are required to submit their project to the HAR Board. The HAR Board reviews the designs of the structures and makes a recommendation to the Board of Supervisors to either to grant or deny a certificate of appropriateness.

Marc Kaplin, Esq., representing Sal Paone, Inc., developer of the Spring Mill Estate Subdivision, questioned the appropriateness of the ordinance for new construction. He opined that there are several other formats for historic district ordinances that would be more appropriate for this area and which address historical structures only. He noted that there are five building permits before the Board for certificates of appropriateness and that many of the items that were recommended by the HAR Board had to do with "taste".

Ms. Momjian explained that the Spring Mill Estates Subdivision has been under the jurisdiction of the HAR Board since before the home were constructed. Mr. Leis explained why two of the properties in the Spring Mill Estates were not recommended by the HAR Board for certificates of appropriateness based on the pre-construction plans submitted to them. Ms. Momjian also explained that the proposed Ordinance provides guidelines that would eliminate problems such as exist now in the Spring Mill Estates and that the PA Museum Commission has recommended that the Township adopt such an Ordinance.

Suzanne Merinell, a member of the Plymouth Meeting Historical Society, commented that they are looking for the old buildings in the district to be preserved and for the new structures to be in keeping with the nature of the Historic District.

David Contosta, a member of the Plymouth Meeting Historical Society, spoke about "adaptive re-use" and that buildings have successfully used this concept and sees the new construction guidelines to add to the value of the homes.

Cynthia Womelsdorf (1 Marple Lane) questioned how the proposed Ordinance would affect individual homeowners of historic homes in the Historic District. Ms. Momjian and Mr. Leis explained that the proposed Ordinance applies to large renovation projects rather than small projects such as paint color or shutter styles. Mr. Leis also explained that changes to the front of the structure would be more significant than to the back of the structure.

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Supervisor DeRosa asked about a homeowner who would want to change the "look" of the front of their home and whether there would be any difference between the existing Ordinance and the proposed Ordinance. Mr. Leis said that the proposed Ordinance provides more specific guidelines under which the HAR Board can evaluate the proposed improvement.

Ross Weiss, Esq., Township Solicitor, explained that the guidelines provided in the proposed Ordinance are in specific categories and refer to materials, textures, roof shape, etc. He opined that if the proposed Ordinance was adopted and implemented, its effectiveness will be able to be determined. He also explained that the proposed Ordinance provides that if a certificate of appropriateness is not approved by the Board, the specific changes needed to comply with the regulations must be identified in the denial.

Marc Kaplin, Esq. asked about the two homes in Spring Mill Estates whose certificates of appropriateness were not awarded by the Board of Supervisors and stated they were not advised of the decision by the Board.

Thomas Keane (4050 Butler Pike) stated that the members of the Historic Society have a "passion" for history. He said, however, that new construction should be included in the preservation guidelines.

Celine Childs (53 E. Germantown Pike) stated her support for the guidelines contained in the proposed Ordinance.

Ellen Gallagher (101 Ridge Pike) described a reconstruction project of a neighbor's house that would not have been allowed under the guidelines of the proposed Ordinance which she supports.

On a Motion by Supervisor Zeock, seconded by Supervisor Rimel (Vote 5-0), the Board adopted Proposed Ordinance #2002-1 (Ordinance #745) deleting the existing Chapter 10 in the Township Code and replacing it with a new Chapter 10 entitled "Historic District" setting forth new regulations for construction in the Historic District.

There was no further public comment on this action.

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**CONSIDER ACCEPTANCE OF LETTER OF EXTENSION FOR SLD 12-01 – 4 WEDGEWOOD DRIVE SUBDIVISION**

On a Motion by Supervisor DeRosa, seconded by Supervisor Rimel (Vote 5-0), the Board accepted a Letter of Extension for SLD 12-01 – 4 Wedgewood Drive Subdivision, extending the time period within which to take formal action on the land development application for a period of ninety (90) days after receipt of revised plans. If within one (1) year the applicant fails to submit revised plans, the applicant will withdraw the application.

There was no public comment on this action.

**CONSIDER ACCEPTANCE OF LETTER OF EXTENSION FOR SLD 13-99 MILLENNIUM VII LAND DEVELOPMENT**

On a Motion by Supervisor Rimel, seconded by Supervisor DeRosa (Vote 5-0), the Board accepted a Letter of Extension for SLD 13-99 Millennium VII Land Development, extending the time period within which to take formal action on the land development application for a period of ninety (90) days after receipt of revised plans. If within one (1) year the applicant fails to submit revised plans, the applicant will withdraw the application.

There was no public comment on this action.

**CONSIDER ACCEPTANCE OF LETTER OF EXTENSION FOR SLD 8-98 GREENS AT WHITEMARSH**

On a Motion by Supervisor Rimel, seconded by Supervisor DeRosa (Vote 5-0), the Board accepted a Letter of Extension for SLD 8-98 Greens at Whitemarsh, extending the time period within which to take formal action on the land development application for a period of ninety (90) days after receipt of revised plans. If within one (1) year the applicant fails to submit revised plans, the applicant will withdraw the application.

There was no public comment on this action.

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## **CONSIDER ESCROW RELEASES**

A. On a Motion by Supervisor Cornog, seconded by Supervisor DeRosa (Vote 5-0), the Board approved Escrow Release #5, SLD 2)-96 Evergreen Estates of Whitemarsh, in the amount of \$14,584.80 in accordance with the Township Engineer's Report dated January 8, 2002.

There was no public comment on this action.

B. On a Motion by Supervisor DeRosa, seconded by Supervisor Cornog (Vote 5-0), the Board approved Escrow Release #5, SLD 8-00 Quaker Park, in the amount of \$82,157.50 in accordance with the Township Engineer's Report dated January 4, 2002.

There was no public comment on this action.

## **DISCUSSION – PLANNING COMMISSION RECOMMENDATIONS – COLD POINT HISTORIC DISTRICT**

Charles Hough of the Township Planning Commission presented a history and overview of the Cold Point area, noting that it is on the Historic Register and requires preservation by establishing a Cold Point Historic District which is located in both Whitemarsh Township and Plymouth Township.

Gail Momjian of the Plymouth Meeting Historical Society reported that they will be available to assist the Township in this endeavor.

On a Motion by Supervisor Cornog, seconded by Supervisor Zeock (Vote 5-0), the Board directed Township Staff to prepare a draft ordinance and recommendations for boundaries of a Cold Point Historic District.

There was no public comment on this action.

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## **DISCUSSION – PREPARATION OF AN ORDINANCE FOR ESTABLISHMENT OF AN ENVIRONMENTAL ADVISORY COMMITTEE**

Lawrence Gregan reviewed a report prepared for the Board on the State legislation governing the enactment of environmental advisory councils (EACs). He noted that Act 148 of 1973 authorizes a municipality to establish, by ordinance, an EAC and spells out the powers, organization and budgeting/financial procedures. Example ordinances were included in the report. He questioned whether the Board wanted Staff to proceed with the preparation of a draft ordinance.

Steven Brown (4019 Kottler Drive) , speaking on behalf of the Whitemarsh Township Residents Association, encouraged the Board to move forward to establish an EAC for the Township. He also expressed the encouragement of the Pennsylvania Environmental Council, Southeastern Division to enact an EAC ordinance. He further provided some literature from the Pennsylvania Environmental Council on establishing and operating an EAC.

Supervisor DeRosa expressed a concern about the creation of an EAC due to the extra burden on Township Staff. He noted that current ordinances and community groups already bring attention to environmental issues.

Supervisor Cornog opined that an EAC is essential at this time to create and empower an EAC to provide an additional source of information to objectively assess environmental issues.

Celine Childs (53 Germantown Pike) expressed her opinion that the EAC should be created at this time and that it would be as valuable to the Township as the HAR Board for information presented to the Board of Supervisors by another informed group.

Supervisor Zeock commented that an EAC would be devised of people from all over the Township to provide a good diversity of the Township and not just one specific area.

Supervisor Cornog opined that establishing an EAC is consistent with the mandate to incorporate people from the community into the running of the government.

On a Motion by Supervisor Cornog, seconded by Supervisor Zeock (Vote 4-1, Supervisor DeRosa voting nay), the Board directed Township Staff to prepare a draft ordinance for the establishment of an environmental advisory committee.

There was no public comment on this action.

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**CONSIDER APPROVAL - OUTSTANDING VENDER LIST, EXTERNAL CHECKLIST.**

On a Motion by Supervisor Rimel, seconded by Supervisor DeRosa (Vote 5-0), the Board approved the outstanding Vendor Lists dated through January 14, 2002 in the total amount of \$253,495.34.

On a Motion by Supervisor DeRosa, seconded by Supervisor Zeock (Vote 5-0), the Board approved the External Checklists through January 14, 2002 in the amount of \$11,643.80.

There was no public comment on these voucher approvals.

**EXECUTIVE SESSION**

Chairman Younglove announced that the Board had held a brief Executive Meeting prior to the Public Meeting and will continue in Executive Session for the purpose of discussing personnel and/or potential litigation matters.

**PUBLIC COMMENT PERIOD**

Anne Gardner (4137 Presidential Drive) asked about the possibility of providing court stenographers at Planning Commission meetings. Mr. Weiss advised that the Statute requires a municipality to record the meetings of the elected officials but does not require that the Planning Commission meetings be recorded. He also noted, however, that the Township does tape the meetings. Mr. Weiss pointed out that a court stenographer's charge is significant and would be in the range of \$200-\$400 per meeting and could make the process of a meeting more cumbersome. He also noted that unlike a public hearing or a zoning hearing, where the witnesses are sworn, at the Planning Commission meetings they are not sworn in.

**ADJOURNMENT**

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

LAWRENCE J. GREGAN  
Township Manager