

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

JANUARY 3, 2023

The Annual Organizational Meeting of the Whitemarsh Township Board of Supervisors was held on Tuesday, January 3, 2023 at 8:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Fran McCusker, Laura Boyle Nester, Vincent Manuele, Patrice Turenne

Supervisor Absent: Jacy Toll

Also Present: Richard L. Mellor, Jr., Township Manager.

PLEDGE OF ALLEGIANCE

SELECTION OF TEMPORARY POSITIONS

On a Motion by Supervisor Turenne, seconded by Supervisor McCusker (Vote 4-0), Supervisor Manuele was appointed as the Temporary Chair for the Whitemarsh Township Board of Supervisors.

On a Motion by Supervisor Turenne, seconded by Supervisor McCusker (Vote 4-0), Richard L. Mellor, Jr. was appointed as the Temporary Secretary of Whitemarsh Township.

ELECTIONS OF BOARD CHAIR AND VICE-CHAIR

On a Motion by Supervisor Turenne, seconded by Supervisor Nester (Vote 4-0) Supervisor Fran McCusker was elected Chair of the Board of Supervisors for Whitemarsh Township. Supervisor Nester announced that Supervisor Toll was unable to attend tonight's meeting.

On a Motion by Supervisor Turenne, seconded by Supervisor Manuele (Vote 4-0), Supervisor Jacy Toll was elected Vice-Chair of the Board of Supervisors for Whitemarsh Township.

APPOINTMENTS

On a Motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 4-0), Richard L. Mellor, Jr. was appointed Township Manager and Secretary by approving his employment agreement with the Whitemarsh Township.

On a Motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0), Kevin S. Barron was appointed Finance Director and Treasurer of Whitemarsh Township.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0), Kevin S. Barron was appointed Assistant Secretary of Whitemarsh Township.

On a Motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 4-0), Christopher P. Ward was appointed Chief of Police of Whitemarsh Township.

On a Motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0), Charles L. Guttenplan, AICP PP was appointed Zoning Officer of Whitemarsh Township.

On a Motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 4-0), Sean P. Kilkenny of the Law Offices of Sean Kilkenny was appointed Solicitor for Whitemarsh Township.

On a Motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0), Krista Heinrich, PE of Gilmore Associates was appointed Engineer for Whitemarsh Township.

On a Motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 4-0), the following Nominees were appointed to serve on the Vacancy Board for 2023:

- Shari Petrakis (Supervisor Boyle Nester’s Nominee)
- Chris Solecki (Supervisor McCusker’s Nominee)
- John Fitzpatrick (Supervisor Manuele’s Nominee)
- Johanna Wood (Supervisor Turenne’s Nominee)

Various Board, Commission, and Committee Member Reappointments

On a motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 4-0), the Board of Supervisors re-appointed the following individuals to the appropriate Boards and Commissions for the appropriate terms:

NAME	BOARD OR COMMISSION	TERM	TERM ENDING
Elizabeth Shaw Fink	Planning Commission	4 Year	12/31/2026
Christian Fassbender	Shade Tree Commission	5 year	12/31/2027
Kevin Kissling	Parks & Recreation Board	4 year	12/31/2026
Jeanette Quirus	Whitemarsh Authority	5 year	12/31/2026
Diane Smith-Hoban	William Jeanes Memorial Library	3 year	12/31/2025
Tom Higgins	Historical Architectural Review Board	4 year	12/31/2026
Gordon Geasland	Environmental Advisory Board	3 year	12/31/2025
Karen Kabnick	Environmental Advisory Board	3 year	12/31/2025
Christopher Lane	Open Space Committee	3 year	12/31/2025
Beth Howard	Open Space Committee	3 year	12/31/2025

ANNOUNCEMENTS

APPROVAL OF MINUTES

1. December 8, 2022

On a motion by Supervisor Turenne, seconded by Supervisor Nester (Vote3-0, Supervisor Manuele

abstaining) the Board of Supervisors adopted the meeting minutes from December 8, 2022.

PUBLIC HEARINGS

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #11-22 Alliance HP Spring Mill Property, LLC/1100 E. Hector Street, Land Development Waiver

Mr. Guttenplan explained SLD #11-22 is a Land Development Waiver Request for Alliance HP Spring Mill Property, LLC at 1100 E. Hector Street. This proposal involves Outdoor Dining for a proposed new restaurant ('Goat's Beard') which would take the interior space at the corner of E. Hector and Lee Streets, formerly occupied by Zoe's Cafe. The applicant is proposing to provide outdoor dining on a two-level patio/deck on land that is currently an outdoor patio and former loading dock/ access area. The latter will be leveled off with the addition of decking material. There is no change to the building or parking access; existing parking is sufficient to accommodate the proposed restaurant and outdoor seating area, even with full occupancy of the corporate center (although peak parking usage is expected to be at different times resulting in more parking efficiency). Mr. Guttenplan stated the Board approved a Hold Harmless Agreement at its December 8, 2022 meeting to recognize existing features and to allow proposed improvements within the ultimate right-of-way of Lee Street. He explained the Hold Harmless Agreement is needed to effectuate the outdoor dining improvements for this proposal. He said the Planning Commission initially reviewed this proposal at its December 13, 2022 meeting. After the applicant made a brief PowerPoint presentation, the Commission discussed the proposal and its benefits to the area. Several minor clarifications were made and then the members present unanimously voted to recommend approval of the Land Development Waiver, noting that this is exactly the type of use that is needed in this area and that the Township has envisioned in its recent plans.

Bob Careless, attorney for the applicant, introduced his associates Jake Maldonado from Alliance HP and Mike McCory representing 'Goat's Beard' explained the project. Mr. McCory stated he is very familiar with the Township, his grandmother actually worked in the Lee Tire building as did a couple of his uncles. His company has done a lot of commercial leasing in the township over the years.

Kent Purdy, Purdy Architects made a presentation of the proposed restaurant. He showed a site plan of the area, the improvements which will be made to the area and a rendering of the project. There was a discussion about parking on the site both parking spots "grandfathered" and what is needed for parking. Mr. Guttenplan stated there is going to be shared parking because this is a restaurant that will be open at dinner and later; much of the office parking for the Corporate Center will not be in use at that time. Supervisor Nester asked about the hours and was told they would start around 11AM. Supervisor Manuele asked if the parking would be available at all times. Mr. Purdy explained the parking in front is gated until 2PM, the parking is reserved for tenants of the Corporate Center. He stated it is open all the time on weekends. There was a discussion about what type of food will be available.

ORDINANCES

None

RESOLUTIONS

1. **SLD #11-22 Alliance HP Spring Mill Property, LLC/1100 E. Hector Street, Land Development Waiver**

On a motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 4-0), the Board of Supervisors adopted **Resolution #2023-01** granting approval of a Land Development Waiver for SLD #11-22 Alliance HP Spring Mill Property, LLC/1100 E. Hector Street for Outdoor Dining for Proposed New Restaurant.

2. **Annual Emergency Operation Plan Promulgation**

On a motion by Supervisor Turenne, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors **Resolution #2023-02** approving the 2023 Annual Emergency Operation Plan Promulgation.

2. **Establishing Board of Supervisor Meeting Schedule Format**

On a Motion by Supervisor Turenne, seconded by Supervisor Manuele (Vote 4-0), the Board of Supervisors adopted **Resolution #2023-03**, establishing the Board of Supervisor's Meeting schedule and format for 2023.

3. **Establishing Travel and Business Expense Policy**

On a Motion by Supervisor Turenne, seconded by Supervisor Nester (Vote 4-0), the Board of Supervisors adopted **Resolution #2022-04**, establishing the Township Travel and Business Expense Policy for 2023.

4. **Establishing Holidays for Non-Uniformed, Non-Union Township Employees**

On a Motion by Supervisor Turenne, seconded by Supervisor Nester (Vote 4-0), the Board of Supervisors adopted **Resolution #2023-05**, establishing the Township Holiday's for Non-Uniformed, Non-Union Employees in 2023.

MOTIONS

1. **Advertising Ordinance Amendment - Chapter 10 Historic District; Clarify Improvements HARB Review**

Mr. Guttenplan explained the motion is to authorize the advertisement of a public hearing for an ordinance to amend Chapter 10 of the Township Code, "Historic District," to clarify the improvements that must be reviewed by HARB, for which Certificates of Appropriateness are required. He stated there is currently some ambiguity in Chapter 10 concerning what improvements require HARB review and the issuance of Certificates of Appropriateness by the Board of Supervisors. The intent, based on state law, is clearly that only improvements visible from a public right-of-way (road, etc.) require HARB review and the issuance of Certificates of Appropriateness. However, based on some conflicting language in Chapter 10, The Historic District, HARB has been reviewing any exterior improvement or construction on any property in the District; this has included improvements on the rear of homes as well as improvements to properties on private roads (for example, Catherine Lane/Maple Hill development homes). He explained to correct

the ordinance so that only intended improvements are reviewed by HARB, two minor amendments are being proposed, which have been prepared in conjunction with the Solicitor's office. One is a clarification to the definition of 'alteration' to include new construction. The other is amending the provisions governing the issuance of building permit in the historic district where alterations (as would be newly defined), are proposed. This amendment was explained to the HARB members at their December 7, 2022 meeting.

Sydelle Zove (Harts Ridge Road) stated the new definition of "Alteration" introduces a phrase, "original construction," that does not appear in the enabling legislation. That phrase does not appear elsewhere in Chapter 10. Words that do appear in Chapter 10, and which seem to apply to the building of a new structure or element include erection, erect, and construction of new buildings or structures. In Chapter 10, "Erection" is a defined term, as is "Structure." In each of these definitions, elements such as fences and sheds (and much more) are included. She stated her assertion is that the new phrase, "original construction," unnecessarily introduces an undefined term, and therefore undermines your intention. As an alternative, I suggest that the definition of "Alteration" include the word "erection." I think that would achieve your purpose in a simple way. It also would eliminate the need to strike words in 10-9.A. She said a corollary here is that when reviewing the first request for a COA for 15 E. Germantown Pike, HARB supported the removal of the brick addition (the former tailor shop) and the clapboard section (the summer kitchen at the rear) on the basis of these elements not constituting "original construction." I was disappointed by this decision and spoke to it at a subsequent meeting. Ms. Zove explained her other concern focuses on the implementation and application of the phrase "visible from the public way." I agree that those rear decks at Maple Hill hardly warranted HARB's time and consideration (and ultimately, that of the BOS), but all of the homes are visible from Spring Mill Road--a public way--despite the majority fronting onto the private Catherine Lane. I do not know how to ensure that HARB embraces the interpretation that "visible from the public way" should be interpreted literally and apply to entire developments. As I noted, the owner of 12-14 E. Germantown Pike had proposed a townhouse development behind the barn and existing house. The houses would front onto a private lane, but most of the structures would have been entirely visible from Germantown Pike. It is important that we protect the integrity of the historic district, especially now that the Township has a significant investment at Germantown and Butler Pikes.

Chair McCusker asked about the terminology. Mr. Guttenplan explained the terminology is based on the Act primarily and when drafting the document, he and the solicitor were careful to make sure the amendments were more inclusive with the exception of things that would not be seen from the public right-of-way. He explained if something on a private road was visible from a public road it would require HARB review.

On a Motion by Supervisor Turenne, seconded by Supervisor Manuele (Vote 4-0), the Board of Supervisors authorized the advertisement of an ordinance amendment for Chapter 10 Historic District clarifying what improvements require HARB review.

2. Board/Commission Resignation

On a Motion by Supervisor Turenne, seconded by Supervisor Manuele (Vote 4-0), the Board of Supervisors accept the resignation of Steve Ziegler from the Shade Tree Commission and thank him for his 13 years of volunteer service to Whitmarsh Township.

3. Selection of Auditing Services

On a Motion by Supervisor Turenne, seconded by Supervisor Manuele (Vote 4-0), the Board of Supervisors approved Zelenkofske Axelrod LLC to audit the Township Financial Statements for 2022.

4. Selection of Bank Depositories

On a Motion by Supervisor Turenne, seconded by Supervisor Nester (Vote 4-0), the Board of Supervisors approved the selection of Township Depositories for the deposit of Township funds in 2023.

PUBLIC COMMENT

Sydelle Zove (Harts Ridge Road) brought up an issue about the change in HARB meeting times not being reflected on the Plymouth Township website. Said she is confused about the start time.

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 and personnel.

ADJOURNMENT

On a Motion by Supervisor Turenne seconded by Supervisor Nester the Board of Supervisors Annual Organizational Meeting for January 3, 2023 was adjourned at 9:00 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager