

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

MARCH 11, 2021

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, March 11, 2021 at 6:00 PM, a virtual ZOOM meeting, due to COVID-19 pandemic.

Supervisors Present: Laura Boyle Nester, Chair; Fran McCusker, Vice-Chair; Michael Drossner; Vincent Manuele and Jacy Toll.

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Chair Nester spoke about the Whitemarsh Township Police Officer Matthew Stadulis and his dog Zeka and the scary encounter that happened the previous day. She said the Board extends their gratitude that he is physically okay and extend their thoughts and prayers to him and his family and the rest of the Township Police Officers. Chief Ward stated the officer and family are doing well. He spoke about the situation. He stated the support of the Township Manager, Township employees, Township residents and non-residents is greatly appreciated. He stated this is an isolated incident.

Supervisor McCusker announced:

The William Jeanes Library's Teen Formalwear Giveaway begins today and lasts until March 14th. Please visit their website for details.

Spring Cleaning Reminders: Residents receive one bulk pick up item per week and must call ahead to Mascaro to schedule pick up. All mattresses must be wrapped in plastic. The Township has queen-sized mattress bags for sale at the Township Building for \$2.00 each. Residents can reach Mascaro at 1-888-MASCARO.

HMI is planning to start work on March 22nd on Flourtown Road, between Joshua Road and Franklin Way. Flourtown will be closed full time, between Joshua Road and Franklin Way, starting on March 22nd, 2021. The current leg of Joshua Road between Flourtown Road and Stenton Avenue is expected to reopen tomorrow, Friday March 12th.

Proclamation – DCEA PWHS

Mr. Mellor spoke about the DCEA program at Plymouth Whitemarsh High School and the success the students have had over the years. The proclamation recognizes the Plymouth Whitemarsh DECA students who have selflessly and generously participated in community service projects supporting Kisses for Kyle, a non-profit organization that supports families experiencing financial hardships caused by childhood cancer diagnosis and treatment. Several PWHS DECA students spoke about their club, the work they have done and for the recognition from the Board.

Employee Recognition – Retirements

Mr. Mellor stated this is bittersweet that two of our longest serving employees announced their retirement. He spoke about each individually:

Gerry Donohue - Administration

Mr. Mellor stated she has worked for the last 36 years as an employee of Whitemarsh Township. He gave her employment history in the and she will retire from the township as the Front Desk Receptionist. He stated Gerry's her polite and welcoming demeanor has been a constant in Whitemarsh Township. He thanked her for her 36 years of service to the Township and the Community and wished her health and happiness in her retirement.

Gwen Pace – Finance Department

Mr. Mellor stated she has worked for the last 24 years in various positions in the Finance Department. He gave her employment history and spoke about her about her fiscal diligence and her work with FEMA/PEMA to get reimbursed for the work done during a 2010 snowstorm. He spoke about her other achievements in the Finance Department. He stated she has always had the Township's best interest at heart. He thanked her for her exceptional 24 years of service to the Township and the Community and wished her health and happiness in her retirement. Ms. Pace thanked the Township and the Board for their acknowledgement.

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. February 11, 2021

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the February 11, 2021 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. Veterans Monument - Miles Park

Mr. Mellor stated in 2015 the Township signed a Memorandum of Understanding with the Veteran Monument Committee. In it, the Veteran Monument committee would be responsible for the construction of the memorial at the intersection of Germantown Pike and Joshua Road at Miles Park. The Whitemarsh Township sign at Germantown Pike and Joshua Road would or could be moved to the other side of Germantown Pike and the Veteran Monument Committee would work with Green Valley Country Club to allow the Township to have their sign on the country club property on the corner of Germantown Pike and Joshua Road. He stated the Committee has done that and the Township is working with Green Valley Country Club on the details of the easement agreement. The property outside of the monument would be the responsibility of the Township. He explained in January 2021 the plan went back to the Shade Tree Commission because there was concern about the construction impacting two trees. In an agreement with the Committee one of the two trees would remain and they would pay to replace the tree being removed.

Richard Cutler, Veteran Monument Committee, explained the history of committee's organization and the plan. He spoke about the tree removal at the site and a summary of the trees on the site. His summary was they will be replacing 29 trees and he spoke about the safety measures that are being installed.

Representative Mary Jo Daley said the thoughtfulness that was put into the planning of the monument and the different projects some of the high school kids had with collecting living history from the veterans was really moving.

Chip Shephard, Veteran Monument Committee, stated he was tasked to getting students involved in the project. He said the committee reach out to all the local high schools. He spoke about the projects the students did in interviewing the veterans. He said the interviews the students did were videoed and have been submitted to the Library of Congress. He explained the Library of Congress is collecting these for history.

Joe McGrath, Veteran Monument Committee and a veteran, spoke about the committee history. He stated it is a place of reflection and celebration. He stated there are people sacrifice and never wore a uniform, they are the families of the veterans themselves. He thanked everyone for their support.

Deb Hueckeroth thanked for the presentation. She appreciated all the work going into this. She spoke about overdevelopment and the loss of trees and she is glad for the new trees being planted. She said she would like to see native species trees being planted.

Laurie Reilly has concerns about the location. She said she is worried about the intersection and the monument being there.

Darryl Shick spoke about the process and the tree removal. He feels the trees should be saved. He suggested a broader survey be taken to see where the community stands.

Eli Glick (spoke about the history of the monument process and the removal of the trees. He said he feels there needs to be more public input on the monument.

Kelly Jaf (resident) and a veteran spoke in support of the monument.

Sydelle Zove (Harts Ridge Road) spoke about the caliper inches of trees and has the Shade Tree Commission agreed to the replacement calipers. She spoke about the Memorandum of Understanding and the cost of annual maintenance. She spoke about using native trees as replacements.

Esther Reineer supports the monument; however, she doesn't feel the placement will honor the veterans. She spoke about handicap parking.

Pam Paulits (Edmonds Road) in support of the project however she feels the trees need to protection. She supports using native trees as replacements. She spoke about the root protection zone at the site was incorrect.

Linda Doll (Fairway Road) asked about the relocation of the sign. She spoke about the ash trees are healthy. She spoke about the caliper of trees being replaced. She spoke about redesigning the plan.

Walt Hartnett (Gilinger Road) stated he is the Commander of the VFW Post #1074 and an Afghan veteran. Spoke in support of the monument and said it is important to be where people can see it and moving handicapped parking closer to the monument.

Peggy Sloane asked where the holiday decorations will be placed. Mr. Mellor they will be relocated to the old township or possibly with the new sign.

Nancy Breitman spoke in support of the monument but handicapped access is not good. She suggested it be built at Victory Fields.

Karen Kabnick asked if the Board would put a halt to this and put out a survey.

Supervisor Drossner said he understands people have concerns. He said these aren't easy decisions. He spoke about the addition of trees. He said he feels the monument will make the park safer and he feels it is a great opportunity for the children to learn some history. He said it's a decision to do what is best for the township as a whole. He said this has been in the making for 10 years.

Supervisor Manuele said the public opinion is evenly split. He said the monument was made smaller, maintenance of the structure will be on the Monument Committee, the Township's responsibility is for the maintenance of the trees. He said he supports replacing the trees with native species.

Supervisor McCusker spoke about what it would mean to the veterans and how he will remember the veterans and their sacrifices when he passes the monument. He said there needs to be a better job of communication. He said the monument is going to make the corner better and the community can be proud.

Supervisor Toll said she is really excited about the educational opportunity. She said this kind of history is very important. She spoke in support of replacing the trees with native species. She thanked the veterans, and everyone involved.

Chair Nester thanked everyone and said she appreciates how everyone treated each other with their comments. She said she is in support of the monument and it will be a great addition. She said there is a need to be better with communication. She said whatever trees go in, the township needs to be mindful of how the trees go in during construction and ongoing.

2. SLD #05-14; 901 Washington Partners, LP/901 Washington Street - Revised Preliminary Plan

Mr. Guttenplan explained SLD #05-14, Preliminary Land Development Plans for 901 Washington Partners, LP for their proposed 62-unit townhouse development at 901 Washington Street, was discussed at your February 11th meeting and tabled for further consideration. As the result of the applicant amending its plans to provide for dedication of open space, the need for a new waiver resulted, and the need for three other waiver requests. The applicant returned to the Planning Commission for consideration of these four waiver requests. They are all from sections of the Subdivision and Land Development Ordinance (SALDO) and are summarized: to allow the grass strip between the curb and sidewalk on the main east-west 'driveway' to be generally 4' wide instead of 5' (a single 3'-6" pinch-point at Unit 51); to allow sidewalks along the main 'driveways' to be 4' wide instead of 5'; to allow the perpendicular access to the riverfront trail to be 5' wide instead of 10' and not be constructed of red shale macadam as specified in SALDO; and to acknowledge that the open space proposed for dedication would contain more than 25% floodplain, riparian corridor land, and slopes greater than 8%. The Planning Commission passed motions recommending approval of all of the above waiver requests. With respect to the one of the SALDO, the Commission recommended the access to the riverfront trail be widened to 6', which was acceptable to the applicant. The 10% open space dedication which was shown on a sketch at your last meeting; the sidewalk on the south side of 'Driveway B' has also been widened to 4' from the 3' shown previously. He highlighted parts of the new resolution including: Paragraph 5 contains a condition that requires the applicant to return to the Shade Tree Commission for review and recommendation of their most recent landscape plan prior to Final Plan approval; this is because the July 2020 review by the Shade Tree Commission was not of the applicant's most current landscape plan; Paragraph 8 acknowledges that in lieu of a traffic impact fee,

the applicant will improve Washington Street to the Conshohocken boundary with final standards for the improvements to be approved by the Township prior to final plan approval; Paragraph 11 requires that prior to final plan approval, a note be added requiring a Conservation Easement to be placed on the public open space to guarantee that it remains open permanently and that the Homeowner's Association shall maintain it; and all requested waivers, including the four new ones discussed above, are contained in the resolution.

Sarah Peck, for the developer, stated the open space will be done as a Conservation Easement, they are widening the public access path to 6', widened the sidewalk on both the north and south side to 4', HOA will maintain the public access and the buffer trees will be reviewed with the Shade Tree Committee.

Nick Gabrielle (E. Elm Street) asked about the flooding in the area. Ms. Peck said the site is raised 5' from when it was a manufacturing site. She explained the area is a watershed, the water very rarely goes above the existing slab. She said they did hydraulic studies of the area in relation to the floodplain. She said the buildings are built to FEMA standards. Mr. Gabrielle said he is worried about the buildings making his area flood and changing his flood insurance. Ms. Peck it is going to have no impact because the elevation changed.

Sydelle Zove said she has many concerns about the project. She spoke about the width of the public trail from the street to the riverfront trail and about the review done by the township.

Linda Doll stated she believes developers should go along with the codes and rules and regulations established and not get granted waivers.

John Pedesino supported the others about waivers, especially in a floodplain. Flooding should be taken seriously.

Supervisor Manuele stated the pathway to the river was identified later in the process and it was sent back to the Planning Commission where it was discussed at length. He said the applicant offered to put the 10' pathway in but the Planning Commission didn't want additional impervious coverage in the area. He said the Planning Commission recommended it be changed from 5' to 6'.

CONSIDER ACTION ITEMS

Ordinances

None

Resolutions

1. **SLD #05-14; 901 Washington Partners, LP/901 Washington Street - Revised Preliminary Plan**

On a motion by Supervisor Manuele, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2021-12** granting Conditional Preliminary Plan approval for SLD #05-14; 901 Washington Partners, LP/901 Washington Street for the construction of 62 townhomes.

2. **Intergovernmental Resolution - Wissahickon Creek Alternative Total Maximum Daily Load (TMDL) Project**

Mr. Mellor explained Whitemarsh Township continues participating with a partnership of thirteen neighboring communities (the partnership), Wissahickon Trails, and the Montgomery County Planning Commission to improve water quality in the Wissahickon Creek. This intergovernmental agreement is necessary to ensure the long-term implementation of the WQIP on a watershed-wide basis. This IGA is also a necessary component of the final draft of our WQIP. He stated the partnership is working closely with subject matter experts, academic institutions, and legal counsel to solidify plans to implement best management practices and coordinate projects that will reduce stormwater runoff into the Wissahickon Creek. In addition, the partnership will propose several “best management practices” (BMPs) that improve the ecological conditions immediately surrounding the Wissahickon Creek. These include expanding the tree canopy and riparian buffer zones to filter stormwater runoff, recharge groundwater, reduce erosion, and ultimately reduce the level of nutrients entering the creek. The partnership last met with PADEP and EPA on February 26th and is expected to meet again in late April. Once agreed upon with PADEP and EPA, these projects will be carried out in a coordinated fashion to achieve the partnership’s reduction goals over time. This IGA affords the township an opportunity to benefit from an economy of scales to monitor water quality into the future, thereby enabling us to verify the true benefits of the BMPs to the watershed. Finally, the participation affords Whitemarsh Township an opportunity to work with regulatory agencies as a regional body. This is necessary because any efforts made by Whitemarsh Township to improve water quality in the Wissahickon Creek will be heavily affected by the actions of those communities upstream.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2021-13** authorizing the Intergovernmental Agreement for the Wissahickon Creek Alternative Total Maximum Daily Load project.

3. **Department of Conservation and Natural Resources Grant - Phase 2 – Miles Park Improvements**

Mr. Mellor explained this is a request to proceed with a DCNR Park Rehabilitation and Development Grant Application - Phase 2 Miles Park Improvements. The Township completed the successful DCNR Phase 1 Miles Park Improvements in the fall of 2020. The Phase 2 improvements will be a continuation of the Phase 1 project and include upgrading ADA access, stormwater

improvements, and site amenity improvements. The specific area that will be addressed with the Phase 2 improvements is an expansion of the Miles Park Playground and installation of ADA sensory structures, the full rehabilitation of the Miles Park Basketball Courts, the replacement of the Pavilion roof, the addition of ADA picnic tables, and the planting of some shade trees. He stated the Parks and Recreation Department has planned and budgeted for these projects in the Whitemarsh Township Capital Budget three-year program in the amount of \$255,000. He explained the DCNR Grant is due on April 14, 2021. The grant is 50/50 matching grant program. The Township match would not exceed the budgeted \$255,000. As part of the DCNR Grant process, The Township is required to provide a resolution that the Township will match the grant funding in the event the grant is awarded from DCNR by completing a Grant Resolution Page. The grant award announcement would be made by early 2022. The projects would be implemented in late summer/early fall of 2022.

Supervisor Drossner said Phase I was great and he is excited for Phase II.

Esther Reineer asked if the ADA and sensory playground would be fences around them. Ms. Heinrich said it is conceptual at this time and she would bring it up as a suggestion. She spoke about the steepness of the hill. Ms. Heinrich explained this is for upper park. Supervisor Drossner stated you don't have to go up that hill, you can walk the trail around the park. Chair Nester stated the fencing idea and adding signage is something that will be discussed.

John Pedesio said that accessibility is something has been taken seriously in this project. He agreed with the accessibility, fencing and signage.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2021-14** authorizing the submission of a Department of Conservation and Natural Resources Grant for Phase 2 – Miles Park Improvements.

MOTIONS

1. Bid Authorization - Administration and Police Cleaning Contract

Mr. Mellor explained the Township last contracted for cleaning services in 2017. That competitive bid was won by CNS Cleaners, for a twelve-month period which has been continued to present day. He explained Sean Halbom, Assistant Township Manager recently met with other cleaning services and believes through a combination of reduced services and competitive bidding; a new contractor can provide comparable services to the Police and Administrative buildings within our budget. The scope of the bid will cover the administration building three days per week: Monday, Wednesday, and Friday, after normal working hours. The Police Department will require a seven-day cleaning schedule due to the 24/7 nature of their work. The new specifications also add updated requirements for the use of environmentally friendly cleaning products, adherence to an updated checklist, and require the successful bidder to compensate the township for required background checks of staff accessing the police department, should they have a high rate of staff turnover.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized the public bid for cleaning and janitorial services for the administration and police departments.

2. Bid Change Order – 2020 Road Program - Allen Myers, L.P.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approve the change order with Allen Myers, L.P. for the 2020 road program in the amount of \$19,910.15.

3. Board/Commission Appointments

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

Jim Mahoney – Open Space Commission term ending December 31, 2023

4. Escrow Release #3 - Maple Hill/Spring Mill Road

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorize escrow release #3 for Maple Hill/Spring Mill Road in the amount of \$428,277.47.

5. February 2021 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approve expenditures totaling \$1,666,958.29; and payroll totaling \$697,645.35 and pension paid costs totaling \$13,827.38 for February 2021

AMENDED AGENDA

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

6. Allocation of Funds - Shredding Day Donations

Mr. Mellor explained the Annual Spring Shredding Day was held on Saturday, March 6th, 2021 at the Miles Park Lower Parking Lot, from 8am to 12pm. The event was a great success with an estimated 450+ vehicles helping the environment through recycling and protecting their security by shredding personal documents. He stated the Parks and Recreation Department partnered with the Barren Hill Volunteer Fire Company to accomplish a great day. The residents of Whitemarsh were once again very generous in their support of the local organizations, donating \$4,975.00 in day-of donations. He said the Township wishes to express our gratitude to Treasure Sign for once again being

the event sponsor. Our thanks also go out to Jim and Sandy Singrella for volunteering their time to assist with the event, once again. After deducting the event expenses, the organizational split of donations comes out to be \$1,695.62 for the Parks and Recreation Department and \$1,695.63 for the Barren Hill Volunteer Fire Company. Historically the Whitemarsh Township Parks and Recreation Department have forwarded a portion of the funds to the volunteer organization that have assisted with the event. Per our agreement with the volunteer organization, I am recommending that a donation be made to the Barren Hill Volunteer Fire Company, in the amount of \$1,695.63. The Barren Hill Volunteer Fire Company has already received \$25.00 worth of personal check donations that were made payable directly to their organization during the event. Therefore, the donation check request should be for \$1,670.63.

On a motion by Supervisor McCusker seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors allocate \$1,695.63 in donations received from the Spring Shredding Day to Barren Hill Volunteer Fire Company for volunteering their services in coordinating activities on the day of the event.

7. Certificate of Appropriateness - 3144 Spring Mill Road

Mr. Guttenplan explained the Certificate of Appropriateness is for a new inground pool and prefabricated pool house at 3144 Spring Mill Road. He said the at that address was built in 2018. He explained HARB reviewed this application and found the proposed improvements to be compatible with the house and noted it is not visible from the street.

On a motion by Supervisor Drossner seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approve the Certificate of Appropriateness for the installation an inground pool and pool house at 3144 Spring Mill Road.

8. Solicitor Appearance to represent Zoning Officer

Mr. Kilkenny it is a continuation of several hearings of Mr. Guttenplan' s interpretation of a timing issue that occurred during COVID.

On a motion by Supervisor Toll seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorize the Solicitor's appearance at the Zoning Hearing Board to represent the Zoning Officer in the ZHB #2021-02: Pat Sparango, Inc., 318 Whitemarsh Valley Road, Fort Washington.

9. Authorization of the Order and settlement Stipulation between FTP Andorra Glen LP/555 Andorra Glen Court v MONTCO Board of Assessment Appeals

Mr. Mellor stated it is an assessment appeal between the school district and the property owners, and a settlement was agreed to.

On a motion by Supervisor Manuele seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorize the Order and Settlement Stipulation between FTP Andorra Glen LP/ 555 Andorra Glen Court v. MONTCO Board of Assessment Appeals resulting in the decrease in the assessment between 2019-2020 requiring a repayment of \$4,267.49 in Township real estate taxes.

10. Authorization of the Order and settlement Stipulation between Moses/2042 Harts Lane v MONTCO Board of Assessment Appeals

Mr. Mellor stated it is an assessment appeal between the school district and the property owners, and a settlement was agreed to.

On a motion by Supervisor McCusker seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorize the Order and Settlement Stipulation between Moses/2042 Harts Lane v. MONTCO Board of Assessment Appeals resulting in the decrease in the assessment between 2019-2020 requiring a repayment of \$1,658.79 in Township real estate taxes.

11. Board/Commission Appointments

Ms. Kabnick thanked the Board for the appointment.

Debra Harris stated Karen is a member of the Land Stewardship Working Group. She said she has impressed her with her dedication and intelligence.

Eli Glick stated he is happy that Karen has been appointed to the EAB. He said he is glad to have someone with her background on the Board.

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

Karen Kabnick – Environmental Advisory Board term ending December 31, 2022

12. Litigations between J.P. Mascaro and Whitemarsh Township

Mr. Kilkenney said this is authorization to allow his office to enter into litigation with J.P. Mascaro related to the trash collection contract. He said it is not anticipated to affect trash collection at all – it is a contract interpretation on some monetary issues. He said hopefully it can be resolved short of litigation.

On a motion by Supervisor McCusker seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized the Solicitor to initiate litigation in court with J.P. Mascaro involving the Township's Trash Collection contract.

PUBLIC COMMENT PERIOD

Linda Doll spoke about all the new people watching the meetings and learning what is going on in the township. She also spoke about the caliper of trees and she wants the Board to help educate people.

BOARD MEMBER COMMENTS**EXECUTIVE SESSION**

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

ADJOURNMENT

On a Motion by Supervisor McCusker, seconded by Supervisor Drossner the meeting for March 11, 2021 was adjourned at 8:40 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager