

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
August 8, 2019**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday August 8, 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; Sean Kilkenny, Township Solicitor; Krista Heinrich, P.E. Township Engineer

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Recognize the Passing of K-9 'Brock', Whitemarsh Township Police Department

Chief Ward spoke of the history behind acquiring the K9 unit in Whitemarsh. He spoke of the time Officer Matt Stadulis met Brock in 2010 and their inseparable bond that began. K9 Brock was assigned to explosive detection. He stated Officer Brock was presented his badge at a December 2010 Board of Supervisors meeting and he became an official member of the Police Department. He stated Brock became a part of the Stadulis family. He explained in 2014 Brock sustained an injury to his back while working and he retired in the fall of 2015 and was officially adopted by Officer Stadulis and his wife and how Brock became a protector of the Stadulis children when they were born. He spoke about Brock's deteriorating health over the last few months. The Chief said sadly on July 22, 2019 left us and the Stadulis family. He thanked Officer Stadulis and his family for the love and support they gave to Brock. Chair Sterling stated she was on the Board when Brock came on Board and thanked the Police Department and Officer Stadulis and Officer Sweeney for the work with the K9's for the entire community.

New Fire Firefighters for Spring Mill Fire Company and Barren Hill Volunteer Fire Company

Chief Schwartz introduced Barren Hill Fire Companies new firefighter Chris Zuccarelli. FF Zuccarelli was sworn in by the Chair of the Emergency Services Board, John Lukens.

Chief Shoemaker introduced Spring Mill Fire Companies new fire fighter Rob Weber. FF Rob Weber was sworn in by the Chair of the Emergency Services Board, John Lukens.

John Lukens thanked the Board of Supervisors for their support. Chair Sterling thanked both fire companies for keeping the community safe.

Supervisor Grossman announced:

The Fall 2019 edition of Whitemarsh Living will be published in early to mid-October. To reduce the environmental footprint the Township has created an opt-out for the paper copies of the magazine. A

digital copy will be posted on the Township website. Residents can opt-out by either visiting the website or call the main office at (610)825-3535.

Reminder concerning mattress disposals, due to bed bug concerns JP Mascaro requires all mattress and box springs to be covered and sealed in plastic. The Township is providing mattress bags at \$2.00/bag at the Township Building during regular business hours.

School re-opens on September 3rd. The Whitemarsh Police Department is asking residents to keep an eye out for the school buses, school zones and to be particularly careful following Labor Day weekend.

Whitemarsh is rolling Eco-Friendly. Since being installed this past April the three electronic charging stations have kept 600 lbs. of greenhouse emissions out of the atmosphere. The Township is doing its part to fight global warming. She stated the average fill-up cost is \$1.68.

Supervisor Nester stated the Environmental Advisory Board is very active. At their September meeting they will be bringing updates on a variety of different topics.

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. July 11, 2019

On a motion by Supervisor Grossman, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the July 11, 2019 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

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

Mr. Mellor explained after the last Board of Supervisors meeting where the Brixmore plan of the addition and realignment of parking had been introduced, the Board of Supervisors asked the applicant to talk to Montgomery County Planning Commission. Montgomery County is the preliminary planning phase for Ridge Pike widening which includes sidewalks. The Applicant met with Montgomery County and Whitemarsh Township Staff. Montgomery County agreed to build the retaining wall along Ridge Pike and the sidewalks as part of their project. Brixmore agreed to the providing the Right of Way and temporary construction easements.

Brian Conlon, Langan Engineering, gave an overview of the plan and the changes that have been made. He said they are proposing is and 8,900 square foot retail building and a plaza between the new building and Panera Bread. Additionally they are modifying the parking in most of the parking lot areas and installing islands with landscaping. He spoke about the locations of sidewalks, relighting the parking lot and installing three electric charging stations. He stated that employees of the stores in the shopping center will be required to park behind the stores, not in the front parking lots and that it is written into the leases.

Supervisor Drossner asked if that is in force at this time. Marc Kaplan, attorney for the applicant, stated that it would be after the construction has been completed. He said they have stopped the trucks from going behind the stores too early in the morning. Supervisor Drossner asked again if the current leases require employees to park in back and why is it not being enforced now. Mr. Kaplan stated they are waiting until after the parking lot is straightened out. Mr. Conlon stated there will be staging areas behind the building during construction so the employees won't be able to park back there. There was a discussion of the area between the addition and Panera Bread.

Supervisor Grossman asked if the County provided in writing the agreement to install the sidewalks. Mr. Mellor stated they had and he explained further about the meeting. Mr. Kilkenny explained the results of this meeting as it is written in the Resolution. Mr. Mellor explained the County is in the design phase for this section of Ridge Pike. Mr. Kilkenny asked if the Traffic Impact Fee has been decided. Ms. Heinrich stated the amount listed in the resolution is the amount. There was a discussion about the amount of the Traffic Impact Fee. There was a discussion about the Engineer's requirement to obtain a Highway Occupancy Permit from Montgomery County. There was also a discussion about a requirement in the Traffic Engineer's letter.

Linda Doll (Fairway Road) commented on making left-hand turns into the parking lot, not shopping the whole shopping center in one trip and angled parking versus parallel parking. She asked how many parking spaces are being lost with the new building. Mr. Conlon stated there are currently 368 spots and it there will be 346. Ms. Doll stated that is a lot of parking spots to lose. She asked about the detention basin, if it is maintained and who is responsible for it. She was told the owner of the shopping center is maintaining it. There was a discussion about the detention basin.

Denise Nowak (Barren Hill Road) asked about pedestrian traffic getting to the shopping center after crossing at Ridge and Butler Pikes. She asked about a proposed walk ramp that was to be installed. Mr. Kaplan explained the County determined that wasn't feasible. There was a discussion regarding the senior center on Ridge Pike across from the shopping center and sidewalks on the west bound side of the pike. Mr. Mellor stated the plans provided by the County in April show sidewalks on the westbound side of Ridge Pike. She asked who will maintain the sidewalk the county will install. Mr. Mellor explained the county will negotiate with the landowner to determine who will maintain it. Ms. Nowak asked when the developer expects to be complete; she was told approximately 6 months. Her concern is that the Ridge Pike sidewalks won't be complete for 5 – 6 years. She asked if there are employee entrances in the back of the shopping center and she was told there are. She spoke about the sight lines pulling out onto Ridge Pike.

Cheryl Darby (Dechert Road) asked what businesses will be going into the new building. She was told they do not know yet. Spoke about traffic in the area and a heavy congested intersection. She stated with all of the construction and the amount of traffic the township has to look at the quality of living in this area. She spoke about the process of development and she feels the developers are calling the shots. Chair Sterling stated the resolution that will be passed is the one the Township wants, not the developer. Supervisor Drossner and Mr. Kilkenny explained there is a deadline imposed by the Pennsylvania Municipality Planning Code that there is a certain amount of time provided to the township to make a decision.

Elaine Saderio (Ridge Pike) spoke about the amount of traffic and she doesn't see the necessity for another building in the shopping center.

Heidi Meiers (Crescent Avenue) stated back in the 80's/90's the same thing was proposed and it was nixed. She feels that you building for what will occupy. Her other concern is the employees won't park behind the buildings because they aren't now. She asked how it will be enforced. Supervisor Drossner asked Mr. Kaplan how it will be enforced. Bill Grimmel, Brixmore Properties, stated the issue with the deliveries and the size of the trucks was a big problem. He stated they sent letters to all of the companies and they had security guards out there to enforce the regulations. He stated it is in the leases that the property owner can designate where employees park, the reason they aren't telling them to park in the back now is it will be used for staging during construction. She spoke about the amount of traffic in the area.

Eli Glick (Whitefield Drive) stated this is an awful project for Whitmarsh Township. He spoke about lack of greenery. He stated there is no guarantee there will be sidewalks put in by the County. There was a discussion about installing the sidewalks.

Frank Scarpello (Arlingham Road) stated the Township should require the developer to put in the sidewalks. There was a discussion regarding the sidewalks installation.

David Broan (representing the McCarrick's – Lisa Lane) thanked the Board of Supervisors and the developer for working with the McCarrick's.

Bill Totten spoke about losing parking and his thought that the project was to beautify the shopping center. He also spoke about the lack of knowing what is going into the new building.

Supervisor Nester asked what the codes says of what can and what cannot be a business in the shopping center. She was told it is retail use. There was a discussion regarding the type of use.

Cheryl Darby asked if the application for a Use and Occupancy is brought to a public meeting for residents to comment on. It was explained it is a permit. They would only have to come in if it is a variance.

Resolutions

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

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 4-1, Supervisor Nester opposed) the Board of Supervisors adopted **Resolution #2019-17** 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 Whitmarsh Shopping Center.

ACTION ITEMS

Ordinances

Resolutions

Motions

1. Zoning Amendment Removing 11 Conditional Uses from VC-4

Mr. Kilkeny explained the changes to the VC4 were sent to the Planning Commission and came back to the Board of Supervisors. In reviewing the code, the Township has to set the date, time and place by motion and that is what the Board of Supervisors is doing this evening.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized a public hearing be fixed to hear, and if appropriate, enact, an ordinance to amend Section 116-290.B. of the Whitemarsh Township Zoning Ordinance to remove the VC-4 District from the list of districts in which certain uses are permitted by conditional use, said hearing to be held on Thursday, September 12, 2019 at the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA 19444, at 7:00 PM, and that the Township Solicitor and Township staff are authorized to take all actions necessary to advertise, post, and provide notice of the hearing as required by all applicable laws

2. Appointment of Financial Manager - Police Pension Fund

Mr. Mellor explained the Township issued an RFP for the services of the Police Pension Plan Financial Advisor and 8 firms responded. The Township engaged the services of a consultant that reviewed the responses for completeness and prepared a summary of their ability to perform the job and fee structure. A committee was established that included 2 members of the Pension Plan Committee (Rick Stemple and Paul Davis) and 2 Board members (Fran McCusker and Michael Drossner). Nate Crittendon and I also participated on the committee. The committee reviewed the summary document and selected 4 firms that were interviewed (PFM, RBC, Conrad Seigal and Girard/Univest). Following much discussion the committee decided to remain with PFM as their financial advisor. Their strong knowledge of police pensions, professional team of investors, ability to grow the plan which doubled in size over 10 years and customer service were the main reasons. While their fee was slightly higher than the consensus number two firm, RBC, the committee did see the valuable in the service provided by PFM. As a result of this RFP process, the revised fee from PFM is estimated at 0.32%, or \$70,000. In 2018, the pension cost was \$89,000 thus a saving of \$19,000 is realized to the plan. It is the Committees recommendation to continue with PFM as the Police Pension Plan Financial Advisor.

On a motion by Supervisor Drossner, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors appointed PFM as the investment consulting services firm for the Police Pension Plan.

3. Authorization for Public Bid - Trash and Recycling Collection and Disposal Contract

Mr. Mellor explained Whitemarsh Township's current trash and recycling collection and disposal contract will end on December 31, 2019. That contract was for five years with two one-year options both of which were exercised by the Township. The Township will need to advertise a new bid for services beginning on January 1, 2020. It is suggested the following specification be included in that bid: 1. Weekly trash collection and disposal specifications being requested: a three-year service contract with two one-year options, a five-year service contract with two one-year options, a three-year service contract that excludes use of any trash to steam plants, with two one-year options and a five-year service contract that excludes use of any trash to steam plants, with two one-year options. 2. Weekly recycling collection and

processing: a three-year service contract with two one-year options and a five-year service contract with two one-year options.

Eli Glick (Whitefield Drive) stated the current trash hauler is awful and believes everyone would agree with that. He complained about the quality of the trash pick-up. He stated he hopes that whoever the new hauler will be will be able to once again work with Recycle Bank. He stated he hopes the Township does not go with the lowest bid, but the lowest reasonable bid.

Chair Sterling thanked Assistant Manager Sean Halbom for fielding calls, emails and through social media all the complaints from the residents and his work on getting each issue resolved.

M.J. Fisher (Farmer Lane) the trash service has been deplorable and she has been notifying the township. She states she puts her trash out in the morning because of all the wildlife in her area. Chair Sterling thanked her for her comments and that they are all affected by this issue.

Cheryl Darby (Dechert Road) asked if we do get a new hauler – if the township could request trash cans with lids, so trash and recycles don't get blown all over the place.

Denise Nowak (Barren Hill Road) she said her issue is her trash cans will be put in the middle of her driveway and she has to stop in traffic – on a major road- to get out of the car to move the trash can.

Linda Doll (Fairway Road) her issue is when things are picked up things are thrown all over the road. She said the bins are mishandled and damaged by the collectors.

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the public bid for the collection and disposal of trash, recycling and yard waste as the result of our current contract expiring on December 31, 2019.

4. Authorization for an Appraisal - Longfield Farms/Butler Pike

Chair Sterling stated over the last several months the Board has heard the concerns of residents about the overdevelopment in the township. She stated she directed Staff to approach Mr. Karabots and see if he is willing to entertain preserving any or all of his proposed development in the VC4 district for open space. Mr. Karabots counsel and Staff met earlier this week and had a positive discussion. Any acquisition of Mr. Karabots property from the Township's Open Space Fund has to be based on an appraisal as required by the Township Charter and state law. She said it is her hope that the Township can legally acquire the property and save over 10 acres in perpetuity.

Supervisor Nester stated she is very appreciative thanked Chair Sterling and stated this is important to her to have this looked into as an option.

Eli Glick (Whitefield Drive) asked about different properties that were discussed at the Open Space meeting that could be considered for open space. He asked about engaging other agencies like Nature Conservancy or Natural Lands Trust. Mr. Kilkenny stated Mr. Karabots was approached about that and he wasn't interested.

Linda Doll (Fairway Road) asked about the appraisal. She was told that the appraisal is for the fair market value based on the highest and best use. Supervisor Drossner said landowners are traditionally going to get more money from developers.

Denise Nowak (Barren Hill Road) asked how the property is zoned. She was told VC4.

Eli Glick (Whitefield Drive) had a discussion with the Board regarding the appraisal and if the township was going through the motions. Supervisor Drossner explained with Abolition Hall the Township made a good-faith offer to purchase the property and it was rejected. There was a discussion regarding the land and whether a good-faith offer would be accepted.

Denise Nowak (Barren Hill Road) asked how much an appraisal costs and if it will be paid for through the Open Space Fund.

Frank Scarpello (Arlingham Road) asked if the Township is serious about paying what the appraisal comes in. He asked how much is in the Open Space Fund. He was told a little over 6 million. There was discussion about the Open Space Fund.

Bill Totten complimented the Board on this endeavor.

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the appraisal of the property known as Longfield Farm adjacent Butler Pike with frontage along Skippack Pike.

5. Ordinance Advertisement - Prohibiting the Display of Wild Animals

Mr. Mellor explained the attached ordinance was drafted by the Township Solicitor's office 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 Shriner's annual circus. 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; rodeos; 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. Both Department heads reviewed the draft ordinance and had no issues.

Supervisor Grossman spoke of her support of this Ordinance.

Gigi Glendenning (Gwynedd Valley) thanked the Board of Supervisors for doing this Ordinance. She asked for some clarification in the ordinance. There was a discussion of the requested clarifications.

Mary Ann Bessy an animal advocate stated she is thrilled that the Board of Supervisors and taking this into consideration.

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of

Supervisors authorized a public hearing for an ordinance amendment prohibiting the display of wild animals

6. Communication Strategy Proposal - Gailey Murray Communications

Mr. Mellor advised Tom Gailey from Gailey Murray Communications has provided a revised proposal to help staff initiate and implement the recommendations from the communications strategy for \$3,500 per month. This will include an estimated 30 hours per month. He stated the Township retained Gailey Murray Communications to perform a communications assessment focused on improving and growing the communications from the Township both externally and internally. Much of the staff was interviewed to hear their views on how communication occurs and what improvements could be made. The identified several strategies in the attached proposal such as: Weekly newsletter to highlight and promote issues pertaining to the Township; Coordinate social media outlets to promote message to the community; Develop short messages through WTV to post on website and social media; Update website to improve use and ease to find information and Develop a monthly internal newsletter for employees. He stated Tom Gailey and his firm will help develop and implement these strategies through their experience in working with other municipalities. They provide the templates and techniques on how to instruct staff to focus the message to the community. He will also be available in the event his services are required to consult on any communication matter for the Township.

Supervisor McCusker stated he met with Asst. Manager Halbom and Lisa Drayton the Chair of the Media Communications Advisory Board and Ryan Hurley, member of the Board who are professionals in communication and looked over the structure and fees and the members of the Media Board agreed it was very important to do this because you need professionals to build the infrastructure.

Denise Nowak (Barren Hill Road) asked if this was something new. Mr. Mellor stated the current website is undergoing a rebranding and is being updated daily by Assistant Manager Halbom. Supervisor Nester stated having the communication consultant can help to provide real time enhancement of information from not only Whitemarsh but the county and surrounding communities.

Eli Glick (Whitefield Drive) stated he doesn't believe this is the way to go. He believes the Township needs a Director of Communications. Chair Sterling stated that the Township has discussed in the future having someone on staff to do communications. She stated at this time we need to see what happens with the consultant and go from there. Mr. Glick spoke about transmitting large amounts of information that is requested in a Right to Know and his disapproval of having to purchase a flash drive to get the information.

On a motion by Supervisor Grossman, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the communications strategy proposal from Gailey Murray Communications in the amount of \$3,500.00 per month for providing the Township approximately 30 hours a month for the firm's services.

7. Fire Police Appointment - Spring Mill Fire Company

Mr. Mellor explained Breeanna Hallman has submitted a request to become a Fire Police Officer with the Spring Mill Fire Company. The police checked Ms. Hallman's driving record and for prior arrests

and found no problems. The police have spoken with Ms. Hallman and reviewed her application, job requirements, and the legal statutes regarding the duties and authority of a fire police officer. They found Ms. Hallman to be qualified for the position of Fire Police Officer and recommend the Board of Supervisors approve this application and make a positive recommendation to the Board of Supervisors. They believe that Ms. Hallman will be an asset to the Spring Mill Fire Company and the fire police officers that serve Whitemarsh Township.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors approved Breeanna Hallman as a Fire Police officer for Spring Mill Fire Company.

8. Annex to Whitemarsh Township Emergency Operations Plan - Disaster Recovery Plan

Mr. Mellor explained the Disaster Recovery Plan for Whitemarsh Township has been reviewed and accepted by DVTrust and by Montgomery County's Office of Emergency Management. He stated the Disaster Recovery Plan outlines and explains roles for each Township Department, Entity and Government in the event of a major disaster. This plan explains relationships between the Township, County, State and Private Sector in the recovery process. The plan also includes when to activate the plan, Recovery Concepts of Operations for the EOC, Long Term and Short Term Recovery.

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted the Disaster Recovery Plan as an annex to the Whitemarsh Township Emergency Operations Plan.

9. Hold Harmless Agreement - 7225 Sheaff Lane/Konski

Ms. Heinrich explained this is a residential driveway with a split rail fence along the side of it. The applicant is proposing to change the driveway from asphalt to pavers and upgrade the pillars to stone with a wrought iron connection. She stated it is in the same place just upgraded material all located within the ultimate right of way. She stated the Chief of Police looked at the location and has no issues.

On a motion by Supervisor Grossman, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a decorative wall and gate in the ultimate right-of-way at 7225 Sheaff Lane.

10. July 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 \$621,276.03; and payroll totaling \$644,775.51 and pension paid costs totaling \$7,516.78 for July 2019.

PUBLIC COMMENT PERIOD

Linda Doll (Fairway Road) spoke about the Open Space Meeting and her concern that the maintenance fund that exists in the Open Space Fund can only be used to maintain the land purchase with Open Space monies and last year the maintenance fund was only used on the Gambone Tract for cleanup.

She stated the Open Space Committee voted to give 25% of the annual revenue from the EIT which funds the Open Space Fund to the maintenance fund. She asked why the township will continue to pay into the maintenance fund when the funds are not really being used at this time. Chair Sterling stated the money that is in the maintenance fund can still be used to purchase open space.

Bob Sague (Kottler Drive) asked about if the water retention basin on Butler Pike is a lake or a basin. Ms. Heinrich stated at this time it is a temporary sediment basin and when the project is finished it will be converted to a permanent basin that will be dry.

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.

ADJOURNMENT

On a motion by Supervisor Grossman, seconded by Supervisor Nester, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager