

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
May 12, 2016**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday May 12, 2016 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

Supervisors Present: Amy Grossman, Chair; Missy Sterling, Vice Chair; Michael Drossner; Laura Boyle Nester; and James A. Totten

Also present: Richard L. Mellor, Jr., Township Manager; Sean P. Kilkenny, Esquire, Township Solicitor; Charles L. Guttenplan, AICP and James C. Sullivan, P.E., Township Engineer.

PLEDGE OF ALLEGIANCE

Chair Grossman asked the Plymouth Whitemarsh High School seniors who were in attendance at the meeting to lead the Pledge of Allegiance.

ANNOUNCEMENTS

Chair Grossman introduced the newest Whitemarsh Supervisors, Michael Drossner who is in attendance of his first meeting.

Recognition of Police Week 2016 - Whitemarsh Police Department

Resolutions

1. Recognition of National Police Week 2016 - Whitemarsh Police Department

On a motion by Supervisor Drossner, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-13** recognizing May 15th to 21st, 2016 as National Police week in Whitemarsh Township.

Lieutenant Promotions

Chief Ward announced the promotions within the Department. He stated on February 29, 2016 Sgt. Jeffrey Nowak and Sgt. Greg Keenan were promoted to the position of Lieutenant. The Chief gave brief biographical information on each new Lieutenant.

Lt. Jeffery Nowak

Jeff Nowak has been a police officer for 26 years, having been hired by the Whitemarsh Township Police Department in August of 1993, after completing three years of service with the SEPTA Transit Police in Philadelphia. He was promoted to the rank of Sergeant in 2004 and served as a patrol supervisor for eight years. Since 2012, Jeff has been assigned as our Community Policing Sergeant, with responsibilities that include overseeing our Cop Camp Program, our Citizens Police Academy, and our Plymouth Whitemarsh and Germantown Academy Student Coalition.

Jeff is a graduate of the Northwestern University School of Police Staff and Command, Class 326 and the Federal Bureau of Investigations' Law Enforcement Executive Development Seminar in 2014. Lt. Nowak has been assigned as the Patrol Division Commander.

Lt. Greg Keenan

Lt. Greg Keenan has been a police officer in Whitemarsh Township for 20 years. He began his career in Whitemarsh as a patrol officer and was one of the founding members of the department's bicycle unit. Greg was promoted to the rank of Sergeant in 2004 and served as a patrol supervisor for last 12 years. Greg has served on the Accreditation Committee, serving for five years as the Assistant Accreditation Manager and is currently the department's Accreditation Manager. Greg is also responsible for researching, developing and maintaining the department's IT equipment.

Greg is a graduate of the Northwestern University School of Police Staff and Command, Class 326 and the Federal Bureau of Investigations' Law Enforcement Executive Development Seminar in 2014. Lt. Keenan has been assigned as the Administrative Division Commander, overseeing the Detective Division, the Traffic Safety Unit and our Communications Division.

Chair Grossman thanked both Lt. Nowak and Lt. Keenan for their service to the residents of Whitemarsh Township.

Whitemarsh Community Ambulance Association - 60th Anniversary (1956-2016)

The Board of Supervisors presented a plaque commemorating the 60th Anniversary of the association, to member of the Whitemarsh Community Ambulance Association. Chair Grossman thanked the members of the Ambulance Association for their service.

Supervisor Sterling announced:

PECO is beginning tree-trimming in May. Please refer to the township website for homes in proximity of locations where trimming is planned as well as a map of the work areas.

APPROVAL OF MINUTES

1. April 14, 2016

On a motion by Supervisor Sterling, seconded by Supervisor Totten (Vote 4-0-1, Mr. Drossner Abstained) the Board of Supervisors approved the April 14, 2016 meeting minutes.

PUBLIC HEARINGS

BOARD PUBLIC DISCUSSION ITEMS

ACTION ITEMS

Ordinances

None

Resolutions (continued)

2. Resolution of Legislative Support - Amendment to the Sterling Act – Earned Income Tax

Mr. Mellor explained this resolution started with several communities surrounding the city of Philadelphia. The Montgomery County Association of Township Officials, the Bucks County Association of Township Officials which is an umbrella of the state association of township supervisors has started this resolution in an effort for municipalities who have non-residents working in the city of Philadelphia that their EIT, in Whitemarsh it is .75%, be remitted back to the township. The township tax collector Berkheimer reported an approximate amount going to the city from Whitemarsh residents who work in the city. Mr. Mellor stated that it is approximately \$1,892,284.

Dave Kaplan, Andorra Glen Court, spoke in opposition of the resolution.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-14** requesting an amendment to the Sterling Act to require that up to one percent of Philadelphia Wage Tax paid by nonresidents of Philadelphia be remitted to the municipality in which the taxpayer resides

3. Fee Resolution - Administrative Updates

Mr. Mellor explained each year in December the Board approves the fee schedule for the upcoming year. In reviewing the fee schedule, Staff noticed some items were either incorrectly omitted or remained in error. Also, the Board approves the Solicitor appointment and rate at their re-organization meeting in January and hourly rate in the schedule needed to be corrected. There are no changes in fees or the way the way they are being applied. This resolution corrects the fee schedule to properly reflect what is being charged.

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-15** authorizing administrative updates to the 2016 fee schedule

Motions

1. Bid Rejection and Re-bidding - Andorra Creek Streambank Project

Mr. Sullivan explained the review of the qualifications of Out of Site Infrastructure, Inc. A Contractor Responsibility Certification, as required by the Whitemarsh Township Code, has been submitted by Out of Site Infrastructure, Inc. He stated Out of Site Infrastructure, Inc. has defaulted or has had their contract terminated on several projects within the past three years that were listed as completed projects with a similar size and scope as part of the Bidders Qualification Form contained in the project specifications and therefore, has demonstrated that they do not meet the provisions of the Whitemarsh Township Code.

The documentation provided by Out of Site Infrastructure, Inc. has not adequately demonstrated that they participate in a Class A Apprenticeship Program, currently registered with the U. S. Department of Labor and/or the Commonwealth of Pennsylvania for all craft employees in at least one of the trades required to complete the project. Further inquiry was performed to verify that the prospective awardee has the technical qualifications and performance capabilities necessary to successfully perform the contract. Our research has determined that Out of Site Infrastructure, Inc. does not have a sufficient record of reliability and experience to justify the award of a public contract, in accordance with the requirements of the Whitemarsh Township Code. Therefore, we recommend that Out of Site Infrastructure, Inc. should be considered a non-responsible contractor and the Township should not finalize the project award and project contract with Out of Site Infrastructure, Inc.

Mr. Mellor stated there several other bids and they looked at the second bid, they did not meet the responsible contractor criteria and their bid was way out of budget.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors rejected all the bids for Andorra Creek Streambank Project and authorizing the re-bidding of the project

2. March 2016 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors approved expenditures totaling \$670,323.41; payroll totaling \$555,240.04 and pension paid costs totaling \$4,775.16 for March 2016.

PUBLIC COMMENT PERIOD

Le Shephard, Wrightstown Bucks County, former resident of Whitemarsh Township spoke in opposition of the proposed development in Fort Washington, the proposed developments on Spring Mill Road and on Butler Pike.

Mr. Kilkenny advised the audience that the developer on Butler Pike had pulled his application from the Zoning Hearing Board and the Board of Supervisors had authorized the Solicitor to attend the Zoning Hearing Board meeting on their behalf to oppose a possible request for a variance at 4006 Butler Pike.

Chair Grossman stated the Board of Supervisors made an offer to buy the land and to preserve it as open space and the offer was rejected. Supervisor Sterling asked to have the procedure for the offer to purchase open space explained to the residents. Mr. Kilkenny explained the process.

Adam Broch, senior at Plymouth Whitemarsh High School, also spoke of his opposition to the development of Butler Pike.

Peter Mikelson, resident of Lafayette Hill, reiterated what was stated before and spoke of the historical significance of the entire area.

Ray Sellers, resident of Whitemarsh, spoke of the impact to the school system developments make.

Leslie Miller, resident of Whitemarsh, asked at what point do you stop development and that she is saddened by all the development.

BOARD MEMBER COMMENTS

ANNOUNCE EXECUTIVE SESSION

Chair Grossman announced the Board of Supervisors held an Executive Session before the public meeting where the Board discussed litigation.

ADJOURNMENT

On a motion by Supervisor Sterling, seconded by Supervisor Totten, the meeting was adjourned at 8:00 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager