

WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
June 30, 2016

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday June 30, 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; David Sanders, Esquire, Township Solicitor; Charles L. Guttenplan, AICP and James C. Sullivan, Township Engineer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor Sterling announced:

ANNUAL FOURTH OF JULY PARADE

Whitemarsh Township, in partnership with the local chapter of the Lions Club, will be hosting the Annual Fourth of July Parade. The parade route extends down Germantown Pike from Church Road to Miles Park. At the conclusion of the parade at Miles Park, there is live music and a community picnic with free hotdogs and beverages for all. For more information on the 4th of July parade, visit the Township's Parks & Recreation Dept. page.

TRASH & YARD WASTE COLLECTION

In observance of Independence Day, there will be no trash & recycling collection on Monday, July 4th, 2016. Residents whose trash and recyclables are regularly collected on Mondays will be collected on Wednesday, June 6, 2016. Yard waste collection will be moved to Saturday, July 9, 2016. For more information on trash & recycling, please visit the Township website.

AMERICAN RED CROSS BLOOD DRIVE

The Township is hosting an American Red Cross Blood Drive at the Whitemarsh Township Building on Wednesday, July 20 from 9:30 am to 2:30 pm @ the Township Building. For more information on the blood drive and how to sign up, please visit the Township website.

SHEAFF LANE CLOSURE

Sheaff Lane (between Skippack Pike/Rt. 73 and Stenton Ave) will be closed for approximately 8 weeks from June 21, to the end of August. This is a full closure but local residents along Sheaff Lane will have access via Skippack Pike. For more information on this and other road projects in the Township, visit the Township Roads Project page.

MOVIES IN THE PARK

The next 'Movies in the Park' is scheduled for Wednesday, July 13 at Leeland Park showing Hook. Please visit the Township website for more information on this and other recreational programs.

APPROVAL OF MINUTES

1. June 9, 2016

On a motion by Supervisor Sterling, seconded by Supervisor Totten (Vote 5-0) the Board of Supervisors approved the June 9, 2016 meeting minutes.

PUBLIC HEARINGS

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #01-16; DJP Properties, LP/737 Spring Mill Avenue - Conditional Preliminary Plan

Mr. Guttenplan explained the Conditional Preliminary Plan. He stated this is a preliminary plan for 7 single-family attached dwellings at 737 Spring Mill Avenue. The site is located partially in Conshohocken Borough with the majority in Whitemarsh. The property is located in the Riverfront Development District RDD-2 which requires 2,200 square feet per unit. Some zoning relief was also necessary in Conshohocken and it has been granted, but the Borough is deferring to the Township for Land Development approval. The Planning Commission reviewed this plan at their June 14, 2016 meeting. The Commission recommended granting Preliminary Plan approval and granting the requested waivers subject to the applicant satisfying the Shade Tree Commission and the remaining items in the Township Engineer's review letter.

John Adam DiPietro, representing the applicant, spoke of the process and the compromises involved in the project.

Chair Grossman asked about the foliage already in place. Mr. DiPietro stated there will be extensive landscaping and buffering on the site. Supervisor Nester asked if this plan had gone to the Shade Tree Commission. Mr. Guttenplan said it had but they are awaiting final approval from the Shade Tree Commission. There was a discussion about the type of landscaping planned on the site.

2. SLD #03-16; Slawek/Harts Lane - Conditional Preliminary/Final Plan

Mr. Guttenplan explained the Conditional Preliminary/Final Plan. He stated Dr. Slawek owns three lots totaling almost 22 acres. A new lot line is being proposed between 2 lots, such that one lot will be increased in area by approximately 3.4. The resultant lot sizes will be: one will be approximately 12 acres; and the other will be approximately 4.9 acres. A driveway easement is also being proposed on another part of the property not affected by the lot line change, benefitting the smaller lot. Finally, a condition in the resolution requires a waiver from the owners of lots in a subdivision adjoining the original 7-lot subdivision, as well as from two specified individuals, based on a restrictive covenant/deed restriction prohibiting any further subdivision of any of the lots in the original 7-lot subdivision. The Planning Commission recommended approval of the Preliminary/Final Plan as well as the required waivers, subject to the notification and approval of the neighbors who have rights or who are the beneficiaries of the restrictive

covenant to approve the lot line change. There was a discussion regarding the requirement for the neighbor signatures. It was noted if the Board approves this, the subdivision cannot go forth without the proof that the neighbors have signed off on it.

Dave Shula, Land Surveyor representing the applicant, stated Dr. Slawek agrees with the resolution and Mr. Shula stated he agreed with everything presented. Supervisor Nester asked with all that is involved why go through with the subdivision. Mr. Shula stated when the subdivision was proposed the applicant was not aware of the deed restriction.

Steve Kaufmann (Harts Ridge Road) spoke in favor of the change.

Resolutions

1. **SLD #03-16; Slawek/Harts Lane - Conditional Preliminary/Final Plan**

On a motion by Supervisor Drossner, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Resolution #2016 – 20** granting conditional Preliminary/Final Plan approval for SLD#03-16; Slawek/Harts Lane for a 2-lot minor subdivision, lot line change.

2. **SLD #01-16; DJB Properties, LP/737 Spring Mill Avenue - Conditional Preliminary Plan**

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-21** granting conditional Preliminary Plan approval for SLD#01-16; DJB Properties, LP/737 Spring Mill Avenue for the construction of 7 townhouse units split between Whitmarsh Township and Conshohocken Borough.

ACTION ITEMS

Ordinances

1. **Intergovernmental Agreement Ordinance - Plan Development for an Alternative TMDL involving the Wissahickon Creek Watershed Municipalities**

Mr. Mellor explained the Intergovernmental Agreement (IGA) is between the 16 municipalities in the Wissahickon Creek Watershed. Due to the rigid standards set forth by EPA and DEP, the municipalities have decided to partner and develop an alternative plan to address the TMDL issues within the watershed. Montgomery County Planning Commission solicited a Request for Information (RFI) in order to obtain proposals and cost estimates for the alternate TMDL study. The Pennsylvania Environmental Council (PEC) has obtained a \$1.2 million dollar grant from the William Penn Foundation to help the municipalities offset the cost of the study provided we work together. Approximately \$250,000 of the remaining cost would be split up amount the municipalities (\$6,250) as their share in project. The municipalities have been asked to act on the IGA by the end of June 2016.

Linda Doll (Fairway Road) asked for clarification of what is being cleaned up. Mr. Mellor explained the clean-up is about phosphorus levels in the watershed. He said it's about the run-off into the creek and the nutrients in the creek maintaining certain levels. He stated the EPA requirements are unattainable. Mr. Sullivan conquered the requirement is unattainable. Mr. Mellor explained it is due to the Clean Water Act

and the Federal Government attempt to clean up various watersheds. Mr. Sander stated it is an attempt to sustain ecosystems.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Ordinance #967** authorizing the execution of an Intergovernmental Agreement with the 16 municipalities in the Wissahickon Creek Watershed for the development of an alternate TMDL plan to address the requirements set forth by the Environmental Protection Agency (EPA).

2. Ordinance Amendment - Extend No Parking – Germantown Pike adjacent Arbour Boulevard

Mr. Mellor explained this is the result of a complaint received by the Police Department. He explained there are currently no parking signs, but due to sight distance issues, PennDOT and the Township Traffic Safety Unit surveyed the situation. It was recommended the no parking area be expanded on Germantown Pike.

Mr. Fineman a resident of Whitemarsh Woods, stated he is still concerned this change will not eliminate the issues at Germantown Pike and Arbour Boulevard. He said he is speaking for the safety of his neighbors and friends.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Ordinance #968** amending the Whitemarsh Township Code Chapter 111, "Vehicles and Traffic", Article III, "Parking Regulations" to provide a 'No Parking Here to Corner' sign on Germantown Pike at the intersection of Arbour Boulevard.

Resolutions (Continued)

3. PENNDOT Highway Occupancy Permit Resolution

Mr. Mellor explained this is part of the intersection improvements the Township is beginning to undertake and have designed by Mr. Sullivan and his engineering firm, with respect to the Reserve at Creekside development. He explained two of the intersections are at Stenton Avenue and Militia Hill Road, which are offset by one another. As a requirement of the land development there will have to be traffic signals at both of the locations.

Bob Sague (Kottler Drive) asked if it was going to create problems having the two traffic lights like it did at the intersection of Flourtown Road and Butler Pike and Plymouth Road and Butler Pike. Mr. Mellor explained having two traffic lights is warranted by PennDOT.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors adopted **Resolution #2016 – 22** authorizing submission of a PENNDOT Highway Occupancy Permit for a traffic signal at the western intersection of Stenton Avenue and Militia Hill Road.

4. PENNDOT Highway Occupancy Permit Resolution

On a motion by Supervisor Totten, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Resolution #2016 – 23** authorizing submission of a PENNDOT Highway Occupancy Permit for a traffic signal at the eastern intersection of Stenton Avenue and Militia Hill Road.

5. Resolution for PENNDOT Green Light Go Grant

Mr. Mellor explained the Township has been awarded a PENNDOT Green Light Go grant in the amount of \$593,312 to upgrade and widen the intersection at Route 3014 (Joshua Road) and Route 3003 (Stenton Avenue) to provide left turn lanes on all four approaches. This grant will help offset the cost for one of the five intersection improvements included in the Reserve at Creekside project.

Bob Sague (Kottler Drive) asked what will be done with the large white house at the intersection of Joshua Road and Stenton Avenue. Mr. Mellor explained nothing is being done to it.

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2016 – 24** authorizing execution of PENNDOT Green Light Go grant awarded to Whitemarsh Township for intersection improvements at Stenton Avenue and Joshua Road in the amount of \$593,312.

Motions

1. Resignation – Boards and Commission

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors accepted the resignation of Jennifer Thomas from the Shade Tree Commission and acknowledges her 7 years of steady and dedicated volunteer service to the Whitemarsh Township Shade Tree Commission.

2. Ordinance Amendment Advertisement

Mr. Mellor explained at the request of complaints received regarding sight distance issues when pulling out of Marianne Road onto Joshua Road, the Police Department's Traffic Safety Unit did a study of this intersection and concluded that a No Parking Here to Corner on the west side of the roadway from Marianne Road, 230 feet north and 150 feet south be restricted from parking to provide better site distance. There was a discussion regarding overflow parking from Miles Park during events.

Linda Doll (Fairway Road) stated it is very dangerous trying to pull onto Joshua Road from Marianne Road. She stated on Township Day cars are parking on both sides of Marianne Road. There was a discussion about how to resolve the issue.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors authorized advertisement of an ordinance for No Parking on Joshua Road at the intersection of Marianne Road.

3. Escrow Release No. 2 - The Oaks at Lafayette Hill/Cedar Grove Road

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized escrow release #2 for The Oaks at Lafayette Hill/Cedar Grove Road in the amount of \$233,855.28.

4. Labor Counsel Appointment

A motion to appoint the law firm of Clark Hill, PLC as Whitemarsh Township labor counsel, was moved by Supervisor Drossner but had no second to the motion. The motion did not move forward.

On a motion by Supervisor Nester, second by Supervisor Totten (Vote 5-0) the Board of Supervisors appointed appoint the law firm of Obermayer Rebmann Maxwell & Hippel LLP as Whitemarsh Township labor counsel,

5. May 2016 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors approve expenditures totaling \$940,905.71; payroll totaling \$519,916.74 and pension paid costs totaling \$5,172.51 for May 2016.

AMEND AGENDA

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors amended the agenda.

6. Waiver of Damager Rights – 101 Barren Hill Road

Mr. Guttenplan explained the Waiver of Damage Rights is for a new freestanding sign in the ultimate right-of-way of Barren Hill Road, at 101 Barren Hill Road. The sign is being installed to identify the new use which will occupy this site, a self-storage warehouse facility. The Traffic Safety Unit of the Police Department conducted a site visit to review sight distance issues. They found that the sign, at the proposed location, to be acceptable and would not create sight issues on Barren Hill Road.

On a motion by Supervisor Nester, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved a waiver of damage right for a sign in the ultimate right-of-way at 101 Barren Hill Road.

7. Notice of Intent to Award – Andorra Creek Streambank Restoration

Mr. Sullivan stated there was a bid opening, for the re-bidding of the project, and one bid was received, Scott Building Corporation.

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized authorize a notice of intent to award to Scott Building Corporation for a bid amount of \$882,375.98 in conjunction with the Andorra Creek Streambank Restoration Project.

8. Appointment of Plan Review and Building Inspection Services Engineers for the Oaks at Lafayette Hill

Mr. Mellor explained the Township has started to receive building permit applications related to the Oaks at Lafayette Hill. As a result, we would like to retain the services of Remington, Vernick and Beach Engineers, a 3rd party company to perform the plan reviews and building inspections for this project. The Township's Building and Code Enforcement Department consists of two full-time employees who perform inspections. Utilizing the services of a 3rd party to oversee an entire project allows the Department to

continue their focus on the day-to-day plan reviews and inspections throughout the Township without the additional pressures and work load of The Oaks. Remington, Vernick and Beach would provide an inspector that is responsible for plan reviews and building inspections related to The Oaks and they work with the Township Building and Codes Department to keep them informed of the progress and any issues that may arise from the project.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors appointed Remington, Vernick and Beach Engineers to provide plan review and building inspection services for The Oaks at Lafayette Hill project in an amount not to exceed \$211,140.00.

9. Authorization of Solicitor to appear for the Hill at Whitemarsh Appeal

Mr. Sanders explained the Board approved Phase II for the Hill at Whitemarsh in May, with many conditions. Within 30 days of the approval the neighbors, represented by Attorney Mark Daneck, filed an appeal.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the Solicitor to enter his appearance on behalf of the Township in the neighbor's appeal to the Court of Common Pleas of Montgomery County of The Hill's land development approval.

PUBLIC COMMENT PERIOD

Bob Dambman (Flourtown Road) asked if there was any news about the Review Committee Meeting and the Hill's meeting with DCNR, related to the conditions of the approval. Mr. Mellor stated the Review Committee meeting was rescheduled and he has no knowledge of the meeting between the Hill and DCNR.

BOARD MEMBER COMMENTS

Chair Grossman wished the residents a safe and Happy 4th of July.

ANNOUNCE EXECUTIVE SESSION

Chair Grossman announced the Board of Supervisors held an Executive Session before the public meeting where the Board discussed litigation and personnel. The Board of Supervisors will be holding an additional Executive Session after the Public Meeting to discuss personnel.

ADJOURNMENT

On a motion by Supervisor Sterling, seconded by Supervisor Totten, the meeting was adjourned at 8:15 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager

June 30, 2016

