

WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
July 21, 2016

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday July 21, 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; Dave Sander, Esquire, Township Solicitor; Charles L. Guttenplan, AICP and James C. Sullivan, Township Engineer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Chair Grossman announced:

DOUG STANISH EAGLE SCOUT COMMENDATION

As his Eagle Scout project, Doug Stanish laid the initial groundwork for a nature trail within the Gambone Tract Open Space parcel adjacent to Cedar Grove Park. The trail promotes outdoor activities for the Township residents and encourages a greater understanding of environmental education and wildlife. The labor component of this project was completed with volunteers coordinated through Scout Troop, friends, family, and the community. Doug procured supplies including hand tools, rakes, shears, and hand saws, as well as marking paint and ribbon (stakes) for the initial trail through donations. Upon completion of this project, Doug attained the Rank of Eagle Scout at the Eagle Scout Court of Honor on Sunday, July 10, 2016 at St. Mark's Lutheran Church in Conshohocken, PA.

Supervisor Sterling announced:

MOVIES IN THE PARK

The next movie in the park is on Wednesday, July 27 at Miles Park playing STAR WARS: THE FORCE AWAKENS. Movies begin at dusk and are free to the public thanks to the sponsorship of Slawek Orthodontics.

PUBLIC HEARINGS

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors TABLED both public hearings on the agenda.

- 1. Conditional Use #05-16 - 4015 Fairway Road – Installation of front facing roof mounted solar panels**

2. **Conditional Use #06-16 - 107 E. Germantown Pike – Conversion of an existing accessory building into an in-law suite**

APPROVAL OF MINUTES

1. **June 30, 2016**

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the June 30, 2016 meeting minutes.

PUBLIC HEARINGS

BOARD PUBLIC DISCUSSION ITEMS

Mr. Mellor explained the applicant asked to be removed from the agenda.

1. **SLD #12-15; 60 Flourtown Road, LLC/60 Flourtown Road - Conditional Preliminary Plan Construction of a one-story commercial garage**

ACTION ITEMS

Ordinances

1. **Ordinance Amendment - No Parking – Joshua Road adjacent Marianne Road**

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.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Ordinance #969** amending the Whitmarsh Township Code Chapter 111, "Vehicles and Traffic", Article III, "Parking Regulations" to provide a 'No Parking Here to Corner' sign on Joshua Road at the intersection of Marianne Road.

Resolutions

1. **SLD #12-15; 60 Flourtown Road, LLC/60 Flourtown Road - Conditional Preliminary Plan Construction of a one-story commercial garage**

Mr. Mellor explained the applicant asked to be removed from the agenda.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors to **TABLED** SLD#12-15; 60 Flourtown Road, LLC/60 Flourtown Road for the construction of a one-story 8,000 square foot commercial garage.

Motions

1. **Consider Conditional Use #05-16 - 4015 Fairway Road – Installation of front facing roof mounted solar panels**
2. **Conditional Use #06-16 - 107 E. Germantown Pike – Conversion of an existing accessory building into an in-law suite**
3. **Act 511 Tax Audit Discovery Services - Agreement with e-Collect PA, LLC.**

Mr. Mellor explained E-Collect will provide another layer of service by focusing on businesses that are not located in the Township. This is a difficult area to audit, but e-Collect specializes in out-of-State unidentified and delinquent taxpayers.

On a motion by Supervisor Drossner, second by Supervisor Nester (Vote 5-0) the Board of Supervisors accepted the agreement with e-Collect, LLC to perform Act 511 tax audit discovery services for Whitemarsh Township.

4. **Montgomery County Consortium Engagement Letter - Verizon Franchise Renewal with Cohen Law Group**

Mr. Mellor explained Verizon Franchise Agreement is set to expire in December 2018. When we first negotiated with Verizon we did so through the Montgomery County Consortium of Communities. This is a group of Montgomery municipalities that work together to do cooperative projects such as bidding on salt, signs and fuel in order to receive the benefit of lower costs. A cable franchise agreement provides revenue to the Township for the cable provider to place fiber optic wires in the Township's right-of-way. In 2015 Whitemarsh collected \$257,003.23 in Verizon cable fees alone. The Township also negotiated a cable franchise fee grant which is a onetime payment to the municipality. The grant money is unencumbered but Whitemarsh in the past has used it for equipment upgrades to our WTV operation.

The Consortium previously contracted with Cohen Law Group to provide a draft franchise agreement through negotiations with Verizon approximately ten years ago. The Consortium contributed funds in order to help offset the legal fees we incurred. Most of the municipalities franchise agreements are set to expire around the same time so once again the Consortium has reached out to Cohen Law Group to provide legal services in this specialized communications field. The proposal also includes a cable compliance review of the cable operator's past performance and identifies future cable-related community needs. A cable compliance review is a key component of assessing the cable operator's past performance. What can be found are violations on a variety of issues ranging from build-out requirements to franchise fee underpayments to customer service violations. Cohen will investigate to make sure there is compliance.

On a motion by Supervisor Nester, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors authorized the signature of an engagement letter with Montgomery County Consortium and Cohen Law Group to provide their services in renewal of the Verizon Franchise Agreement.

5. **Authorization for Ordinance Advertisement - Re-enact Lost and Stolen Firearms Ordinance**

Mr. Sander explained on June 20, 2016, the Supreme Court of Pennsylvania issued a decision affirming the Commonwealth Court's prior determination that Act 192, which gave standing to third-parties

and national organizations to file a civil action against municipalities for alleged violations of the Uniform Firearms Act, is unconstitutional. The immediate impact of the Court's ruling is to allow the Township to re-enact its ordinance governing lost or stolen firearms. The ordinance would still be able to be challenged by someone who feels that he or she is directly aggrieved by the ordinance, but it would not give the NRA standing to challenge the ordinance, nor would it provide for attorneys' fees and other damages for which Act 192 provided.

Lou Anne Merkel (Township Resident) asked when the police retrieve the lost or stolen guns are they given back to the owners. Mr. Sander explained if the lost or stolen guns are recovered there is a standard operating procedure the police follow.

On a motion by Supervisor Drossner, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors authorized advertisement in order to re-enact the Lost and Stolen Firearms Ordinance.

6. Certificate of Appropriateness - 107 E. Germantown Pike – Carriage house renovations

Mr. Guttenplan explained the Certificate of Appropriateness is for Thomas and Lisa Dunleavy, 107 E. Germantown Pike, Plymouth Meeting. The applicants propose to convert an existing accessory building (formerly used as an office) into an in-law suite. The HARB reviewed this application at their July 13th meeting and unanimously passed a motion recommending the issuance of a Certificate of Appropriateness.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness to permit for renovations to the carriage house 107 East Germantown Pike.

7. Waiver of Damage Rights - 654 Bethlehem Pike; Fence in the Ultimate Right-of-Way

Mr. Guttenplan explained the Waiver of Damage Right is requested by St. Miriam Catholic Apostolic Church (property formerly of Zion Evangelical Lutheran Church) located on property fronting both Church Road and Bethlehem Pike. In order to eliminate traffic from cutting through their property, the Church recently installed gates on the Church Road entries. Due to the geometry of the road and the entry drive, one of the gates encroaches slightly into the ultimate right-of-way of Church Road. The Traffic Safety Unit of the Police Department inspected this gate and entry. Currently, it is one-way into the Church property. However, even if it were to be reversed in the future, the Traffic Safety Unit sees no issue with sight distance.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors approved a waiver of damage right for a fence in the ultimate right-of-way at St. Miriam Church/654 Church Road.

8. Waiver of Damage Rights - 1608 Hallowell Street; Fence in the Ultimate Right-of-Way

Mr. Guttenplan explained the Waiver of Damage Right is requested by the property owner (Steven C. Sansone) of 1608 Hallowell Street, Conshohocken. He is installing a 4-foot high split rail fence within the ultimate right-of-way of Hallowell Street. Given the fence design and property location, there are no sight distance issues associated with this installation. There was a discussion regarding animals on properties.

John Grant (Pilgrim Road) asked if he would be able to have chickens in his yard. Mr. Guttenplan agreed and suggested Mr. Grant contact him.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors approved a waiver of damage right for a fence in the ultimate right-of-way at 1608 Hallowell Street.

9. 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 Matthew Schwartz from the Environmental Advisory Board and acknowledges his many years of steady and dedicated volunteer service to the Whitemarsh Township Environmental Advisory Board.

10. Reserve at Creekside, Stenton Avenue - Escrow Release No. 17

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized escrow release #17 for Reserve at Creekside, Stenton Avenue in the amount of \$51,278.15.

11. Consider June 2016 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Drossner, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors approved expenditures totaling \$793,876.31; payroll totaling \$623,214.22 and pension paid costs totaling \$5,357.00 for June 2016.

AMEND AGENDA

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

Resolutions (Continued)

2. Business ID from PennDOT

Mr. Mellor explained due to Reserve at Creekside intersection improvement designs; it requires the Township to submit for a highway occupancy permit through PENNDOT. They require the Township to submit all plans electronically through their e-Permit system. In order to complete the submission, a PENNDOT business ID number needs to be obtained, requiring the Board to pass a resolution authorizing the Township Manager or Township Engineer sign the necessary documents on behalf of the Board.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-25** authorizing the Township Manager or Township Engineers signature on behalf of the Township in order to obtain a business ID from PENNDOT in order to submit for a highway occupancy permit.

Motions (Continued)

12. Retirement of Finance Director

On a motion by Supervisor Nester, second by Supervisor Sterling (Vote 5-0) the Board of authorized the Chair to accept Mr. Thomas Mullin's letter of retirement and to execute any and all documents related thereto.

13. Authorization of Order and Settlement Stipulation

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the Order and Settlement Stipulation between Colonial School District, Whitemarsh Township and Montgomery County and Edmond R. Shinn and Lauren A. O'Connor, 7032 Lafayette Avenue resulting in the decrease in the assessment of the property.

PUBLIC COMMENT PERIOD

John Grant (Pilgrim Road) spoke about learning about the Whitemarsh Police Department. He suggested instituting "Coffee with a Cop" program. Mr. Mellor explained submitting a Right to Know Request for information he may be looking for.

BOARD MEMBER COMMENTS

Chair Grossman thanked Parks and Recreation Department, Police Department and the Public Works Department for their work on the 4th of July Parade.

ANNOUNCE EXECUTIVE SESSION

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