

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
September 8, 2016**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday September 8, 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

Supervisor Sterling announced:

Touch-A-Truck is scheduled for Saturday, September 17, 2016, from 1 PM to 3 PM at Miles Park. Visitors have the opportunity to get to view a variety of vehicles from the Township Police Department, local fire companies, Whitemarsh Township Public Works Department and many other trucks and vehicles that you see on the road or construction sites every day. This is a FREE event thanks to the sponsorship of JP Mascaro.

The next electronic recycling event will take place on Wednesday, September 28, 2016. Please leave electronics out on the front curb next to the yard waste for the Township PW crew pick up. Do not leave out earlier than Tuesday night. All electronics for collection must be out by 6 AM Wednesday, September 28.

PUBLIC HEARINGS

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

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors opened the Public Hearing to consider the Conditional Use Application #05-16 - McLaughlin/4015 Fairway Road – Installation of front facing roof mounted solar panels.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

David Sander, Solicitor
Courtney Schallhorn, representing Solar City and the applicant

Charles L. Guttenplan, AICP
Bruce Dormuth, Fairway Road

On a motion by Supervisor Drossner, second by Supervisor Nester (Vote 5-0) the Board of Supervisors closed the public hearing.

Motion

1. Conditional Use #05-16 - McLaughlin/4015 Fairway Road

On a motion by Supervisor Nester, second by Supervisor Drossner (Vote 4-1, Supervisor Totten voting no) the Board of Supervisors approved Conditional Use application #05-16 for McLaughlin/4015 Fairway Road for the installation of front facing roof mounted solar panels.

PUBLIC HEARINGS (CONTINUED)

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

On a motion by Supervisor Sterling, seconded by Supervisor Totten (Vote 5-0) the Board of Supervisors opened the Public Hearing to consider the Conditional Use Application #06-16 - Dunleavy/107 E. Germantown Pike – Conversion of an existing accessory building into an in-law suite

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

David Sander, Solicitor
Victor Mitner, Attorney for the applicants
Charles L. Guttenplan, AICP
Thomas Dunleavy, applicant

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors closed the public hearing.

Motions (continued)

2. Conditional Use #06-16 - Dunleavy/107 E. Germantown Pike

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved Conditional Use application #06-16 for Dunleavy/107 E. Germantown Pike for the conversion of an existing accessory building into an in-law suite.

PUBLIC HEARINGS (CONTINUED)

3. Conditional Use #07-16 - Peskin/450 Germantown Pike – Candy/Retail store in the VC-1 District

On a motion by Supervisor Nester, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors opened the Public Hearing to consider the Conditional Use Application #07-16 - Peskin/450 Germantown Pike – Candy/Retail store in the VC-1 District.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

David Sander, Solicitor
 Ed Hughes, Attorney for the applicant
 Charles L. Guttenplan, AICP
 Jody Peskin, Applicant

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

Motions (continued)

3. Conditional Use #07-16 - Peskin/450 Germantown Pike

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved Conditional Use application #07-16 for Peskin/450 Germantown Pike for a candy/retail store in the VC-1 District.

PUBLIC HEARINGS (CONTINUED)

4. Conditional Use #08-16 - Harvest Moon, Inc./472 Germantown Pike – Nail Salon/Personal Services in the VC-1 District

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors opened the Public Hearing to consider the Conditional Use Application #08-16 - Harvest Moon, Inc./472 Germantown Pike – Nail Salon/Personal Services in the VC-1 District.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

David Sander, Solicitor
 Zen Jin, Attorney for the Applicant
 Charles L. Guttenplan, AICP

Tim Dran, Applicant

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

Motions (continued)

4. Conditional Use #08-16 - Harvest Moon, Inc./472 Germantown Pike

On a motion by Supervisor Nester, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors approved Conditional Use application #08-16 for Harvest Moon, Inc./472 Germantown Pike for a nail salon/personal services use in the VC-1 District including the use of non-toluene chemicals.

PUBLIC HEARINGS (CONTINUED)

5. Conditional Use #04-16 - Nolen/505A Germantown Pike - Townhouses (9) in VC-1 District

On a motion by Supervisor Nester, seconded by Supervisor Totten (Vote 5-0) the Board of Supervisors opened the Public Hearing to consider the Conditional Use Application #04-16 - Nolen/505A Germantown Pike - Townhouses (9) in VC-1 District.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

David Sander, Solicitor
 Marc Jonas, Attorney for the applicant
 Estelle Eberhart, Engineer for the applicant
 Guy DiMartino, Traffic Engineer for the applicant
 Jack Barberry, Representative for the applicant
 Josh Chapman, 509 Germantown Pike
 Suzanne Ryan, 4011 Westaway Drive
 Justin Cadwell, 4025 Kottler Drive
 Cathy Peduzzi, 3053 Kerper Road
 Laura Capece, 4019 Kottler Drive
 Jim Mahoney, 4016 Westaway Drive
 Charles L. Guttenplan, AICP

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

Motions (Continued)

5. Conditional Use #04-16 - Nolen/505A Germantown Pike

There was a discussion regarding what the Supervisors were actually voting on; the Conditional Use of Townhomes in the VC district. Mr. Guttenplan clarified the Zoning Law height limitations for townhomes in a VC district are 3 stories and 42' in height.

The Board of Supervisors chose to caucus to deliberate and returned to render their action.

Mr. Sander explained the Board has deliberated and has chosen not to take action on the application this evening. He explained the Board has 45 days to render its decision and the Board may make a determination at the September 22, 2016 Board of Supervisors Public Meeting.

Mr. Jonas argued against the delay.

APPROVAL OF MINUTES

1. July 21 and 28, 2016

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the July 21 and 28, 2016 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #08-16 Veterans Home Association of Whitemarsh Valley/493 S. Bethlehem Pike; Land Development Waiver

Mr. Guttenplan explained SLD#08-16, is a Land Development Waiver Request for the Veterans Home Association of Whitemarsh Valley PA for the American Legion Post 10 building at 493 S. Bethlehem Pike (Fort Washington) for modifications and expansion to the existing building and parking lot modifications. Plans are to remove poorly constructed additions to the main existing building and add additions totaling approximately 3,000 square feet. One addition is proposed to be a fitness center; the emphasis, in general, is to have a facility attractive to recently returned veterans and assist in their transition to civilian life. Mr. Sullivan has recommended in favor of the waiver conditioned upon the applicant securing an Earth Disturbance Permit and the applicant has already submitted an application for this permit. The Planning Commission reviewed this plan at their July 26, 2016 meeting. The Commission unanimously recommended approval of the requested Waiver of Land Development.

Wesley Craig, Retired Army Major General spoke on behalf of American Legion Post 10. He explained the plans for the Post. The Board thanked the American Legion for their work.

Resolutions

1. SLD #08-16 Veterans Home Association of Whitemarsh Valley/493 S. Bethlehem Pike; Land Development Waiver

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-26** granting a waiver of land development for SLD#08-16; Veterans Home Association of Whitemarsh Valley/493 S. Bethlehem Pike to modify and expand the existing building and parking area.

2. SLD #05-16; Mastroni/735 Bethlehem Pike – Conditional Preliminary Plan

Mr. Guttenplan explained the SLD#05-16, application of Frank J. Mastroni, Jr., Preliminary Land Development Plans is for his property at 735 Bethlehem Pike, Flourtown. (This is the former 'Rusty Schooner' property.) It is in sub-district 3 of the Village Commercial District (VC-3). The applicant has razed the existing building and proposes to construct a new mixed use building with a footprint of 3750 square feet; a second floor of 2100 square feet is proposed with two apartments. The first floor is anticipated to be a mix of offices and possibly a retail use. The Planning Commission reviewed this plan at their July 26, 2016 meeting. After some discussion and clarifications about lighting, traffic/circulation and buffering, the Commission unanimously recommended approval of the requested waivers and in a separate motion, unanimously recommended approval of the Preliminary Plan.

Resolutions (continued)

2. SLD #05-16; Mastroni/735 Bethlehem Pike – Conditional Preliminary Plan

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-27** granting conditional preliminary plan for SLD #12-16; Mastroni/735 Bethlehem Pike for a new mixed use building at the former Rusty Schooner site.

3. SLD #07-16 Guie/3142 Spring Mill Road - Conditional Preliminary/Final Plan

John Zurloa, attorney representing the applicant, handed out revised plans for the subdivision. He explained SLD#07-16, is a Minor Subdivision Plan for Edwin and Deborah Guie, 3142 Spring Mill Road (located at, and just below the Y-intersection of Spring Mill Road with Butler Pike). There are currently 2 lots, one each with a mixed use building with Mr. Guie's insurance office on the first floor and a second floor apartment, and the second lot with the Guies' home located on it (farther down Spring Mill Road). He stated the Planning Commission reviewed this plan at their July 26, 2016 meeting and unanimously recommended approval of the requested waivers and approval of the Preliminary/Final Plan.

Dennis O'Neill, engineer for the applicant, explained the proposal is to create three lots; the proposed lot between the two existing buildings would be vacant and would be available for development of a single-family home (not being proposed at this time). The tract is split zoned VC-2 and A — Residential. The proposed vacant lot (Lot 2) is primarily A — Residential; there is adequate area for development of a future home on the A — Residential portion of this lot

Resolutions (continued)

3. SLD #07-16 Guie/3142 Spring Mill Road - Conditional Preliminary/Final Plan

On a motion by Supervisor Sterling, seconded by Supervisor Totten (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-28** granting conditional preliminary/final plan for SLD #07-16; Guie/3142 Spring Mill Road for a minor 3-lot subdivision.

ACTION ITEMS

Ordinances

None

Resolutions (continued)

4. Sewer Facilities Planning Module - Squires Ridge/Atria Development – Ridge Pike

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors **tabled** the resolution for the sewer facilities planning modular for Squires Ridge/Atria Development on Ridge Pike.

5. 2017 Minimum Municipal Obligation (MMO) Police and Non-uniformed Pension Plans

Mr. Mellor explained Act 205 requires the Township to submit a 2017 budget for the Police and Non-Uniformed Employee pension plans by September 30, 2016. The required contribution amount is known as the Minimum Municipal Contribution (MMO) as determined by the Plan Actuary based in part on the Act 205 Actuarial Valuation Report dated January 1, 2015. The Police Pension Plan is a Defined Benefit Plan subject to the provisions of Act 600. The current Police labor contract requires a 5% officer contribution on applicable employee compensation. The Officer contributions projected at \$192,604 are applied to the Total Police Pension Plan Financial Requirement \$1,051,867 to arrive at the Township MMO of \$859,263. The Non- Uniform Employee Plan is a Defined Contribution Plan where the Township matches employee contributions up to 6% of compensation. The Total Financial Requirement for the Employee Pension Plan of \$285,571 includes Normal Costs of \$215,571 based on 6% of compensation plus a \$70,000 provision for administrative expenses. The combined MMO for the Police Pension Plan \$859,263 and Non-Uniformed Employee Plan \$285,571 total \$1,144,834. The combined MMO for 2016 was \$1,096,957.

On a motion by Supervisor Sterling, seconded by Supervisor Totten (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-29** approving the 2017 Minimum Municipal Obligation for the Police and Non-uniformed pension plans in the combined amount of \$1,144,834.

6. Staff Liaison for Confidentiality Tax Documents - Berkheimer and Director of Finance

Mr. Mellor explained Berkheimer recommended that the Township update the previous resolution to specify the authorized position instead of naming a particular individual. By designating a position, the Township would then advise Berkheimer of any changes to the person assigned to the position.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-30** authorizing the position of Finance Director as the staff liaison for confidential tax information received from our Act 32 tax collector, Berkheimer.

Motions (Continued)

6. Waiver of Damage Right 1416 Harry Street

Mr. Guttenplan explained Waiver of Damage Right on your agenda for two lamp posts in the ultimate right-of-way of Harry Street, at 1416 Harry Street. The lamp posts would be located adjacent to each leg of the driveway and are located three feet behind the curb (see attached plan), posing no sight distance issues.

On a motion by Supervisor Nester, second by Supervisor Totten (Vote 5-0) the Board of Supervisors approved a waiver of damage right for two lamp posts in the ultimate right-of-way at 1416 Harry Street.

7. Advertisement of Ordinance Amendment - Reserved Handicap Parking

Mr. Mellor explained an employee at 1000 East Hector Street, East West Label Company, contacted the Traffic Safety Unit for a sign request. The request was for the installation of a handicap parking space in front of or close to his place of work on East Hector Street. The Traffic Safety Unit is recommending the approval of Reserved Parking for a handicap parking space on Lime Street at the corner of East Hector Street. This reserved parking space will be open to anyone who has a handicap placard on their vehicle.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the advertisement for a Reserved Handicap Parking Ordinance Amendment along the north side of the 1000 block of E. Hector Street.

8. Escrow Release No. 2; 4005 Center Avenue

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized escrow release #2 for 4005 Center Avenue in the amount of \$3,447.50.

9. Escrow Release No. 3; The Oaks at Lafayette Hill/Cedar Grove Road

On a motion by Supervisor Totten, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors authorized escrow release #3 for The Oaks at Lafayette Hill/Cedar Grove Road in the amount of \$142,837.65.

10. Escrow Release No. 18; Reserve at Creekside; Stenton Avenue

On a motion by Supervisor Totten, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized escrow release #18 for Reserve at Creekside, Stenton Avenue in the amount of \$18,168.75.

11. July 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 approved expenditures totaling \$927,868.51; payroll totaling \$1,008,564.39 and pension paid costs totaling \$8,403.25 for July 2016.

AMEND AGENDA

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

12. Tax Assessment Appeal Settlement

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized the Order and Settlement Stipulation between Colonial School District and Vandegrift, 711 Hunt Lane resulting in the increase in the assessment of the property.

PUBLIC COMMENT PERIOD**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 9:45 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager