

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
June 27, 2013**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday June 27, 2013 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

Supervisors Present: Robert R. Hart, Chair; Melissa Sterling, Vice-Chair; Sara J. Erlbaum; and Cathy Peduzzi

Supervisors Absent: Amy Grossman

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 and MOMENT OF SILENCE FOR ARMED FORCES AND VETERANS

ANNOUNCEMENTS

Supervisor Erlbaum announced:

2013 Summer Entertainment Series continues this Friday evenings with a free concert at Miles Park. The concert will be performed in the pavilion starting at 7 PM.

4th of July Parade, if residents wish to participate the deadline for entries is tomorrow June 28. Check the township website for more information.

Montgomery County is hosting an electronics disposal collection program on Saturday, June 29 at Montgomery County Community College from 9AM to 3PM.

HATFIELD AMERICAN LEGION POST 933 is presenting The Vietnam Moving Wall, which is a tribute to our Vietnam Veterans. It will be appearing at the Post from June 27 – July

1. Check out their website at: www.Southeasternpamovingwall.com

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. June 13, 2013

On a motion by Supervisor Peduzzi, seconded by Supervisor Sterling (Vote 4-0) the Board of Supervisors approved the June 13, 2013 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. Zoning Hearing Board Application #2013-10; T-Mobile Northeast, LLC; 200 Center Street

Mr. Guttenplan explained, the applicants propose to install a new 130-foot monopole on Center Street. The property is a 0.55-acre parcel owned by Sundafu Recycling, Inc. The facility would replace the Applicants' installations on the water tower located at 1101 E. Hector Street, which is proposed to be decommissioned and dismantled as part of the development of 'The Courts at Spring Mill Station'.

Nicholas Cuce, Jr., attorney for the co-applicants T-Mobile Northeast, LLC and Sprint described the location of the carrier's antennas on the monopole. The monopole is proposed to be located within a 2500- square foot fenced compound, which will also contain 9 equipment cabinets, 5 for T-Mobile and 4 for Sprint. Bill Gilmore, Engineer for the project explained the plan in more detail.

Chair Hart thanked the gentlemen for their presentation and stated the Board of Supervisors choose to remain neutral on the application.

Ruth Hoang, Vice President of Development for Home Properties, spoke in support of the relocation of the antennas, so the developer will now be able to dismantle the water tower.

CONSIDER ACTION ITEMS

Ordinances

1. Chapter 111, Vehicles and Traffic Ordinance Amendment: Reserved Handicap Parking

Mr. Mellor explained; a resident of Hector Street contacted the Traffic Safety Unit to request the installation of a sign for a handicap parking space in front of or close to his residence on Hector Street. The resident understands only vehicles with handicap placards will be allowed to utilize this parking space. This reserved parking space will be open to anyone who has a handicap placard on their vehicle. Additionally during review of the ordinance it was noticed there existed another handicap space approximately 100 yards down Hector Street. It was determined the individual who requested that space has since moved from the area. This ordinance will repeal the first handicapped space and authorizing the space at 732 Hector Street.

On a motion by Supervisor Peduzzi, second by Supervisor Erlbaum (Vote 5-0), the Board of Supervisors adopted **Ordinance # 928** amending the Whitmarsh Township Code Chapter 111, Vehicles and Traffic by providing the appropriate reserved parking in the vicinity of Hector Street.

2. Chapter 111, Vehicles and Traffic Ordinance Amendment: Stop Intersection

Mr. Mellor explained the Police Department Safety Unit received a request for a stop sign at the intersection of Redwood Road and Twynnewood Road. The Traffic Safety Unit did a survey and recommended a stop sign be installed at the intersection.

On a motion by Supervisor Erlbaum, second by Supervisor Sterling (Vote 5-0), the Board of Supervisors adopted **Ordinance # 929** amending the Whitmarsh Township Code Chapter 111, Vehicles and Traffic by providing stop intersections in the vicinity of Redwood Road and Twynnewood Road.

Resolutions

1. Authorizing Grant Submission - Act 13 Watershed Restoration and Protection Program

Mr. Sullivan explained the resolution is to approve the application for a DCED grant to assist with the restoration of the stream bank along Andorra Creek. He stated the requested amount of the grant is \$300,000. The matching funds would come from the escrow received from the Reserve at Lafayette Hill. Chair Hart asked when the DCED funds would be available; Mr. Sullivan explained it will hopefully be available this fall.

Supervisor Erlbaum recused herself.

On a motion by Supervisor Sterling, second by Supervisor Peduzzi (Vote 3-0-1, Supervisor Erlbaum recused), the Board of Supervisors adopted **Resolution #2013-28** authorizing submission of Act 13 Watershed Restoration and Protection Program grant application for the Andorra Creek Floodplain Restoration Project.

MOTIONS

1. Consider Issuance of a RFQ, Compliance Auditing Services

Mr. Mellor explained the Township's appointed auditors; McGladrey and Company performs annual audits of area businesses. McGladrey is the accounting firm for several of the companies being reviewed. Therefore, the Township needs a compliance audit service for those companies represented by McGladrey.

On a motion by Supervisor Erlbaum, second by Supervisor Sterling (Vote 4-0), the Board of Supervisors authorized the issuance of a RFQ for the Township's compliance auditing services.

2. Escrow Release No. 5; \$522,742.56, Germantown Academy; 340 Morris Road

Mr. Sullivan explained this is Escrow Release #5 for Germantown Academy. He stated the project is complete and this is the release of the remainder of funds in escrow.

On a motion by Supervisor Sterling, second by Supervisor Peduzzi (Vote 4-0), the Board of Supervisors authorize the escrow release for 340 Morris Road, Germantown Academy in the amount of \$522,742.56

3. May 2013 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Peduzzi, second by Supervisor Sterling (Vote 4-0), the Board of Supervisors approved expenditures totaling \$744,234.31; payroll totaling \$554,583.69 and pension paid costs totaling \$4,331.43 for May 2013.

AMEND AGENDA

On a motion by Supervisor Erlbaum, second by Supervisor Sterling (Vote 4-0) the Board of Supervisors amended the agenda to add action items.

4. Ecount Inc. Litigation

Mr. Kilkenny explained McGladrey LLP, the Township's auditor, conducted an audit of Ecount's business tax returns, but was unsuccessful in obtaining documentation from the company to support the company's returns. Correspondence from the Solicitor's office was likewise unsuccessful in getting a response. Consequently, the auditor prepared a jeopardy assessment, which was provided to the company by the Thomas M. Mullin, Finance Director by letter dated February 6, 2013. The company did not, despite having been advised of its rights, submit a petition for reassessment by the deadline of May 7. Given the company's track record of non-cooperation, and its failure to challenge the assessment, it is recommended the Board approve the filing of a complaint for collection of the outstanding taxes, in the amount of \$101,019, for Business Privilege Taxes and Occupational Privilege/Local Services Taxes, for tax years 2007 through 2011.

On a motion by Supervisor Erlbaum, second by Supervisor Sterling (Vote 4-0), the Board of Supervisors approved the initiation of litigation against Ecount Inc, 555 North Lane, for delinquent business and occupational privilege taxes.

PUBLIC COMMENT PERIOD

None

BOARD MEMBER COMMENTS

Chair Hart invited all to the 4th of July Parade next week.

ANNOUNCE EXECUTIVE SESSION

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

ADJOURNMENT

On a Motion by Supervisor Peduzzi, seconded by Supervisor Sterling, the meeting was adjourned at 7:30PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager