

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS  
PUBLIC MEETING MINUTES  
February 22, 2018**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday February 22, 2018 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 Fran McCusker

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

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS**

Supervisor Sterling announced:

The Whitemarsh Township Parks & Recreation Department is currently accepting applications for summer camp positions, including CIT's (Counselors in Training), Support Staff, Camp Counselors and Camp Supervisors. Interested applicants should visit the Parks & Recreation page of the Township for more information. Deadline to apply is Feb. 23.

Next shredding day is Saturday, March 10, from 10 am to Noon or until the trucks are full, whichever comes first. This is a free event for the residents of Whitemarsh, thanks to the sponsorship of Horizon Waste Services. Donations are accepted and appreciated for participating in this event! Contributions will benefit Spring Mill Fire Company and the Township Parks & Recreation Department.

Please save the date for the 2018 Township Day, which is Saturday, April 28 from Noon to 5 pm. Please note that this year's Township Day will be held at Victory Fields due to scheduled construction at Miles Park. If anyone is interested in becoming a sponsor for Township Day, please visit the Township website for more information.

**PUBLIC HEARINGS**

**1. Zoning Text Amendment in the AD – Attached Dwelling District**

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors opened the Public Hearing to amend the Whitemarsh Township Code Chapter 116, "Zoning", Article IV, "General Regulations" providing additional provisions for the zero lot line single family detached dwellings for the purpose of providing for decks or similar structures in the rear yards.

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:

Jennifer L. Prior, Solicitor  
 Charles L. Guttenplan, AICP  
 John Iannozzi, Esquire for Sal Paone Builders  
 Sal Paone, Jr., Sal Paone Builders

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

## **Ordinances**

### **1. Consider Zoning Text Amendment in the AD – Attached Dwelling District**

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted adopt **Ordinance #984** amending the Whitmarsh Township Code Chapter 116, “Zoning”, Article IV, “General Regulations” providing additional provisions for the zero lot line single family detached dwellings for the purpose of providing for decks or similar structures in the rear yards.

## **APPROVAL OF MINUTES**

### **1. January 25, 2018**

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the January 25, 2018 meeting minutes.

## **BOARD PUBLIC DISCUSSION ITEMS**

None

## **ACTION ITEMS**

## **Resolutions**

### **2. Montco 2040 Grant Resolution - Wells Street Parking Expansion**

E.J. Lee, Assistant Township Manager stated the Township has been in communication with Militia Hill Securities for a shared parking initiative at the site known as the Gambone Open Space, which sits adjacent to Militia Hill Securities. The parking lot currently consists of 3 public parking spaces and zero private parking spaces. After the Township underwent a year-long study to create a natural area stewardship plan, one of the recommendations in the plan consisted of an internal trail within the open space to connect to the existing sidewalks and multi-use trail that connect this open space with other Township, County and regional parks and trails systems. In early 2018, the Township and Militia Hill Securities came to an agreement for the reconstruction of a shared parking lot where it would help Militia Hill to be in compliance with the Township's parking space requirement of 14 parking spaces during

business hours, while also providing the trail and open space users with an improved 24 parking spaces during non-business hours. This private-public partnership will be a benefit to the local business as well to the general public.

The cost estimate for the construction portion of this project is \$82,145 that will be split 60% Township — 40% Militia Hill. The Township has already included \$54,000 in the 3-Year Capital Budget to have sufficient funds to cover the costs of this project.

Ms. Lee said in January of 2018, Montgomery County announced a new round of grant funds available through the Montco 2040 Implementation Grant Program to fund projects that are in line with the County's Comprehensive Plan. The Township is looking to seek funds to offset some of the costs of the construction by applying for the County's 2040 Implementation Grant Program. The grant covers up to 80% of the project costs (\$65,716) with a 20% local match requirement (\$16,429).

Eli Glick (Whitefield Drive) asked if the parking lot had already been designed. Ms. Lee stated it has been. He asked if it is impervious or pervious parking. Ms. Lee replied impervious. There was a discussion between the engineer and Mr. Glick about the benefits of impervious and pervious parking.

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors **Resolution #2018-06** authorized the application for the Montgomery County 2040 Implementation Grant Program for the Wells Street Parking area.

## **Motions**

### **1. Agreement between Whitemarsh Township Police Department and Whitemarsh Community Ambulance Association**

Lt. Nowak, Whitemarsh Police explained on November 4th, 2016, Governor Wolf signed the Brian Gregg Law, allowing paramedics to conduct blood draws at a police station on behalf of municipal police departments for suspected DUI cases. As a result of this legislation, we would like to enter into an agreement with the Whitemarsh Community Ambulance Association (Whitemarsh 318) to have their staff paramedics conduct blood draws at the Whitemarsh Police Department. This blood draw service is to be utilized solely for arrestees that would not need medical treatment. Personnel shall conduct their DUI investigation and Implied Consent Law notification in accordance with current case law and best practices as defined by the Montgomery County District Attorney's Office. He stated by using our local EMS for these blood draws, we limit the amount of time the suspect is in actual custody, we limit the amount of time our officers are out of service, and we avoid bringing an intoxicated and sometimes unpredictable suspect into an unsecure public venue while still in our custody.

Supervisor Nester asked if officers would be present when the ambulance personnel would be conducting the blood draw. Lt. Nowak agreed and stated the Police Department has established a policy and procedure for officers to follow for the blood draw.

Supervisor Drossner clarified if there was a traffic accident and the injured suspect went to the hospital they would have their blood drawn by the hospital. Lt. Nowak agreed. Supervisor Drossner asked about the medical personnel having to go to court. Lt. Nowak stated there is no chain of custody issue. He

stated the officer witnesses the blood draw; they would then take the blood and secure it into evidence. He said the ambulance association is not a part of the chain of custody.

Chair Grossman asked Chief Werner how many staff members are trained to do a blood draw. Chief Werner stated she and two additional paramedics are certified. She stated it is now protocol and since the adoption of the law in 2017, it is an in-house training. She said she is a certified trainer for the blood-draw and can train additional paramedics. She further explained how the process would run going forward.

Supervisor Drossner asked about compensation for the ambulance association. Chief Werner explained the ambulance would have to bill for that and the bill would be attached when the defendant went to court.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized entering into an agreement with Whitmarsh Community Ambulance Association for DUI Blood draws performed by the Whitmarsh Township Police Department.

## **2. Recycling Disposal Agreement - J.P. Mascaro and Sons, Inc**

E.J. Lee, Assistant Township Manager stated as a result of Re-Community's notice to terminate the current agreement terms, the Township reached out to four different recycling processing service companies, including Re-Community, and received estimates from two: Re-Community and JP Mascaro. The two estimates received are the following estimated annual costs based on 2017 collection data Re-Community - \$34,535 and JP Mascaro - \$12,616. Noting that JP Mascaro's quote is below the bidding threshold requirement, it was determined by the solicitor's office that using quotes would be sufficient for the Township to move forward in procuring the recycling processing services for 2018. She stated there is also an agreement with JP Mascaro to serve as the Township's recycling processing company for the next year starting March 1, 2018 to Feb. 28, 2019 with the option to extend to December 31, 2019.

Eli Glick, Whitefield Drive, asked how the Board will decide. He feels there is a large disparity between the numbers. Mr. Mellor explained there is a law in Pennsylvania with bidding limits and that over \$12,900 the township is required to go out to a public bid and over \$10,900 the township is required to get three quotes. He further explained the Township received two, the third did not respond and as required by law the Township must go with the lowest bid. There was a discussion about the recycling process. Ms. Lee explained the recycling plant has to be certified and go through DEP for inspections and compliance. There was a further discussion about recycling.

Supervisor Nester asked Mr. Glick is he was seeking accountability from the hauler that the recycle materials are handled correctly. Mr. Mellor explained if they are not handled correctly – the Township would go to the solicitor and the hauler would be in breach of contract.

Linda Doll, Fairway Road, stated she believed the difference in pricing was also questionable.

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized entering into a contract with J.P. Mascaro and Sons, Inc. for the disposal of recycling materials collected in the Township.

### **3. Resignation – Boards and Commission**

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors accepted the resignation of Karen Green from the Human Relations Commission and thank Karen for her volunteer service to the Whitemarsh Township.

### **4. Hold Harmless Agreement - 4030 Joshua Road**

Mr. Guttenplan explained the Hold Harmless Agreement for the property at 4030 Joshua Road. This property has three frontages—Joshua Road, 1st Avenue and 2nd Street. Due to some extenuating circumstances, the owners have already had a 6-foot fence installed to enclose the rear yard; this fence is within the ultimate rights-of-way of 1st Avenue and 2nd Street and therefore requires the execution of a Hold Harmless Agreement. The fence was installed with a substantial angle at the intersection of the two streets to allow for ample sight distance. The Traffic Safety Unit of the Police Department conducted a site visit and finds no issue with the location of the fence; it is far enough off of the road and does not change the sight lines for the intersection

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for fence in the ultimate right-of-way at 4030 Joshua Road.

### **5. January 2018 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved expenditures totaling \$1,053,773.85; payroll totaling \$671,705.87 and pension paid costs totaling \$6,501.80 for January 2018.

### **PUBLIC COMMENT PERIOD**

Eli Glick spoke about environmental thoughtfulness. He spoke about the intersection improvement being done at Flourtown, Stenton and Cricket and the tree removal at that location. He asked with the trees that have been removed is there any thought of replanting trees somewhere else in the township. Mr. Mellor explained the residents who have had or will have trees removed will be compensated for replanting. Additionally the new park at Flourtown Road and Butler Pike has been cleaned out and some new trees and shrubs will be planted there.

Linda Doll asked about the donations from Shredding Day going to Spring Mill Fire Company. Supervisor Sterling explained that the Fire Companies and the Ambulance Association rotate assisting the Parks and Recreation Department with Shredding Day. Whichever company is assisting gets the split of the donations. She asked if the Environmental Advisory Board is asked to give recommendations on developments. There was a discussion about why developers are not required to the Environmental Advisory Board. Supervisor Nester explained the Township Engineer works with the developers on stormwater and additional environmental things. Mr. Mellor stated it is the engineers' responsibility to get developers compliant.

**BOARD MEMBER COMMENTS**

Chair Grossman spoke about the communication between the Board Members and Staff keeping them apprised of everything happening in the Township.

Supervisor Sterling shared something that occurred today and something that made her proud to be a Supervisor and Township Resident. She stated she is the liaison to the Emergency Services Board. The Fire Marshal had told her the family from Monticello Lane, who suffered a massive fire, was coming in today to meet with him and members of the Police Department, where they were going to present the children with some things. She said she attended and to see what the members of the Emergency Services do and the time they took with the family. She said the youngest child lost a toy in the fire and our Lieutenant went online and replaced it for her. She said the child was happy and all the children felt safe with the police and Fire Marshal. She thanked them for their kindness.

**ANNOUNCE EXECUTIVE SESSION**

Chair Grossman announced the Board of Supervisors held an Executive Session prior to the meeting to discuss Real Estate and Litigation.

**ADJOURNMENT**

On a motion by Supervisor Sterling, seconded by Supervisor Drossner, the meeting was adjourned at 7:46 PM.

Respectfully submitted,

Richard L. Mellor, Jr.  
Township Manager