

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS  
PUBLIC MEETING MINUTES**

**FEBRUARY 27, 2020**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, February 27, 2020 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Laura Boyle Nester, Chair; Fran McCusker, Vice-Chair; Michael Drossner; Vincent Manuele and Jacy Toll.

Also Present: Richard L. Mellor, Jr., Township Manager; Sean Kilkenny, Township Solicitor; James Hersh, P.E. Township Engineer and Charles L. Guttenplan, AICP

**PLEDGE OF ALLEGIANCE** – led by Boy Scout Troop 140 and 1140. The Scouts were attending the meeting for a Merit Badge for Citizenship and the Community.

**ANNOUNCEMENTS**

Supervisor McCusker announced:

Shredding Day is Saturday, March 7th at Miles Park Lower Lot (Off of Germantown Pike) from 8:00am to Noon. This is a free service, but contributions supporting Whitemarsh Community Ambulance and Whitemarsh Parks and Recreation will be accepted.

Want another stab at Valentine’s Day? Parent’s night out is scheduled for Saturday, March 14th from 5pm until 10pm at the Koontz Park Building. The cost is \$20.00 per child for township residents, and \$23.00 per child for non-township residents. Children must be three to eleven years of age in order to participate. Activities include crafts, games, movies, and more!

Township Day will be held on Saturday, April 25th from 12:00 noon until 5:00 PM at Victory Fields. Residents will be treated to raffles, games, music, and a variety of vendors and food trucks. We hope to see you there!

Speaking of Township Day, we’d like to congratulate Tom Blomstrom, our Parks and Recreation Director who recently celebrated his fifth anniversary with the Township. We would also like to extend our heartfelt thanks to Jacky Beebe who will be leaving Parks and Rec department next month after two years of exemplary service.

Mr. Mellor explained the group from the U.S. Census Bureau who were to be in attendance tonight are not here so he presented information regarding the 2020 U.S. Census Reporting. He explained the importance of everyone being counted.

**PUBLIC HEARINGS**

- 1. Conditional Use #01-20; Anusa Nail Studio, LLC/428 Germantown Pike**

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors opened the public hearing for Conditional Use #01-20; Anusa Nail Studio, LLC/428 Germantown Pike to allow a personal service shop 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:

Sean P Kilkenny, Solicitor  
 Charles L. Guttenplan  
 James Hersh  
 David Ennis, attorney for the applicant  
 Xine Huyah, applicant

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

#### **MOTIONS**

##### **1. Conditional Use #01-20; Anusa Nail Studio, LLC/428 Germantown Pike**

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved Conditional Use #01-20; Anusa Nail Studio, LLC/428 Germantown Pike to allow a personal service shop in the VC-1 District.

#### **APPROVAL OF MINUTES**

##### **1. January 23, 2020**

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the January 23, 2020 meeting minutes.

#### **BOARD PUBLIC DISCUSSION ITEMS**

#### **ORDINANCES**

None

#### **RESOLUTIONS**

##### **1. Fee Schedule Amendment - Electrical Inspection Fees**

Mr. Mellor explained the Board of Supervisors at their meeting in December 2019 approved United Inspection Agency, Inc. as the Township's designated third party for all electrical inspections and permit reviews. United Inspection Agency, Inc. reviewed our permit fees based on those of surrounding municipalities. They recommended an adjustment of the electrical permit fee schedule. He stated, since the 2020 fee schedule was approved at the same meeting no change was made, as we waited to make sure the Board approved the agreement with United Inspection Agency, Inc.

The proposed fee schedule adjustment to take into account the recommended electrical inspection fee schedule is as follows: Residential Electrical Permit - First \$2,000.00 of cost (no change in fee); each additional \$1,000.00 (instead of \$2,000) of cost or fraction thereof will change from \$10.00 to \$30.00. Commercial Electrical Permit - First \$2,000.00 of cost (no change in fee); each additional \$1,000.00 (instead of \$2,000) of cost or fraction thereof will change from \$10.00 to \$30.00.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-07** amended the 2020 fee schedule to adjust the electrical permit fees based on the recommendation from United Inspection Agency.

## **2. DVRPC TCDI Grant Resolution - Washington Street Feasibility Study**

Mr. Guttenplan explained the resolution which is required for a grant application the Township has applied for, through the 'Transportation and Community Development Initiative' (TCDI) program administered by the Delaware Valley Regional Planning Commission. The grant would fund a study entitled, 'A Multi-modal Connections Study of Washington Street and the Riverfront of Spring Mill Station'. The study is largely an outgrowth of the '2016 Riverfront Plan' that was done jointly with Conshohocken Borough; that study was also funded through a TCDI grant. The current grant application is for \$100,000, with a total study cost of \$125,000. He stated the study would be aimed at recommending improvements necessary to resolve a number of circulation issues, including dead-end Lee Street and dead-end Washington Street. In part, this study will encompass the Washington Street (extension) Feasibility Study in the current Capital Improvements Budget. The study will also address: outdated pedestrian crossings for the Schuylkill River Trail; confusing access to the SEPTA Spring Mill train station; conflicts between vehicular, bicycle, and pedestrian traffic in general; better access to the river; and the overburdened parking in the area. It will also look at specific potential land uses for underutilized parcels of land which could help promote new economic development; the land use recommendations will be based on the generalized land use recommendations in the (Draft) Comprehensive Plan Selective Update. The proposed study area includes the Spring Mill Train Station and adjacent parcels, the County's Spring Mill Park and adjacent parcels, the Schuylkill River Trail, the length of currently dead-end Washington Street from Cherry Street (in Conshohocken) to its potential connection to Lee Street, and the residential and non-residential properties along portions of North Lane, Hector Street, Lee Street, Elm Street, Cherry Street, and Washington Street.

Supervisor Drossner explained the procedure that was occurring, attempting to gain a grant for work on the riverfront.

Sydelle Zove (Harts Ridge Road) spoke about a grant for the Miracle Nature Trail which extends down to this area. Mr. Mellor explained this grant has to do with pedestrian access, he said it is being

taken into consideration. She stated she has a concern about the proposed development on Washington Street and the proposed study.

Supervisor Manuele stated the application that Ms. Zove is speaking about is in process and nothing has been approved. There was a discussion of the challenges in the entire area. Mr. Mellor stated the developer of Washington Street will not solve the issues in the area.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-08** authorized the submission of a DVRPC: Transportation & Community Development Initiative Grant for A Multi-Modal Connections Study of Washington Street and the Riverfront of Spring Mill Station.

## **MOTIONS**

### **1. Township Facility Energy Audit**

Mr. Halbom explained the Township requested a quote from Practical Energy Solutions (PES) to conduct an energy assessment for all Township Buildings, including: Admin/Police, Koontz Park, Public Works (excluding the Authority), Cedar Grove Barn, the Art Center, and William Jeanes Library. PES will conduct a Utility Analysis based on our energy bills, an audit of our building's lighting/HVAC/mechanical systems, and ultimately, provide us with a report detailing ways to decrease our energy use. The Energy Audit will serve as a key benchmark for our Sustainable PA certification goals. Once the audit is complete, we will have the information necessary to set goals for future energy reduction. We will also be able to assess our energy savings for the Police/Admin Building from these past seven years since our last PES energy audit. The total cost of the service is quoted at \$11,540, plus the cost of travel calculated at \$.50/mile. To accept their proposal, we must include an initial deposit of twenty-percent, or \$2,300. As a professional service, this project is not subject to public bidding requirements.

Supervisor Manuele asked if other quotes were received. Mr. Halbom explained Springfield Township (who recommended the company) had requested three bids and the township wishes to engage the same firm as the previous assessment from 2013, so the previous audit can be compared to this audit. Supervisor Manuele asked if any piece of the audit that Township Staff could perform. Mr. Halbom stated for the installation. There was a discussion regarding what the township is currently doing looking towards cost savings. Supervisor Manuele asked if it was a fixed price. Mr. Halbom agreed it is. Supervisor Toll asked if it is all of the Township buildings, Mr. Halbom agreed.

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized Practical Energy Solutions to perform a Township facility energy audit in the amount of \$11,540.00.

### **2. Allocation of Funds - Annual Clothing Drive – Donation to Colonial Neighborhood Council**

Mr. Mellor explained the Parks and Recreation Department the release of the donation check from A & E Clothing Corporation in the amount of \$251.14 to be given to the Colonial Neighborhood Council located at 107 E 4th Ave, Conshohocken, PA 19428. The check was for the cost of goods A & E collected from the Whitmarsh Township Parks & Recreation 2020 Annual Clothing Drive.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the allocation of funds collected from the Annual Clothing Drive to Colonial Neighborhood Council in the amount of \$251.14.

### **3. Board/Commission Appointments**

Cathy Levin, Edmund Shinn, Chad Waters all thanked the Board for their appointments.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors appointed the following individuals to Boards/Commissions:

Katie Erno – Environmental Advisory Board term ending December 31, 2022  
 Tom Higgins – Historical Architectural Review Board term ending December 31, 2022  
 Cathy Levin Florida – Library Board term ending December 31, 2021  
 Edmund Shinn – Open Space Commission term ending December 31, 2021  
 Chad Waters – Emergency Services Board (Alternate) term ending December 31, 2021

### **4. Ordinance Advertisements**

Mr. Mellor began by explaining Montgomery County is getting ready to open the West Valley Green Bridge. The stop signs proposed will slow traffic down heading to the bridge.

David Greenberg (Scarlet Oak Drive) stated it is a bad way to slow down traffic. He suggested installing speed-humps. Supervisor Manuele stated installing the stop signs is a life-safety situation. There was a discussion about the reconstruction of the bridge.

Ellen Glendenning (Whitpain resident) asked if there would be stop signs on the other side of the bridge coming from Bethlehem Pike. Mr. Mellor explained on that side there will be signage and the Township is looking at different signage. He stated there is an idea of putting delineators in the roadway.

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized the advertisement of an ordinance amendment to permit the installation of a 3-way stop sign at West Valley Green Road and Hunt Lane.

Mr. Mellor explained there will be stop signs and they will light up to alert people to stop. He explained the County will be installing them. He explained this is a life safety issue. He also explained there is a pedestrian crossing near the bridge and this will be another safety precaution. Chair Nester asked since the township worked closely with the county, did they come up with these ideas. Mr. Mellor stated the Township met with County officials and provided Township input. He explained the signage has been collaboration with the County, but it is the Township who enforces the law.

Craig Walters (Ridge Pike) asked if the stop sign is necessary coming off of the bridge and heading towards Stenton Avenue. Chief Ward explained that studies show at three way intersections, where there are two stop signs, it leads to higher accidents because everyone assumes it is a three way stop sign.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized the advertisement of an ordinance amendment to permit the installation of a 3-way stop sign at West Valley Green Road and Creek Lane.

Mr. Mellor explained the Township has received several complaints over the past few years with regards to large trucks utilizing brake retarders commonly referred to as Jake or J-brakes. They are engaged by trucks when downshifting or in the motion of braking. As a result, they are very loud and considered a nuisance by those residents who have complained. The Police Department researched and found several surrounding municipalities have ordinances for specific roadways that restrict their use. In order place this restriction to occur along a State roadway, it required PENNDOT to perform a study to determine if this restriction is permitted. We requested the study last year and PENNDOT authorized the Township could allow the brake retarder restriction along the following two sections of State roads: Flourtown Road - Between Butler Pike and Joshua Road and Joshua Road - Between Stenton Avenue and Flourtown Road. Supervisor Drossner asked if they were all HMI trucks. Mr. Mellor explained they are not all HMI trucks however; they could be coming from there. Supervisor Drossner suggested the Township notify HMI of the proposed ordinance.

Sydelle Zove asked for an explanation of the braking system. She asked if they are not allowed to use the brake will they go slower. Supervisor McCusker stated one of the major complaints from the area is the trucks are hitting the brake it is loud and they will need to slow down.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized the advertisement of an ordinance amendment to restrict brake retarders on Joshua Road between Flourtown Road and Stenton Avenue and Flourtown Road between Joshua Road and Butler Pike.

## **5. Emergency Management Coordinator Appointment**

Mr. Mellor explained Whitemarsh Township, in accordance with Pennsylvania's Emergency Management Services Code, must have a local emergency management coordinator. Some responsibilities this position has are as follows: maintains the township Emergency Operations Plan, conducts/participates in trainings, mitigates flooding hazards, develops relationships with local businesses, works with the County Department of Public Safety, and during a declared emergency directs all township services to better serve the community in times of crisis. A formal appointment, via a motion, at a Board of Supervisors meeting is necessary to give the individual the authority of his or her position. Once the motion is approved, the minutes of the meeting and a signed letter is sent to the County and PEMA for acceptance. If you have any questions about this position or process, please let me know.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized Nick Weaver as the Emergency Management Coordinator for Whitemarsh Township.

## **6. Fire Police Appointments - Spring Mill Fire Company**

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors appointed Gail Benincasa and Julie Plotkin as Fire Police for Spring Mill Fire Company.

**7. Hold Harmless Agreements - 735 Bethlehem Pike/Mastroni**

Mr. Guttenplan explained the Hold Harmless Agreement is for construction of a monument sign adjacent to the Bethlehem Pike driveway for this property. The sign is for the first floor tenant of this new mixed use building on the site of the former Rusty Schooner seafood restaurant. The Police Department has reviewed this and determined that it is sufficiently far enough back from the curb line that there is no sight distance concern.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for sign in the ultimate right-of-way at 735 Bethlehem Pike.

**8. Hold Harmless Agreements - 398 Stenton Avenue/Sunnybrook Country Club**

Mr. Guttenplan explained the Hold Harmless Agreement is for an existing stockade fence along a portion of Sunnybrook Golf Club's property on Militia Hill Road. The location of the fence came the Township's attention recently because the Club would like to replace and realign a post and rail fence that connects to this existing one. Currently, the fence does not follow the Club's property line adjoining 5130 Militia Hill Road. The realignment is intended to correct that situation. The Police Department has reviewed this and finds no safety issue with the location of the existing fence.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for fence in the ultimate right-of-way at Sunnybrook Country Club/398 Stenton Avenue.

**9. Certificates of Appropriateness - 3 Catherine Lane**

Mr. Guttenplan explained the Certificate of Appropriateness is for a paver patio and sitting wall at 3 Catherine Lane in the Maple Hill Development. This will be constructed in the rear of the home and will not be seen from the street. HARB reviewed this proposal and noted that it was similar to other patios reviewed recently in this development, and that it would not impact the swale on this property. They passed a unanimous motion recommending approval of a Certificate of Appropriateness for the patio and sitting wall as proposed.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for the construction of a patio and sitting wall at 3 Catherine Lane.

**10. Certificates of Appropriateness – Fence Installation at 4, 6, 8, 10 Catherine Lane**

Mr. Guttenplan explained the four Certificates of Appropriateness are for a six-foot shadowbox fence to be installed along the adjacent rear property lines of four neighbors, living at 4, 6, 8 and 10 Catherine Lane in the Maple Hill Development. HARB reviewed these applications at its February 12, 2020 meeting and after seeking a couple of clarifications about the applications, they passed a unanimous motion recommending approval of each of the Certificates of Appropriateness for the fence as proposed.

Sydelle Zove (Harts Ridge Road) spoke about the one room school house that dates from the 1840's that sits on one of the properties in the new development. She spoke about moving the school house to property owned by the Plymouth Meeting Friends. She asked if there is anyway in the law to get the developer to help relocate the school house. Supervisor Drossner asked if she knew the cost to move the building. Ms. Zove stated it would be approximately \$23, 000.

On a motion by Supervisor Drossner, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the Certificates of Appropriateness for the installation of a fence at 4, 6, 8 and 10 Catherine Lane.

#### **11. Escrow Release – Whitemarsh Knolls**

Supervisor McCusker spoke about the on-going meetings with residents affected by the development. Mr. Hersh explained they will continue meetings with the residents.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorized escrow release #3 for Whitemarsh Knolls, LLC/Germantown Pike in the amount of \$75,461.69.

#### **12. January 2020 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved expenditures totaling \$1,086,971.31; and payroll totaling \$721,047.04 and pension paid costs totaling \$4,879.48 for January 2020.

#### **PUBLIC COMMENT**

David Greenberg (Scarlet Oak Drive) asked for the status of Abolition Hall. Mr. Kilkenny explained the Board of Supervisors Conditional Use opinion was affirmed by the Montgomery County Court of Common Pleas. An appeal was filed with the Commonwealth of Pennsylvania; the appeal has since been withdrawn. He stated the next step would be to go through land development.

Sydelle Zove (Harts Ridge Road) stated her understanding is in December the Planning Commission, after review of submitted plans, unanimously voted to recommend the Board of Supervisors deny the plans. There was a discussion about the plan review once the Township receives the revised preliminary plans.

Supervisor Manuele asked if once the plans are revised will the plans then go back to the Planning Commission. Mr. Guttenplan explained it is not required, however, if there are significant changes a determination will be made to send them to the Planning Commission.

Nancy Lee Walter (Ridge Pike) asked about publication notices in the newspapers and could it be on the webpage – since most people don't subscribe to newspapers anymore. Mr. Kilkenny explained publication in the newspaper is required by state law. She asked if it is in the email blasts. Mr. Mellor stated it isn't however it is something the Township can look into.

**BOARD MEMBER COMMENTS****EXECUTIVE SESSION**

Chair Nester announced the Board of Supervisors held an Executive Session prior to the meeting to discuss personnel, litigation and real estate.

**ADJOURNMENT**

On a Motion by Supervisor Drossner, seconded by Supervisor McCusker the meeting for February 27, 2020 was adjourned at 8:45 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.  
Township Manager