

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

JULY 9, 2020

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, July 9, 2020 at 6:00 PM, a virtual ZOOM meeting, due to COVID-19 pandemic.

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

Police Department Updates

Body Camera's – the Board of Supervisors in conjunction with the Whitemarsh Township Police Department are committed to outfitting officers with body worn cameras in 2021. The estimated cost of \$76,000 will be included in the 2021 budget discussions in order to allocate the appropriate funds necessary for this equipment. The Township is also investigating grant opportunities that would help with this expense. Chief ward stated body-cams are a developing tool in the Police Department. He said they are looking into a system that will also work with their dash cams and are looking for grant opportunities.

Police Policies – the Township will post to its website the following Police Department Policies: Use of Force, Bias Based Policing, Complaint Review Policy – Internal Affairs, Code of Conduct and Disciplinary Procedures and Mental Illness. These policies are part of the Police Departments Accreditation requirements. These are current policies that are now being shared publicly to promote transparency and accountability.

Human Relations Commission - Whitemarsh Township also has a Human Relations Commission which prohibits discrimination in housing, commercial property, employment and public accommodations on the basis of actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression. It is an on-call Board and will meet if any complaint is issued. To date no complaint has been reported to the Commission.

Board Liaison – the Board will appointment Supervisor Michael Drossner as the Board liaison to the Police Department. The Board had this position in the past to meet frequently with the Chief of Police and be briefed on matters occurring within the Police Department. In addition, the board liaison will act as a representative for the community should a member of the public wish to discuss any police-related matter with a non-uniformed representative. Supervisor Drossner will have an initial meeting with Chief

Ward to discuss the frequency of their meetings and pertinent items that he will report to the Board at our public meetings. This is a fluid process and as information or topics of importance change the Board will continue to listen and provide relevant information to the public. Supervisor Drossner stated he appreciates the Board of Supervisors confidence in him and he looks forward to working with the Chief. He stated he has confidence in the Whitemarsh Township Police Department and they do a good, thorough and professional job on a daily basis. He stated he understands circumstances arise making people feel uncomfortable going to the police and he would like to help anyone in those situations. Chief Wards stated he is looking forward to working directly with Supervisor Drossner on these matters. He stated one thing discussed prior to this is the Police accept all complaints however they arrive. They investigate all complaints to the best of their ability. He stated this is just another avenue.

Training – the Board recommends the Police Department increase the frequency of Bias Based Policing and De-escalation training from the State mandated every 3 years to every 2 years. The Township insurance provider Delaware Valley Trust provides training through the Anti-Defamation League. The Township is working with the Trust to schedule training with this group for all Township employees this fall.

ANNOUNCEMENTS

Chair Nester announced the Township Manager, Rick Mellor has been appointed as the President of APMM (Association of Pennsylvania Municipal Management). Mr. Mellor thanked the Chair and stated he was chosen by his peers. He explained his goals and mission for the year he will be serving.

Supervisor McCusker announced:

Regarding ongoing Trash, Recycling, and Yard Waste Collection Issues:

The Township understands the frustration of residents regarding the performance of J.P. Mascaro & Sons. We are equally frustrated with the service issues and are disappointed by Mascaro's response. We have made our concerns known to the management at Mascaro as we have worked to get the service that the contract provides for and that residents deserve.

On June 26, our solicitor wrote to Mascaro about the "unacceptable service." In that letter, the Township has identified a lack of consistent supervision and insufficient resources as areas of serious concern. We received a response from Mascaro on July 6. Both letters can be found on our website.

We are also aware that Pat Mascaro yesterday posted a message to communities served by the company. In that, he said it would take 30 to 45 days to implement changes to "restore the necessary consistency" to collection operations. Mr. Mascaro apologized for the inconvenience and asked for patience.

This afternoon, the Township received a similar letter from Mr. Mascaro that reiterated a need for 30 to 45 days to address service issues. The Township is willing to give the company that time to

resolve its lack of performance. In the meantime, the Township will continue its monitoring of service and stay in regular contact with Mascaro.

Road Updates:

Cedar Grove Road Closure: Aqua PA has informed the Township that, beginning Monday, July 13th at 9:00 AM, Cedar Grove Road will be closed between Joshua Road and Julia Drive between the hours of 9:00 AM-3:00 PM. Emergency Vehicles will be granted access, and Aqua PA will alert the County Communications Center if a complete shutdown becomes necessary. Aqua PA expects the road to be fully opened by September 2020.

The Colonial School District has advised the Township that Aqua will be closing Colonial Drive from Germantown Pike to the Colonial Elementary Parking lot beginning, July 7, 2020 until work is completed. The closure will be in effect 24/7. Work is expected to take three weeks.

Joshua Road remains closed at Stenton Avenue heading north (along the Cricket Club). The road is expected to reopen sometime in late-July 2020.

PUBLIC COMMENTS

Eli Glick (Whitefield Drive) asked about data from the police department made publicly available on a regular basis. Arrests, traffic stops, etc.

Lou Ann Merkle (Resident) asked if Mr. Mellor could share the APM strategic plan with the public. He stated the plan is not complete yet, when it is it will be posted to the association's webpage.

Ivy Bryant (Resident) spoke about the sense of community in the schools with the police officers. She suggested community liaisons and possibly high school students with the police department. Mr. Drossner stated the police in the high school currently. Chief Ward spoke about the current Plymouth-Whitemarsh Coalition where officers are present in the high school during activity period and teaching various classes. He reminded everyone about the Citizens Police Academy which is scheduled in the fall.

Sydelle Zove (Harts Ridge Road) thanked Chief Ward and Supervisors for the commitment to purchasing the body cameras. She asked that the Police Mission Statement be reviewed.

Chief Ward stated he saw a question listed regarding storage of the footage from the cameras. He explained the reason they want to look into body cameras to be integrated with the in-car cameras is because all of that data is stored in the Police Station in their IT equipment.

PUBLIC HEARINGS

None

APPROVAL OF MINUTES

1. June 11, 2020

On a motion by Supervisor Toll, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the June 11, 2020 meeting minutes, with amendments.

BOARD PUBLIC DISCUSSION ITEMS

None

ORDINANCES

1. Ordinance Amendment - Amend Chapter 103 "Streets and Sidewalks" to Protect Pavement Surfaces

Mr. Hersh explained we have prepared suggested language to be considered for incorporation into Chapter 103 "Streets and Sidewalks" of the Whitemarsh Township Code. The ordinance amendment would codify a five-year moratorium for any new pavement cuts on any roads recently paved or restored in Whitemarsh Township. Pavement cuts alter and degrade pavement surfaces adjacent to the cut. Pavement cuts should be limited, in order to help preserve pavement integrity, ride ability and appearance of new street surfaces. In the event of an emergency, it will occasionally be necessary to cut into a street that has been paved within the past five years. This ordinance amendment will establish the basis and process for determining the level of repair and replacement for utility cuts on recently paved streets.

Eli Glick asked what other reasons to cut into the road if not a utility. Mr. Hersh stated this would be a moratorium for utilities such as Aqua who wants to replace a line along a street. Mr. Glick asked if it would prohibit emergency work. Mr. Hersh stated it would not.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted Ordinance #1001 authorizing the Ordinance Amendment to Chapter 103 'Streets and Sidewalks' to implement a 5-year prohibition against new road cuts on any roads recently constructed, reconstructed or paved in Whitemarsh Township.

RESOLUTIONS

None

MOTIONS

1. Energy Transition Plan - Ready for 100

Mr. Halbom, Assistant Township Manager thanked Lou Ann Merkle and the volunteers who

worked on this reported during their rescheduled May meeting (held on June 29, 2020 via Zoom) the EAB voted unanimously to recommend the attached Energy Transition Plan (ETP) to the Board of Supervisors. This document is intended to serve as a foundation for the Township to achieve the goals set in the Ready for 100 (RF100) Resolution.

He explained the ETP's goals span seven areas: Energy efficiency, ordinances and guidelines, funding, renewable energy supply, transportation, community engagement, and tracking progress. These goals are broken down into more specific projects and strategies. The ETP assigns each project or strategy to a participating organization, lists potential resources (such as sponsored programs, best practices, potential grant funding, etc.) , and is assigned a timeline.

He stated the first benchmark of this ETP is the Energy Audit, a survey of Township-owned buildings to determine our own carbon footprint. The ETP also calls to include all "gas-powered" equipment to that survey. Upon completion, the Energy Audit will provide the Township with a snapshot of our current energy use, and suggestions for ways we can reduce our energy use and costs. This plan calls for that information to be shared with the EAB, so they can advise the Board on prioritization of those suggestions.

He further explained the Board of Supervisors has earmarked \$10,000/year for 2020, 2021, and 2022 for these projects. The EAB requests a role in determining how and when those funds are used. In addition, EAB has requested to "use funds from energy savings to invest in RF100 initiatives." While staff are in agreement with the spirit of this idea (investing the full dollar value of savings into future RF100 projects), we feel that it is unnecessary to restrict fund usage considering a component of Goal 3 (Funding) is to track energy savings. Additionally a component of our Sustainable PA Certification is sharing those energy savings in an annual report with the EAB and Board

Mr. Halbom said that passing this ETP is a major milestone of the Township's Ready for 100 Resolution. The EAB and their many volunteers, specifically the Whitmarsh Renewable Energy Transition Plan working group, and partnering organizations should be proud of their accomplishment and are deserving of praise. A great deal of hard work went into building this document into what it is, and a great deal of hard work remains to achieve these goals.

Supervisor Drossner and Mr. Halbom had a discussion regarding the funding of the program and the energy savings. Supervisor Drossner thanked the EAB and the other volunteers for their hard work on this project.

Lou Ann Merkle thanked Mr. Halbom and Supervisor Drossner and Chair Nester. Thanked the Board for their support. Supervisor McCusker thanked Ms. Merkle for her hard work. Chair Nester thanked the entire EAB Team.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized the Whitmarsh Township Energy Transition Plan in accordance with the Ready for 100 Resolution.

2. Colonial School District Permit Fee Waiver Request

Mr. Mellor explained the permit fee waiver request from the Colonial School District for their Asphalt and Lighting project at Plymouth Whitemarsh High School and Colonial Elementary School. The total amount for permits is \$9,124.00 which includes the cost for building and electrical permits.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorized the permit fee waiver request from the Colonial School District in the amount of \$9,124.00 for the high school and elementary school asphalt paving and lighting project.

3. Change Order Request - James D. Morrissey – Stenton/Flourtown/Cricket Intersection Project Consider

Mr. Hersh explained the Change Order #1 is authorizing James D. Morrissey, Inc. to perform the following work on the above referenced project. The result of this change order is an increase of \$24,245.88 to the original contract amount. The project scope is being revised to include modifications to the outfall structure in order to comply with the project's Chapter 105 Obstruction and Encroachment Small Project Permit, which was required by the attached Water Obstruction and Encroachment Inspection Report issued October 11, 2018. The modifications include Modifications to Precast Concrete Manholes, and Erosion & Sediment Control devices comply with the project's Chapter 105 Obstruction and Encroachment Small Project Permit, which was required by the attached Water Obstruction and Encroachment Inspection Report issued October 11, 2018. The modifications include Modifications to Precast Concrete Manholes, and Erosion & Sediment Control devices.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized the change order request to James D. Morrissey for the contract at Stenton/Flourtown/Cricket in the amount of \$24,245.88.

4. June 2020 Expenditures and Payroll Costs

On a motion by Supervisor Toll seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved expenditures totaling \$1,077,321.73; and payroll totaling \$621,412.32 for June 2020.

AMEND AGENDA

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

5. Certificate of Appropriateness – 3033 Spring Mill Road

Mr. Mellor explained the application is for fencing along one side of the property at 3033 Spring Mill Road (right side looking from the street, adjacent to 3037 Spring Mill Road); the front 18 feet will be 4 feet high (to comply with zoning restrictions), with the remaining 118 feet being six feet high. The entire fence will be an arched top white cedar solid board privacy fence; a picture of the fence style is

one of the attachments. There is an early 19th century home on the property; existing hedges will heavily obscure any views of the fence (see attached street view of property). HARB saw no issues with the proposal and passed a unanimous motion recommending approval of a Certificate of Appropriateness for the fence as proposed.

Sydelle Zove asked about the site plan for the placement of the fence. There was a discussion of the location of the fence.

Eli Glick commented on the amended agendas. There was a discussion about why there are amended agendas.

On a motion by Supervisor Manuele, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approve the Certificate of Appropriateness for the installation of a fence at 3033 Spring Mill Road.

6. Certificate of Appropriateness – 4 Catherine Lane

Mr. Mellor explained the application is for the installation of a back-up generator at 4 Catherine Lane in the Maple Hill development. The generator will be on the right side of the home, looking from the street. HARB saw no issues with this installation and noted that it will look just about the same as an air conditioner compressor. A motion was passed unanimously recommending approval of a Certificate of Appropriateness for the generator as proposed.

On a motion by Supervisor Manuele, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for the installation of a backup generator at 4 Catherine Lane.

PUBLIC COMMENT PERIOD

Eli Glick spoke about the trees at Whitmarsh Knolls and the lack of protection of trees. He spoke about the minutes of the Township how the minutes do not reflect the tone or the comments made by residents. Supervisor Toll spoke about the Shade Tree Meetings and the ideas that are being put forth. She stated they are in the midst of re-writing Chapter 55 and 105 which will come about in September. Mr. Glick discussed the issue further with Supervisor Toll.

Sydelle Zove commented on the designation of Supervisor Drossner as the Liaison the Police Department. She asked to expand upon the description of the roll and will he be reporting to the public. Chair Nester explained that they are looking into all of that information.

BOARD MEMBER COMMENTS

EXECUTIVE SESSION

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

ADJOURNMENT

On a Motion by Chair Nester, seconded by Supervisor Drossner the meeting for July 9, 2020 was adjourned at 7:15 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager

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