

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
AUGUST 16, 2018**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday August 16, 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

Supervisors Absent:

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:

Comprehensive Plan Final Workshop and plan update will be on Thursday, September 20 at 7:00PM in the Township Meeting Room. Check the Township website for more information.

There will be no trash collection on Monday, September 3 due to the Labor Day Holiday. Trash pickup scheduled for Monday will be picked up on Wednesday, September 5. Garden debris will be picked up on Saturday, September 8.

Touch-A-Truck will take place on Saturday, September 15 from 1:00PM – 3:00PM at Miles Park, lower parking lot. Admission is free.

ACTION ITEMS

Ordinances

1. Debt Ordinance - Bond Issue for Township Capital Financing

Mr. Mellor stated this topic has been discussed by the Board for several months and with the Township Financial Consultant, from PFM Zach Willard. He stated Mr. Willard has been assisting the Township looking at current debt, borrowing new money and looking at fixing some of the variable rate debt the Township has had for many years. PFM is recommending doing a Bond Issue for the Township. In addition to Zach Willard in attendance, Matt Hughes from the Obermayer law firm who serves as Bond Counsel and Mike Wolfe from Benning and Scattergood who is the underwriter on the bond.

Zach Willard, PFM, explained what action the Township will take this evening. He explained they will take the old 2009 variable rate bond and refinance a portion of them the rest of the bond will be paid off by the Township. Additionally, the Township will be borrowing an additional 4.2 million dollars for

various capital projects. He explained the ordinance will read a borrowing of up to 12 million however; the total amount being borrowed is 10 million. He stated Township Staff has worked diligently on this project and believes the Township credit rating will come back at an AA rating – which will help with the financing. He explained the previous bond issue and why the Township chose now to make the change.

Matt Hughes, Bond Counsel from Obermayer explained the ordinance. He explained it authorizes the debt, allows counsel to file proceedings with DCED who approves all the bond issuances and authorizes the execution of documents for settlement.

Steve Kaufman (Harts Ridge Road) asked if Open Space money is being used to pay for some of the Erdenheim Farm debt. Mr. Mellor stated it is correct from the purchase of the Sheep Tract.

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Ordinance #987** authorizing and directing the incurring of non-electoral debt through the issuance of General Obligation Bonds in a maximum aggregate principal amount of up to \$12,000,000 for the purpose of; (1) providing funds to finance certain capital projects of the Township, including without limitation, facility improvements, stormwater projects, streetscape projects, traffic improvements and other related improvements; (2) finance the costs of current refunding of the Township's outstanding General Obligation Note, Series of 2009; and (3) pay the costs and expenses of issuing bonds.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #06-17; Laurel Holdings Group, LLC/633 Germantown Pike; Conditional Final Plan

Mr. Guttenplan explained SLD #06-17, Laurel Land Holdings, LLC, 633 Germantown Pike (Lafayette Hill), Final Plans is for a two-story (6,326-square foot) office building. This site is in the VC-1 District (Village Commercial, sub-district 1). The Board granted conditional preliminary plan approval at the April 12, 2018 meeting. He stated the applicant is proposing to demolish the previous auto mechanic's building and construct the office building adjacent to the corner of Germantown Pike and Crescent Avenue, along with 32 parking spaces to serve the building. The layout of the building and site is the same as the preliminary plan; the only significant change is that the parking along the northeastern property line (adjacent to the residential property on Crescent Avenue) has been adjusted to create a longer throat at the entry so no parking is within 10 feet of the ultimate right-of-way of that road. That change was required on the preliminary plan, for ordinance compliance. The impervious coverage remains the same as on the preliminary plan. He said the Planning Commission reviewed the final plan and recommended approval.

Resolutions

1. SLD #06-17; Laurel Holdings Group, LLC/633 Germantown Pike; Conditional Final Plan

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2018-16** granting Final Preliminary Plan approval for SLD #06-17; Laurel Holding Group, LLC/633 Germantown Pike for the construction of a 2-story office building at the former Farmer's Auto Service Station.

MOTIONS

1. Certificate of Appropriateness - 3047 Spring Mill Road

Mr. Guttenplan explained there are four Certificates of Appropriateness for 3047 Spring Mill Road, the 'Maple Hill' single-family development being constructed by Paone Builders. He explained the first Certificate of Appropriateness is for the ten different standard house models being offered in this development. At your July meeting, the Board tabled HARB's recommended 'umbrella' Certificate of Appropriateness, which would allow the developer to offer any of the ten models to prospective buyers without requiring individual Certificates of Appropriateness.

This was tabled until the applicant presented historic options for five of the 10 standard models as discussed with HARB. (You may recall that these would be for the Winchester, Shipley, Charleston, Cambridge and Berkshire models.) These were presented to HARB at its meeting on August 8th; HARB recommended an 'umbrella' Certificate of Appropriateness for these five options; with approval, these five optional designs could also be offered to prospective buyers. HARB requested that Paone Builders strongly recommend that buyers give consideration to these historic options. Therefore, at this time, should the Board act on these two 'umbrella' Certificates of Appropriateness, any of the 15 designs (10 standard and 5 historic options) could be offered without additional action necessary. An individual Certificate of Appropriateness would only be required for any of the lots if the design of a particular proposed home is a 'custom' design that deviated from the ten approved standard models as well as from the five approved historic option models.

That is the case with the final two Certificates of Appropriateness. The first is for Lot 1 (fronting on Spring Mill Road). The home proposed for that lot is a modified 'New Haven' model with no dormers. The second is for Lot 11 at the cul-de-sac bulb of Catherine Lane); it is also for a modified 'New Haven' model with no dormers but instead, a "Turned A" (gable) is proposed over the front center of the home, and stone facing around the garage is added. (The elevations for these two homes are shown on page 4 of the attachment.) Also at the August 8th meeting, HARB recommended approval of both of these Certificates of Appropriateness.

Mr. Guttenplan summarized the Certificates of Appropriateness. One is for the standard models, one is for the historic options, one is for lot 1 and the last is for lot 11.

Chair Grossman asked why there are two styles of each house. Sal Paone, developer, explained to the Board they worked diligently with HARB to get colors and styles were correct for the historical district. He explained the process they went through. There was a discussion of the home designs themselves.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved two Certificates of Appropriateness for the 10 standard and 5 historic housing styles for the Maple Hill Development at 3047 Spring Mill Road.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved a Certificates of Appropriateness for the style of house for Lot #1 at the Maple Hill Development at 3047 Spring Mill Road.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved a Certificates of Appropriateness for the style of house for Lot #11 at the Maple Hill Development at 3047 Spring Mill Road.

APPROVAL OF MINUTES

1. July 19, 2018

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the July 19, 2018 meeting minutes.

PUBLIC HEARINGS

1. Conditional Use #06-17 - K. Hovnanian, LLC/4006 and 4046 Butler Pike

The Board of Supervisors continued the Public Hearing for the Conditional Use #06-17 - K. Hovnanian, LLC/4006 and 4046 Butler Pike – Townhouses in the VC-2 Zoning 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
 Jennifer Prior, Solicitor
 Charles L. Guttenplan, AICP
 Julie L. Von Spreckelsen, Attorney for the Applicant
 Michael D. Fiorentino, Attorney for Objectors Friends of Abolition Hall, Thallmayer, Telegadis and Childs
 David Miller
 Tom Crompton
 Sydelle Zove. Friends of Abolition Hall
 Anita Thallmayer, Resident
 William Telegadis, Resident

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors continued the public hearing until Thursday, September 13, 2018 at 7:00PM.

ACTION ITEMS

Resolutions (Continued)

2. PENNDOT Signal Resolution - Germantown Pike and Crescent Ave

Mr. Mellor explained a request from the Traffic Engineer on behalf of the applicant for the Nolan/Westaway (507 Germantown Pike) is seeking authorization to submit the traffic signal adjustment to PENNDOT as part of the approved land development plan requirements. He stated the applicant will be making changes to the traffic signal at Germantown Pike and Crescent Avenue revising the southbound center left-turn lane on Germantown Pike. As a result, PENNDOT requires a resolution be adopted by the Township to complete the application process

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Resolution #2018-17** authorizing the submission of the PENNDOT traffic signal application for the signal timing change at Germantown Pike and Crescent Avenue related improvements associated with the Nolan/505A Germantown Pike development.

Motions (Continued)

2. Assignment Agreement with Whitemarsh Authority - Transfer of Municipal Lien

Mr. Mellor explained the Township recorded a lien in December of 2004 in the amount of \$13,122.44 on the property at 857 Valley View Road to protect the Township's security interest at the inception of the now completed West Mill Sewer Project. The property owner had paid all required installments per the amortization schedule through October of 2013 leaving a remaining unpaid balance of \$1,618.78. The Authority will be responsible for updating this balance for accrued interest and costs at the time that the property is sold in order to fully satisfy the lien. Since the Township has turned over the operation of the Township Sewer System to the Authority, the Township will be assigning the recorded lien over to the Authority.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the Assignment Agreement with the Whitemarsh Authority to transfer a municipal lien.

2. Ordinance Amendment Advertisement - Fireworks Ordinance

Mr. Mellor stated this is based on a memo received from the solicitor's office in which they outlined the new rules and regulations under the new Fireworks Act that was put in place at the end of 2017. He stated the draft ordinance prohibits some types of fireworks but consumer fireworks are permitted. He listed some of the fireworks that are prohibited. He stated there are permits that can be applied for. He stated there needs to be a compatible ordinance passed to be added to the Zoning Code.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the advertisement of a public hearing to provide a Fireworks Ordinance in compliance with the Fireworks State Law.

3. Amendment to Comp Plan Contract

Mr. Guttenplan the Comprehensive Plan Update Steering Committee has recommended that the consultant, Bergmann, add two meetings to their current contract with the Township. The first would be a third Public Workshop (which would be held on September 20th) to review changes to the proposed Land

Use Plan resulting from comments made at the second Public Workshop. The second additional meeting would be a Planning Commission Workshop Meeting at which time the Commission would have an opportunity to review the entire Update document and become more familiar with it. The current contract is for \$29,920; the proposed amendment would be for \$3,600. This breaks down as \$2,100 for the third Public Workshop and \$1,500 for the Planning Commission Workshop Meeting. There was a discussion about the changes that have been recommended by the Open Space Steering Committee. Chair Grossman announced the next update will be provided to the public on Thursday, September 20 at 7:00PM in the Township Meeting Room

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the change order to the comprehensive plan contract with Bergmann in the amount of \$3,600.

4. Hold Harmless Agreement - Mayer/434 Ridge Pike

Mr. Guttenplan explained the Hold Harmless Agreement is for the property at 434 Ridge Pike (corner of Ridge Pike and Mulberry Lane). The owner has recently renovated the existing two-family dwelling at this location and installed a decorative fence along the frontages on Ridge Pike and Mulberry Lane. The fence encroaches into the ultimate rights-of-way of both roads. The Traffic Safety Unit of the Police Department conducted a site visit and found no issue with the location of the fence.

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence in the ultimate right-of-way at 434 Ridge Pike.

5. Hold Harmless Agreement - Schantz/1 Stenton Avenue

Mr. Guttenplan explained the Hold Harmless Agreement is for the property at 1 Stenton Avenue (corner of Stenton Avenue and Butler Pike). The owners are proposing to replace existing fences within the ultimate rights-of-way of both roads, with a new fence. The fence will be in the same location as the prior fence with the exception that the alignment at the corner has been modified such that the fence will 'cut the corner' and be angled behind existing plantings. The Traffic Safety Unit of the Police Department conducted a site visit and found no issue with the location of the fence (even prior to the modification at the corner).

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence in the ultimate right-of-way at 1 Stenton Avenue.

6. July 2018 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved expenditures totaling \$797,377.54; payroll totaling \$654,534.15 and pension paid costs totaling \$22,060.80 for July 2018.

PUBLIC COMMENT PERIOD

Bob Sague (Kottler Drive) spoke about the fact that Supervisor Drossner will not be in attendance at the next Public Hearing for Conditional Use #06-17 and people's ability to speak regarding the issue.

BOARD MEMBER COMMENTS

None

ANNOUNCE EXECUTIVE SESSION

Chair Grossman announced the Board of Supervisors held an Executive Session prior to this meeting and the one on July 19 to discuss Litigation.

ADJOURNMENT

On a motion by Supervisor Drossner, seconded by Supervisor Sterling, the meeting was adjourned at 12:40 AM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager