

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS  
PUBLIC MEETING MINUTES  
SEPTEMBER 13, 2018**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday September 13, 2018 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

**Supervisors Present:** Amy Grossman, Chair; Missy Sterling, Vice Chair; Laura Boyle Nester and Fran McCusker

**Supervisors Absent:** Michael Drossner

**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.

Whitemarsh Township Parks and Recreation Department presents Touch-A-Truck which will take place on Saturday, September 15 from 1:00PM – 3:00PM at Miles Park, lower parking lot. Admission is free.

Shredding Day will take place Saturday, October 13, 2018 from 8AM to 12PM in the lower parking lot at Miles Park. This is a free event thanks to the sponsorship of Horizon Waste Services. Donations will be accepted to benefit Whitemarsh Community Ambulance Association and Whitemarsh Township Parks and Recreation Department.

The Board of Supervisors, in light of September 11, relayed a thank you to Whitemarsh Police, Fire and Ambulance members. Thanking them for keeping the community safe. A reminder that both Fire Departments and the Ambulance are run by volunteers.

**PUBLIC HEARINGS**

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

On a motion by Supervisor McCusker, seconded by Supervisor Nester (Vote 4-0) 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, Telegardis and Childs  
 David Miller

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

#### **APPROVAL OF MINUTES**

##### **1. August 16, 2018**

On a motion by Supervisor Nester, seconded by Supervisor Sterling (Vote 4-0) the Board of Supervisors approved the August 16, 2018 meeting minutes.

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

##### **1. SLD #03-18; Rockcorp 509S, LP/509 and 515 S. Bethlehem Pike – Conditional Preliminary/Final Plan**

Mr. Guttenplan explained SLD #03-18 for Rockcorp 509S, LP, at 509 & 515 S. Bethlehem Pike, Fort Washington, is a 2-Lot Minor Subdivision. He stated the site is zoned Village Commercial, VC-1. There is an existing single-family dwelling and a 3-unit apartment building on 509 Bethlehem Pike, as well as some accessory buildings; a single-family dwelling was originally located on 515 Bethlehem Pike but burned down several years ago and the remnants have been removed. The proposal is to move the lot line between the two lots, increasing the size of 515 and constructing a new single-family dwelling on the enlarged lot. Access would be from an extension of the driveway serving 509, since it is in a much safer location than the original driveway for 515; in addition, that driveway encroaches onto the PA Turnpike right-of-way and no records of an easement exist. The establishment of cross-easements will be required to allow the proposed driveway arrangement. Two variances were required for the new house and have been secured by the applicant. The Township Arborist recommended approval in a memo that was approved by the Shade Tree Commission. The Planning Commission reviewed this plan and after some clarifications about the plan and a discussion of the proposed waivers, the Commission passed a motion to recommend preliminary/final plan approval and also to recommend that the Board of Supervisors grant the requested waivers.

Julie L. Von Spreckelsen, Attorney for the Applicant spoke about the approval from the Shade Tree Commission.

Tim Woodrow, engineer explained the septic system on the property.

## ACTION ITEMS

### Ordinances

None

### Resolutions

**1. SLD #03-18; Rockcorp 509S, LP/509 and 515 S. Bethlehem Pike – Conditional Preliminary/Final Plan**

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors adopted **Resolution #2018-18** granting Preliminary/Final Plan approval for SLD #03-18; Rockcorp 509S, LP/509 and 515 Bethlehem Pike for a 2-lot subdivision.

**2. 2019 Minimum Municipal Obligation (MMO) - Police and Non-uniformed Pension Plans**

Mr. Mellor explained Act 205 requires the Township to submit a 2019 budget for the Police and Non-Uniformed Employee pension plans by September 30, 2018. The required contribution amount is known as the Minimum Municipal Contribution (MMO) as determined by the Plan Actuary based in part on the Act 205 Actuarial Valuation Report dated January 1, 2017. He explained the Police Pension Plan is a Defined Benefit Plan subject to the provisions of Act 600. The current Police labor contract requires a 5% officer contribution on applicable employee compensation. The Officer contributions projected at \$217,533 are applied to the Total Police Pension Plan Financial Requirement \$1,238,479 to arrive at the Township MMO of \$1,020,946.

Mr. Mellor explained the Non- Uniform Employee Plan is a Defined Contribution Plan where the Township matches employee contributions up to 6% of compensation. The Total Financial Requirement for the Employee Pension Plan of \$256,642 includes Normal Costs of \$191,642 based on 6% of compensation plus a \$65,000 provision for administrative expenses.

He stated the combined MMO for both Plans totals \$1,277,588 comprised of \$1,020,946 for the Police Plan and \$256,642 for the Non-Uniformed Employee Plan. The combined MMO calculated for 2018 was \$1,149,419. The primary reason for the increase between years is an increase in the amortization contribution requirement prescribed by the Actuary to maintain the financial stability of the Whitemarsh Township Police Pension Plan.

On a motion by Supervisor Nester, seconded by Supervisor Sterling (Vote 4-0) the Board of Supervisors adopted **Resolution #2018-19** approving the 2019 Minimum Municipal Obligation for the Police and non-uniformed pension plans in the combined amount of \$1,277,588.

### Motions

**1. Bid Authorization - Crosswalk Flasher – Germantown Pike adjacent Plymouth-Whitemarsh High School**

Mr. Mellor explained the ability to install the Crosswalk Flasher is the result of the Commonwealth Financing Authority Grant that was received for two pedestrian improvements adjacent to Plymouth Whitemarsh High School and the 4-5 School. He said the first one, which they will be authorizing to go out to bid, is a pedestrian crossing installed across from Mayflower Road to PW High School. He stated the second piece to the Grant will be a traffic signal on Flourtown Road at Colonial Drive.

Chair Grossman asked if the flashing light will be initiated by the pedestrian. Mr. Sullivan concurred. He stated it will be activated by pedestrians only.

Supervisor Sterling commented she is certain local residents will be happy to see the safer crosswalk in that area.

Robin Smith (Mayflower Road) spoke about the speed of traffic on Germantown Pike. She asked if there will be police sitting out there when they are installed.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors authorized the advertisement of a public bid for the pedestrian crossing flasher on Germantown Pike adjacent Plymouth Whitemarsh High School.

## **2, Purchase Order Request - 2019 Police Replacement Vehicles**

Mr. Mellor explained even though the Township is going through the budget process currently, he and Chief Ward feel they will save significant dollars if the purchase is approved now.

Chief Ward explained he and his staff met with Township Mechanic Jack Fields to discuss Vehicle Replacement plans for the 2019 Budget. After reviewing the fleet inventory and mileage, it was decided that the police department should be replacing three police vehicles in 2019. These new vehicles would replace higher mileage vehicles and older model vehicles in our current fleet of police vehicles. He stated the vehicles being replaced in the police department fleet will be repurposed in the police department or to other divisions of the township based on the Township Mechanic's evaluation of each vehicle's quality and the need for vehicles throughout the township fleet. He stated normally, these purchases would be submitted with budget requests. These orders are usually placed in late winter to early spring. He further explained this year Ford Motor Company has thrown a wrench into the way we normally do business and this change has the potential to cost the Township tens of thousands of dollars. Ford has advised the police community that agencies that want to acquire 2019 Ford Explorers Interceptors (Police Package) they must place their orders between September 13 and September 21, 2018 to guarantee delivery of the 2019 model. Ford advises that they will have a limited production run on the 2019 Police Explorers before they shut down their production line and redesign the 2020 Ford Explorer Interceptors. Ford advises that the 2019 Explorers will be the same vehicle size and dimension wise as our current Ford Explorers. Ford has not released any information on the 2020 Explorers, but they have suggested that the sizes and dimensions will be different, not to mention that the base price will be higher. This ultimately means that the equipment the Township currently owns probably will not transfer to the 2020 models, resulting in higher up fit costs for marked police units. It should be noted that these vehicles will not be produced or delivered until 2019, so there is no expenditure of funds until 2019, which is similar to our past practices. Chief Ward stated he

is requesting permission for Jack Fields and him to process purchase orders for three new police vehicles now for the 2019 Budget Year. There was a discussion regarding the vehicles that are being removed from service. Mr. Mellor explained there will be no increase in the fleet numbers.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved the purchase order request for the 2019 Police Department Replacement of 3 vehicles in the amount of \$128,070.00.

#### **6. August 2018 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved expenditures totaling \$1,127,656.24; payroll totaling \$637,787.66 and pension paid costs totaling \$11,269.81 for August 2018.

#### **AMEND AGENDA**

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors amended the agenda.

#### **7. Order and Settlement Stipulation between Conference Facilities, Inc. (Chubb)/800 Ridge Pike and the Montgomery County Board of Assessment Appeals**

Mr. Mellor explained this is a Settlement Stipulations that was provided by the Montgomery County Board of Assessment Appeals, the result of which the assessment will go down which caused the overpayment. The solicitor's office is recommending approval, the cost to litigate would be much more than the cost the Township will repay.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors authorized signature of the Order and Settlement Stipulation between Conference Facilities, Inc. (Chubb)/800 Ridge Pike and the Montgomery County Board of Assessment Appeals, resulting in a decrease of the property's assessment and an overpayment to the Township of \$8,201.75 for 2017, and \$9,628.14 for 2018.

#### **PUBLIC COMMENT PERIOD**

David Contosta (Ridge Pike), a historian, provided writings of contemporaries of George Corson regarding his work with the Abolition movement and some history of Abolition Hall.

Richard Abraham (Bethlehem Pike) spoke to the Supervisors about making the right decision with regards to the Conditional Use Application. He provided some conditions he would like to see provided.

Johnny Corson (President of the Pottstown Chapter of the NAACP) read a statement from the national office of the NAACP, calling for a better plan to protect the PA Underground Railroad at the Corson Homestead (Butler Pike). He spoke against the current Conditional Use application.

Robin Smith (Mayflower Road) asked about the Gun Turn Back being offered by Whitpain Township Police Department. Chief Ward explained it is a pilot program developed by the Montgomery County District Attorney's Office. He stated the DA's office picked 5 regional police departments of which Whitpain is the closest to Whitmarsh Township and monitored it to see how this program works. He stated in Whitmarsh Police in the past has accepted guns from residents who wish to relinquish them and they see to their destruction. She spoke against the Hovnanian development and the traffic engineer's report and the traffic impact the development would have on the area.

Eli Glick (Whitefield Drive) spoke against the Hovnanian development.

Ellen Mermontes spoke against the Hovnanian development and she was disappointed that some of the opposition experts were not allowed to present.

Christopher Lane (Copper Beech Drive) Vice Chair Whitmarsh Township Open Space Committee spoke in favor of the alternative plan provided by the Friends of Abolition Hall.

Steve Kaufmann (Harts Ridge Road) spoke against the Hovnanian development. He discussed the storm water issues, wetlands and Zoning.

Colleen Gallagher (Whitpain Township) spoke to the Supervisors about making the right decision.

Carol Corson (Foxhound Drive) stated she grew up in a house on the Plymouth Meetinghouse property. She stated she and her siblings gave the property to the school. She stated the Wilson's are her cousins. She stated they need to sell the property. She stated there has to be a better plan to protect Abolition Hall.

Mary Celine Childs (Germantown Pike) spoke about the wetlands and possible stormwater issues.

Miles Pettengill (Flourtown Road) spoke about the history of the area and asked the Board to embrace the history.

Sydelle Zove (Harts Ridge Road) spoke about how long those in opposition to this project have been dealing with the developer. She stated she was disappointed that some of the opposition experts were not allowed to present. She spoke about the Zoning Code and the Comprehensive Plan.

Marianne Matt (Bethlehem Pike) a trustee of the Fort Washington Historical Society. Spoke about the history of the area. She spoke about the history of George Washington, the slaves and Abolition Hall. She asked the Supervisors to consider the impact on the area if they ignore the history.

David Miller (Plymouth Meeting Friends) stated he understands the difficulty of the Supervisors work.

Perry Schwartz (S. Silver Bell Lane) stated first that it was the 6<sup>th</sup> Anniversary of the Line of Duty death of Plymouth Officer Brad Fox. He spoke about the area of Whitmarsh and his spoke of his opposition of the Hovnanian development.

Anne Palladino (Wagner Road) spoke about living in the area and her opposition of the Hovnanian development. She stated she wanted to remind the Board of the history of this area and the property belongs to history.

#### **BOARD MEMBER COMMENTS**

Chair Grossman thanked all for their participation in the process. She also thanked them for respecting the structure that the supervisors are bound to follow in terms of the hearings and comments. She said the Board now has 45 days from tonight to deliberate and there are scheduled sessions for deliberation. She said they will vote within the 45 days and provide a written decision. She reminded the residents that all of the Board members live in Whitemarsh and chose to live in Whitemarsh and they will look at all sides of the Conditional Use application.

#### **ANNOUNCE EXECUTIVE SESSION**

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

#### **ADJOURNMENT**

On a motion by Supervisor Nester, seconded by Supervisor Sterling, the meeting was adjourned at 9:39AM.

Respectfully submitted,

Richard L. Mellor, Jr.  
Township Manager