

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

OCTOBER 8, 2020

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, October 8, 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; Krista Heinrich, P.E. Township Engineer and Charles L. Guttenplan, AICP

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor McCusker announced:

Keep your eyes peeled, the Fall '20 edition of Whitemarsh Living will be arriving soon. As always, residents may opt-out of receiving print copies. An online version will be available at our website: www.WhitemarshTWP.org

The Montgomery County Voter Services Office is finalizing plans for the November 3rd election. Please visit their website for information, updates, and questions: www.MontcoPA.org/VoterServices. AND DON'T FORGET! October 19th is the last day to register before the general election. Visit VotesPA.com for assistance registering to vote.

This week is Fire Prevention Week. In keeping with social distancing requirements, our Fire Marshal's Office has teamed up with WTV to produce a five-part Public Service Announcement series. Please visit the Township's new YouTube channel by searching for "Whitemarsh Township" at YouTube.com.

This Saturday, October 10th, Spring Mill and Barren Hill Fire Departments are hosting a drive-by Fire Prevention Expo. Volunteers will be demonstrating firefighting and rescue skills along with other displays. The event will be held from 9:00 am until 10:30 am at Plymouth Whitemarsh High School in the rear parking lot.

Leaf Collection will begin on Monday, October 19th (weather permitting). Leaves should be piled at the curb and free of waste, sticks, and other debris. Bagged leaves cannot be collected by our machines.

Fire Company's Service Years Recognition

Chair Nester shared that Barren Hill Volunteer Fire Company is celebrating 105 years of service in Whitemarsh Township.

Chief Bob Shoemaker stated Spring Mill Fire Company is proud to recognize these members and their years of service:

Jeff Heil Jr. – 5 years
Zach Hack - 5 years
Stephen Teller – 5 years
Mike Stoddard – 15 years
Chester Kwaitkowski – 30 years
Art Rothstein – 30 years
Mike Sobeck – 30 years
Ray Lebold – 40 years
Steve Dragon – 45 years
John Lebold – 50 years
Ed Bailey – 60 years

Chief Chris Schwartz stated Barren Hill Volunteer Fire Company is proud to recognize these members and their years of service:

Prakash Bhuyan – 5 years of Service
Eugene Langerfeld – 5 Years of Service
Chris Roberts – 10 Years of Service
Dave Cox – 15 Years of Service
Shaun Maher – 20 Years of Service
Ed Swift – 20 Years of Service
Scott Yoder – 25 Years of Service
John Ward – 30 Years of Service - (59 Year member of Flourtown Fire Company as well)

Chief Schwartz stated both Spring Mill Fire Company and the Barren Hill Volunteer Fire Company are waging a campaign to recruit new members. Chair Nester stated the residents of the community should do a drive-by for Barren Hill to celebrate their anniversary.

Update on The Highland's Legislation

Mr. Mellor explained as was previously reported, State Representative Mary Jo Daley has supported legislation that would allow the Pennsylvania Historical Museum Commission to sell The Highlands Mansion to the Highlands Historical Society (HHS) for \$1.00. Whitmarsh Township would then purchase a conservation easement from HHS over the approximate 27 acres of open space for \$3,010,000.00.

Representative Daley recently informed the Township that the Pennsylvania House State Government Committee unanimously passed the legislation in House Bill 2812. The next step is it to go to the House floor for a vote hopefully in October. It will then need to be approved by the Pennsylvania General Assembly. We will continue to keep the public updated on the progress of this legislation which is needed in order for this transaction to take place.

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. September 10, 2020

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the September 10, 2020 meeting minutes.

Eli Glick (Whitefield Drive) asked that the following be included regarding his comments at the September 10, 2020 meeting regarding the Purchase of Real Property under Act 153 – the Highlands/7001 Sheaff Lane: He raised questions as to the make-up of the HHS Board. He found no identities of the HHS Board on their website. He believed that the HHS leadership was made up of near neighbors to the Highlands. He specifically asked how tax dollars would be spent on the Highlands, what are the future plans for the Highlands and how residents will specifically benefit from the acquisition.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #02-19; Argos Associates/Adelphi Land Associates/Polergodom Group; Longfield Farms/Butler Pike – Preliminary Plan

Mr. Guttenplan explained the continued discussion of SLD #02-19, Preliminary Land Development Plans for Argos Associates/ Adelphi Land Associates/Polergodom Group, Ltd. for 'Longfield Farm', for development of 58 townhomes on the site, within the VC-4, Village Commercial District, Sub-district 4. He stated an existing pre-1940's single-family home, fronting on Butler Pike, is also being preserved as part of the development (with access to be relocated to the proposed internal road). The approximate 15-acre site is located adjacent to the intersection of Butler and Skippack Pikes. He explained the proposal was discussed at the Supervisors September 10, 2020 meeting at which time it was continued in order for the applicant to come back with responses to four issues identified by the Board as needing further review. The four issues dealt with the following: (1) the dollar amount of a fee in lieu of dedicating 10% of the project's land for park and recreation that is reflective of the project's conditional use approval for townhomes; (2) clarification to determine if the calculations for 'open space' vs. land set aside for 'recreational use' are the same or different, and whether the 'open space' calculation includes buffering, and if so, should it; (3) adding some mechanism to ensure that the landscape plan will be maintained as designed and that it won't change over time into a more mediocre design; and (4) how can traffic calming be incorporated to discourage cut-through traffic, looking to avoid the busy Butler Pike/Skipack Pike intersection. Staff, the Solicitor and Engineer met with representatives of the project via Zoom on September 25th to address these issues. Resulting from this meeting and subsequent discussions, revised conditions to address issues (1), (3) and (4) have been drafted and are contained in the amended. Issue (2) is addressed within a short PowerPoint which the applicant plans to present at the meeting.

Richard Collier, the planner representing the applicant, presented the following items to deal with four issues identified by the Board of Supervisors as needing review. He spoke about traffic calming identified by the residents & HOA to be installed as deemed necessary at owner's expense; options likely to include one or more of the following: STOP Signs, Speed Humps, an Electronic Entrance Gate on Butler Pike; measure to meet traffic calming standards & accepted specifications, as applicable and an acceptable Condition of Final Approval and escrow funding to be provided.

Mr. Collier spoke about Landscape/Buffer Maintenance. He stated the maintenance obligations & standards for common areas to be set forth in the HOA documents; funding of such maintenance will be an HOA responsibility with sufficient contracts and funding; and the Township will monitor to ensure ongoing compliance

Mr. Collier also spoke about the calculation of Community Open Space which would be 43.5% of the Land (6.45 acres) to remain undeveloped and open; required by Code (25%); 28.9% (4.29 acres) provided; additional "Green Space" permitted by SALDO; 14.6% (2.16 acres) provided including buffers as permitted by Code. Mr. Collier explained the difference between open space and green space.

Finally he spoke about the Park and Recreation Fee in the Form of a Fee-in-Lieu of Dedication of Land would be Owner will obtain a new MAI appraisal and provide to the Township a calculation of fee-in-lieu for BOS consideration; obtaining & submitting the appraisal and fee will be a Condition for Final Land Development Approval and the Owner will either pay the open space fee or submit land for consideration to be dedicated or conserved.

Sydelle Zove (Harts Ridge Road) asked about the landscape maintenance and the Township monitoring for compliance. She asked if the Township has ever taken on something like this. She asked who on staff would be able to monitor the compliance.

Caroline Edwards, attorney for the applicant, explained there were two parts to the maintenance of the landscape. The first was maintaining the landscape in a healthy fashion. The second is maintaining the types of plantings that were approved. She stated this common in home-owners documents. She stated there are restrictions in the documents that require the Homeowners Association to maintain the landscape. She stated the township is given rights to enforce. She stated it was not the intent for the township to have the obligation to routinely monitor.

Mr. Mellor stated there are code enforcements issues or code issues the Township will notify the Homeowners Association to have corrective action taken.

Ms. Zove asked if there is a negotiated agreement/condition about a hedgerow and 3 years maintenance plan.

Mr. Collier stated the hedgerow is the buffer selected and he explained the installer will typically guarantee the produce for 12 – 18 months. He explained after that the Homeowners Association is responsible for the maintenance.

Supervisor Manuele explained to Ms. Zove that a section of the resolution that puts the obligation on the Homeowners Association.

RESOLUTIONS

1. SLD #02-19; Argos Associates/Adelphi Land Associates/Polergodom Group; Longfield Farms/Butler Pike – Preliminary Plan

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-19** granting Preliminary Plan approval for SLD #02-19; Argos

Associates/Adelphi Land Associates/Polergodom Group; Longfield Farms/Butler Pike for the Construction of 58 Townhouses.

Mr. Kilkenny explained this is for approval of the resolution and the waivers.

BOARD PUBLIC DISCUSSION ITEMS (continued)

2. SLD #09-19; Conference Facilities, Inc. /800 Ridge Pike – Preliminary/Final Plan

Chair Nester announced that the applicant asked to be removed from tonight's agenda.

RESOLUTIONS (continued)

2. SLD #09-19; Conference Facilities, Inc. /800 Ridge Pike – Preliminary/Final Plan

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors **TABLED** the Preliminary/Final Plan approval for SLD #09-19; Conference Facilities, Inc./800 Ridge Pike for a 2-lot minor subdivision to separate the golf course from the conference center uses

ORDINANCES

1. Ordinance Amendment - Process the minor nonviolent offenses of personal possession or personal use of small amounts of marijuana and personal possession of marijuana paraphernalia

Mr. Kilkenny explained the ordinance is another tool for the police when dealing with offenses with small amounts of marijuana, as defined by the crimes code. It provides a way for minor offenders that an alternative system be used. He stated it provides for diversionary programs which could be provided by the District Justice. He stated many municipalities in Pennsylvania and Montgomery County have adopted this.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Ordinance #1004** to process the minor nonviolent offenses of personal possession or personal use of small amounts of marijuana and personal possession of marijuana paraphernalia.

RESOLUTIONS (CONTINUED)

3. PA DCED Multimodal Transportation Fund Grant - Colonial Drive/Flourtown Road Traffic Signal

Mr. Mellor explained a resolution is required for the submission of the grant. Gilmore and Associates, Inc. have completed and submitted the majority of the grant documents. This grant funding would allow for an additional \$1.15 million for the installation of a traffic signal and road improvements at Colonial Drive and Flourtown Road.

On a motion by Supervisor Toll, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-21** approving the PA DCED Commonwealth Financing Authority

Multimodal Transportation Fund Grant application for the proposed Colonial Drive/Flourtown Road traffic signal.

MOTIONS

1. Fire Capital Expenditure - Spring Mill Fire Company

Mr. Mellor explained several years ago the Township started a Fire Capital Fund for the Township Fire Companies. In that fund any time the Fire Companies need a portion they make a request to the Emergency Services Board. The request is reviewed by the Emergency Services Board and a recommendation is then made to the Board of Supervisors. He stated the Spring Mill Fire Company has requested the distribution of \$90,000 from the capital fund for the replacement of their HVAC units at their facility at the August 2020 Emergency Services Board Meeting. This would include replacement of the units and any necessary roof work/repair as needed with the replacement.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the release of Fire Capital funds for Spring Mill Fire Company in the amount of \$90,000 for replacement of HVAC units

2. Board/Commission Appointments

Mr. Mellor explained how the terms are determined when appointments are made. He explained the individual is filling an empty position, which already has a term end. Chair Nester welcomed both of applicants. Mr. Kotsky explained his background in zoning and land-use issues. Mr. Sellami stated he is happy to give back to the community.

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

Aaron Kotsky - Planning Commission term ending December 31, 2020
Yassine Sellami – Environmental Advisory Board term ending December 31, 2021.

3. Escrow Release No. 1; \$24,770.25 - RockCorp, LLC/509-515 Bethlehem Pike

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized escrow release #1 for Rockcorp, LLC/509-525 Bethlehem Pike in the amount of \$24,770.25

4. September 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 \$1,164,213.18; and payroll totaling \$623,632.48 and pension paid costs totaling \$9,669.55 for September 2020.

AMEND AGENDA

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

RESOLUTIONS (CONTINUED)

4. PENNDOT Multimodal Transportation Fund Grant - Colonial Drive/Flourtown Road Traffic Signal

Mr. Mellor explained the engineers also need the attached resolution signed in order to submit for the PennDOT MTF grant in early November. It is for the same project as the DCED Multimodal Transportation Fund Grant. He stated this grant opportunity requires a 30% municipal match which is slightly higher than what the Township offered for the DCED grant (20%). Therefore, the grant request amount is reduced for this submission.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2020-21** approving the PENNDOT Multimodal Transportation Fund Grant application for the proposed Colonial Drive/Flourtown Road traffic signal.

PUBLIC COMMENT PERIOD

Sydelle Zove (Harts Ridge Road) asked what happened to the Germantown Pike Revitalization Plan which would have improved the intersection of Germantown Pike and Church Road. She asked why it was not implemented.

Mr. Mellor explained that it was late 2010 when this was discussed. He stated he doesn't know what the improvements were or what was trying to be accomplished.

Ms. Zove asked if there is some information in the Township. Mr. Mellor stated he has never seen the plans.

Chair Nester if there were concerns about the area. Mr. Mellor said no other than the limitations of that intersection. Mr. Guttenplan explained the property on the corner, 650 Germantown Pike is currently on the market. He said if/when it sells and the property goes into land development some work could be required on the corner.

BOARD MEMBER COMMENTS

EXECUTIVE SESSION

Chair Nester announced the Board of Supervisors held an Executive Session on prior to the meeting to discuss real estate and litigation. She announced additional Executive Sessions held on September 16, 2020 to discuss personnel and litigation; September 23, 2020 to discuss real estate and litigation; October 6, 2020 to discuss real estate and litigation; and October 7, 2020 to discuss real estate and litigation.

ADJOURNMENT

On a Motion by Supervisor Manuele, seconded by Supervisor McCusker the meeting for October 8, 2020 was adjourned at 7:10 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager