

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

MARCH 9, 2023

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, March 9, 2023 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

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

Supervisor Absent: Patrice Turenne

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor Toll announced:

Roadwork update: Ridge Pike is restricted to a single lane from Pine Ridge Road through Northwestern Avenue in the eastbound direction and from Northwestern Avenue to Park Avenue in the westbound direction beginning March 9, 2023 for three to three and a half months for roadwork as part of Montgomery County's Ridge Pike Improvement Project.

Township Day will take place on April 22, 2023 which is an opportunity to interact with the community and there are a variety of ways to participate. Get in touch with the Parks and Recreation Department or email Tom Blomstrom, Director of Parks and Recreation. She suggested businesses think about becoming a sponsor.

Teeny Shamrocks Day will take place on March 14, the deadline for registration is March 10, 2023.

PUBLIC HEARINGS

1. CU #01-23 454 Germantown Associates, LLC/454 Germantown Pike - Multifamily Conversion from Commercial Use to 5 Apartments

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors opened the public hearing for CU #01-23 454 Germantown Associates, LLC/454 Germantown Pike Multifamily Conversion from Commercial Use to 5 Apartments..

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 Kilkenny, Township Solicitor
Alex Bard, Attorney for the Applicant
Martin McCarthy, Applicant

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 4-0) the Board of Supervisors closed the public hearing.

March 9, 2023

MOTIONS

1. **CU #01-23 454 Germantown Associates, LLC/454 Germantown Pike**

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors approve Conditional Use #01-23 454 Germantown Associates, LLC/454 Germantown Pike for a multifamily conversion from a commercial use to 5 apartment dwelling units the VC-1 Village Commercial District.

PUBLIC HEARINGS (continued)

2. **Ordinance Amendment To Chapter 105; Amendment Definition Section In SALDO**

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors opened the public hearing for Ordinance Amendment to Chapter 105; Amendment Definition Section in SALDO.

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 Kilkenny, Township Solicitor
Charles L. Guttenplan, Director of Planning and Zoning

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors closed the public hearing.

ORDINANCES

1. **Amendment To Chapter 105; Amendment Definition Section In SALDO**

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors adopted **Ordinance #1023** amending Chapter 105 Subdivision and Land Development by updating certain definitions to provide consistency with recent updates to Chapter 55 Tree Protection Standards

APPROVAL OF MINUTES

1. **February 3, 2023**

On a motion by Supervisor Nester, seconded by Supervisor Toll (Vote 4-0) the Board of Supervisors adopted the meeting minutes from February 3, 2023.

BOARD PUBLIC DISCUSSION

None

CONSIDER ACTION ITEMS

Motions

1. Board/Commission Appointments

Mr. Robinson thanked the Board for his appointment to the Park and Recreation Board and the opportunity to serve the community.

On a motion by Supervisor Toll, seconded by Manuele (Vote 3-0, Supervisor Nester – abstained on the appointment of Mr. Nester, Vote 4-0 on the appointment of Mr. Robinson) the Board of Supervisors approve the appointment of the following individuals to Boards/Commissions:

Gregory Nestor – Zoning Hearing Board Alternate term ending December 31, 2024

Jerome Robinson – Parks and Recreation Board term ending December 31, 2026

Ordinances (continued)

2. Ordinance Amendment - Reserved Handicap Parking

Mr. Mellor explained the Police Departments Traffic Safety Unit examined the Township Code to determine if all the handicap parking location were still needed. As a result, several locations are no longer in use and therefore can be removed from the Township Code. In order to do this the Township must adopt an ordinance amendment removing the handicap locations from the Code.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors adopted **Ordinance #1024** amending Section 111-22.1, “VEHICLES AND TRAFFIC –Handicapped Parking Only Between Signs” to repeal certain Handicapped Parking Zones.

3. Ordinance Amendment - Emergency Services Board – Addition of Director of Public Works

Mr. Mellor explained at the December ESB meeting a motion was made, seconded, and passed to add the Director of Public Works to the ESB as a voting member and change the alternate to a full civilian member with voting rights to keep the board an odd number to avoid stalemates.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted **Ordinance #1025** increasing the number of voting members of the Emergency Services Board from 13 to 15 and to designate the membership of the Board to include the Director of Public Works and the Alternate Civilian Member.

Resolutions

1. Intergovernmental Agreement with other Montgomery County and Philadelphia County Municipalities and Wastewater Treatment Plant Operators

Mr. Mellor explained Whitemarsh Township continues to participate along with 13 neighboring communities along with 4 wastewater treatment plants (the partnership) to improve water quality in the Wissahickon Creek. This intergovernmental agreement (IGA) is a renewal of the March 2021 agreement which is necessary to ensure the long-term implementation of the WQIP (Water Quality Improvement Plan) on a watershed-wide basis. This IGA is also a necessary component for the partnership to receive an approval of our WQIP or “Alternative TMDL” vs. the more stringent EPA TMDL. Nothing has changed in the IGA itself; however, the Resolution has removed the expiration date and replaced the language to “expire ninety (90) days after final

approval of a TMDL. He said the partnership is working closely with subject matter expert and legal counsel to solidify plans to implement best management practices and coordinate projects that will reduce stormwater runoff into the Wissahickon Creek. In addition, the partnership will propose several “best management practices” (BMPs) that improve the ecological conditions immediately surrounding the Wissahickon Creek. These include expanding the tree canopy and riparian buffer zones to filter stormwater runoff, recharge groundwater, reduce erosion, and ultimately reduce the level of nutrients entering the creek. Mr. Mellor stated once agreed upon with PADEP and EPA, these projects will be carried out in a coordinated fashion to achieve the partnership’s reduction goals over time. This IGA affords the township an opportunity to benefit from an economy of scales to monitor water quality into the future, thereby enabling us to verify the true benefits of the BMPs to the watershed. Finally, the participation affords Whitemarsh Township an opportunity to work with regulatory agencies as a regional body. This is necessary because any efforts made by Whitemarsh Township to improve water quality in the Wissahickon Creek will be heavily affected by the actions of those communities upstream.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors adopted **Resolution #2023-10** authorizing an extension of the 2018/2019 intergovernmental agreement with other Montgomery and Philadelphia County Municipalities and Wastewater Treatment Plant Operators to complete a water quality improvement plan (WQIP) as an alternative to the EPA Phosphorus total maximum daily load (TMDL) for the Wissahickon Creek Watershed.

MOTIONS (continued)

2. Vacancy Board Member

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 4-0) the Board of Supervisors approve the Vacancy Board member Sara Erlbaum for Vice Chair Jacy Toll for 2023.

3. Advertisement of Ordinance Amendment - Cable Franchise Agreement with Verizon Pennsylvania, LLC

Mr. Mellor explained the Township’s Verizon Franchise Agreement has been expired for several years. He stated the law group Cohen Law has been working on behalf of Whitemarsh Township and several other Montgomery County Consortium Communities as they negotiate agreements with Verizon. He said the Franchise Agreement allows for cable operators to receive a franchise fee on their bill from their gross revenue for cable services delivered in the municipalities with their fiber-optics in the Township’s right-of-way. He stated there is a similar agreement with Comcast. He explained the agreement provides a franchise fee grant to the township. He explained it is a one-time grant in the amount of \$15,000. It also provide the township to receive a high-definition channel. He explained the township channel is currently in standard definition. He said the agreement is for five years.

On a motion by Supervisor Nester, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors authorized the advertisement of an ordinance authorizing the execution of a cable franchise agreement between the Township and Verizon PA, LLC.

4. Advertisement of Ordinance Amendment - Rental Premises and Inspection

Mr. Mellor explained Keystone Municipal Services was tasked to review and manage the rental inspection program for Whitemarsh Township. The first order of business is to review the current Rental Premise Ordinance originally adopted in 1983 with amendments in 1988 and 2009. He explained they found several inconsistencies throughout the original ordinance. He explained some of the changes: Throughout the old Ordinance, the Finance Director was the enforcement officer for rental facilities not the Code Enforcement

Officer; the owner or agent of the rental property had to register every two years which would trigger an inspection. This new ordinance would be automatically schedule an inspection every two years with the accompanying letter as an example as what will be mailed to each rental owner prior to their yearly inspection with the responsibilities and requirements to maintain their rental units; The new ordinance eliminated the partial inspection for units over 100 every three years and brought it into compliance for every two years; Changed the Board of Appeals from the Township Manager, Director of Code Enforcement and Fire Marshal to the current Whitemarsh Township Building Code of Appeal Board. Mr. Mellor stated overall, the new ordinance provides more structure and timely inspections for all rentals throughout the Township to ensure properties are being maintained in a safe manner for the tenants and the properties are in compliance with current codes and regulations

On a motion by Supervisor Toll, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors authorized the advertisement of an ordinance amendment for Chapter 94 – Residential Rental License Requirements.

5. Advertisement of Ordinance Amendment - 2018 Bond Refinancing

Mr. Mellor explained in accordance with the presentation by PFM at the Board’s Departmental Workshop meeting in February it is requested the Board authorize the ordinance advertisement for the issuance of Bonds, in one or more series, to refund the Township’s Series 2014 and 2018 Bonds. The 2018 bonds have a call date of November 15, 2023 which allows for the refinancing and savings provided we received a favorable interest rate. The bond rate is currently fixed at 4%. The 2014 TD bank loan is a variable interest rate loan in which we have received very favorable rate throughout its term. The current rate is 1.625% but will reset this year based on the current rates with a cap of 5%. PFM has recommended that the Township adopt the ordinance now since we can lock in an interested rate up to 90 days in advance of the call date. This will provide flexibility so we do not have to worry about this administrative requirement if rates are favorable within the early period of the call date. Mr. Mellor stated Township staff and PFM are working with bond counsel from Obermeyer who is preparing the ordinance on behalf of the Township.

On a motion by Supervisor Manuele, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors authorized authorize the advertisement of an ordinance authorizing the approval of a refinancing to the 2018 Township General Obligation Bond.

6. Escrow Release #2 - River Place/901 Washington Street

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors authorized the escrow release #2 for River Place/901 Washington Street in the amount of \$79,169.16.

7. February 2023 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Turenne, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors approved expenditures totaling \$542,404.22; and payroll totaling \$671,034.96 for February 2023.

PUBLIC COMMENT PERIOD

BOARD MEMBER COMMENTS

Chair McCusker announced and congratulated the Sague Bus Company who are celebrating 90 years of business in Whitemarsh Township. He thanked them for all their years of service for the community.

EXECUTIVE SESSION

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

ADJOURNMENT

On a Motion by Supervisor Manuele, seconded by Supervisor Toll the meeting for March 9, 2023 was adjourned at 7:50 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager