

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

APRIL 8, 2021

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, April 8, 2021 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:

Drug Take Back Day is Saturday, April 24th from 10am until 2pm at the Police Department. A drug take back box is also available in the Police Department Lobby 24-hours a day, 365 days a year.

Calling all Enviro-Teers! The Wells Street Open Space Clean Up will take place this Saturday, April 10th from 8am until 11am. Volunteers will be provided with their own shirt, tools, trash bags, and gloves. We encourage everyone to wear long pants, long sleeves, sturdy footwear, and a hat. The group will meet in the parking lot across the street from Cedar Grove Park.

Want to let your furry companion join in the vaccine craze?! Take your dog or cat to Elmwood Park Zoo in Norristown on Sunday April 11th or 18th between the hours of 10am and 4pm. Pet vaccinations, microchipping, and heartworm shots for dogs will be available. Dog licenses can also be applied for at this event. Please consider bringing a pet food donation with you.

Proclamation – 2021 National Libraries Week

Chair Nester read the Whitemarsh Township Board of Supervisors Proclamation celebration the 2021 National Libraries Week.

Lisa Clancy, Director of the Library, thanked the Board and said the Library appreciates the proclamation and said it's a great week. She said with all the craziness of last year they missed celebrating their 50th Anniversary but look forward to another 51 years.

Introduction of Police Officer Kyle Mason by Police Chief Christopher P. Ward

Chief Ward stated at the beginning of March 2020 the Whitemarsh Township Police Department started the Hiring Process to replace one police officer. Almost as soon as the Hiring Process began, the COVID Pandemic became a recognized global crisis and the nation went into a social distancing lockdown. Applications for the position were still received, but the deadline for applications was extended to give applicants the opportunity to adjust to the new “normal” and properly and safely file their applications. The original deadline was extended from April to May and the entire Hiring Process was revamped to allow for the process to be safely run. He stated as the field of approximately 100 applicants was reduced through application review, the MPOETC approved Physical Agility Testing and our Oral Interviews and outstanding candidate for the position was identified. Finally, after a thorough background investigation, a physical and a psychological examination, in early November, Kyle Mason was offered the position of Probationary Police Officer with our agency.

Chief Ward stated Kyle Mason is a graduate of Souderton High School, and the Philadelphia Police Academy. Kyle had successfully completed the Municipal Police Officers’ Education and Training Commission certification examination for police officers in Pennsylvania and was employed as a Police Officer with the City of Philadelphia for two years (assigned to the 19th District). Immediately out of high school, Kyle completed a three-year electrical apprenticeship with IBEW Local 98 (Electricians Union). Kyle Mason is single and resides with his girlfriend of three years in Philadelphia, PA.

Kyle officially joined the Whitemarsh Township Police Department on December 7, 2020 and was sworn in by the Honorable Deborah Lukens, District Justice for Whitemarsh Township on December 8, 2020. Kyle is assigned to the Patrol Division and is currently working his way through our Field Training Program under the direction of Field Training Officer Vince Mundy and Patrol Sgt. Craig Cubbin. The Chief thanked the Board of Supervisors for the opportunity to introduce Officer Kyle Mason to the Board and our residents.

Chief Nester welcomed Officer Mason and congratulated him. Officer Mason thanked the Chief and the Board and said he is happy to be in Whitemarsh and he hopes he can make everyone proud with the years of service he can provide.

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. March 11, 2021

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the March 11, 2021 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

None

CONSIDER ACTION ITEMS

Ordinances

None

Resolutions

1. **PENNDOT Traffic Signal Maintenance Resolution - Township's Traffic Signal Permit Agreement with PENNDOT**

Ms. Heinrich explained PennDOT has started a new TE-160 process for all traffic signals within a municipality to make the process more streamline and to reduce the time and paperwork required each time a signal or modification is proposed. Instead of requiring a resolution for every traffic signal permit, the new process requires a one-time maintenance agreement between PennDOT and the Municipality. This agreement will cover all the traffic signals within the Township.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors adopted **Resolution #2021-15** authorizing the Township Manager to submit all future Traffic Signal Maintenance Agreements and permit approvals to the Pennsylvania Department of Transportation.

MOTIONS

1. **Agreement of Sale - Corson Property Tract (Abolition Hall)/Butler Pike**

Chair Nester stated the Township has always hoped that it could purchase or in some way protect and honor the historic Abolition Hall and its surrounding property. She said at this time the Township has at minimum the opportunity to protect the Hall, associated buildings and lands. Tonight's vote is step one and there will be many more public opportunities to discuss how and what it all will look like. She said she wanted to point out how unique and out of the box, how collaborative this has been and say thank you to the Corson Family for helping preserve their families history, to the private donor who without them this would not be possible. She thanked Rick Mellor, Township Manager who had the initial idea to involved the Whitemarsh Arts Center, Staff, the Solicitor's Office for their hard work, Sean Kilkenny and John Walko, the Whitemarsh Art Center Board Members for their willingness to be involved in the project and her colleagues on the Board of Supervisors and Township Residents.

Mr. Kilkenny introduced the Agreement of Sale for the Corson Tract which includes the building at 1 East Germantown Pike, Hovenden House at 4006 Butler Pike, Abolition Hall and the building located at 14 Marple Lane as well as all of the open space on the property. He said the township desires to preserve the property but had its hands tied by the Second Class Township Code and could only pay the appraised value. He agreed thanks to the generosity of the donor and the collaborative effort of Township Staff and also the Whitemarsh Art Center. He said this is a Tri-party Agreement of Sale. He thanked his legal team mainly John Walko who was involved in the negotiations.

John Walko (Township Solicitors office) explained the details of the agreement. He explained the Township has been in negotiations to purchase the "Corson Tract". He stated the Township desires to acquire the Corson Tract for open space preservation and historic preservation of certain buildings on the property, including Hovenden House and Abolition Hall. Originally, the Township's offer to purchase the Corson Tract (based upon the Township's property appraisal amount) was outbid. However, after the original successful bidder backed out of their agreement with the sellers, the Township was presented with a unique opportunity to partner with the Whitemarsh Art Center to match the original winning bid of \$3,950,000.00. The funding for such purchase will come from the Township's open space funds in an amount not to exceed the Township's appraised value, with the remainder of the purchase funded through a generous gift to be made from a private donor to the Whitemarsh Art Center for this acquisition. Through this partnership with the Art Center, it is anticipated that the Township will be able to preserve the open space and the historic buildings, and the Art Center will be able to use the property's facilities to further its nonprofit mission. He stated the Township is pleased to report that we have reached a proposed final Agreement of Sale. This Agreement will provide the Township and the Art Center with the opportunity to perform initial due diligence inspections of the property. After such inspections, if the Township and Art Center wish to continue with the purchase, there is still a contingency to the Agreement that the gift must be received. Notably, there is no contractual obligation for the donor to provide the gift, and it is not anticipated that the gift will occur until approximately a year. The Agreement accounts for such timing and contingency. Due to such prolonged times until closing, the present landowners and tenants will be permitted to remain on the property for defined time periods after closing. He explained the Agreement requires the Township to provide a \$100,000 deposit, to be held in escrow, which would be refundable if the Agreement is terminated during the due diligence period or if the gift is unable to be made. If the Township desires to pursue this purchase pursuant to the Agreement's terms, the Township should take formal action to approve this Agreement. Separate approval will need to be taken by the Art Center to enter into the Agreement.

Roy Wilson, 4006 Butler Pike stated that he and his wife Ann and I have lived here for more than 40 years. We are both artists and have used Abolition Hall as our art studio for most of our careers. During that time we have done our best to maintain these very old historic buildings, despite a heavy real estate tax burden now \$26,000 year. We have conducted numerous free tours to individuals, groups, and the public. Nancy Corson and I applied for the State Historical Marker you see on Butler Pike, and I installed it. While we will be sad to leave, we are primarily concerned that no

road be built thru the center of the historic area. We are aware that Township staff, as well as County, State, and PennDOT planners, as well as many local residents, all would like to remove the dogleg at this intersection and straighten the road by routing it between the historic buildings. We hope that will not be allowed to happen, the history is rich here, with a legacy that resonates up to the present day. This property is a placeholder for the history of the Maulsby and Corson families, and by extension the very history of Plymouth Meeting itself.

Mr. Wilson explained the history of the property, he said the Maulsby's and Corson's ran the local general store here, started a lending library, helped found the anti-slavery movement here. They were farmers, builders, doctors and served with distinction in the Civil War. George Corson and Martha Maulsby Corson were passionate anti-slavery advocates for decades before the Civil War. George Corson attended the anti-slavery Free Soil Party convention in Buffalo NY in 1848. They were faithful subscribers to both the Anti-Slavery Standard, and the Liberator newspaper. The Corsons were tasked in 1855 by James Mott with protecting escaped slave Jane Johnson, in a celebrated case in Philadelphia. The Corsons opened their home in Plymouth Meeting (now known as the Hovenden House), to many Abolitionist speakers of the day. Families escaping slavery on the Underground Railroad were often housed and fed in the family home, and likely transported in wagons from the barn to the next stop on the Railroad. He said Abolition Hall in many ways is more of a symbol than a site of the Abolition movement. Abolitionists were despised by many Americans before the Civil War. Many Americans saw slavery as more of a political issue. George Corson wanted to build Abolition Hall (it was referred to as Anti-Slavery Hall) as a non-denominational hall on his own property where all members of the general public could come to hear Abolitionist speakers. But he died only a couple years after it was built. In addition to Abolition, George Corson was an early adherent to the Temperance movement. At a time when limekiln builders expected to receive part of their pay in liquor, Corson refused to permit the practice. He explained the Corsons were also supporters of the suffragist movement, and subscribed to the Revolution, published by Susan B Anthony and Elizabeth Cady Stanton. The Corson family had many doctors, and Hiram Corson championed the rights for women to be allowed into the medical profession, and a time when this was opposed by most male doctors. In the 1890's Hiram wrote a birthday note to the young son of Thomas Hovenden. After wishing him a happy birthday, he urges his young relative to remember to support the rights of women, noting that men who emigrate into America have the right to vote, but "your mother, who was born here, cannot vote."

He said they are excited to think the Whitemarsh Art Center might participate in this proposal. The history of Art is rich here. Any artist who walks into the second floor of Abolition Hall instantly recognizes it as a desirable artist studio. Thomas Hovenden, in his day, was one of the most famous artists in America. Among his many paintings, his painting of abolitionist John Brown being led to the gallows is an iconic image of the Abolitionist movement. Although painted after the Civil War, it is an image commonly found in history books. His painting Breaking Home Ties was renowned across the country. Hovenden often used local residents, both black and white, as models for his paintings. To this day you can still look out the large window of the Hall and see the spire of Cold Point Church, just as Hovenden painted it in the 1890's. Hovenden himself was an Irish immigrant to American,

marrying into the Corson family. His wife Helen Corson Hovenden was an extremely talented painter in her own right, who also used Abolition Hall as her studio. They counted as friends many famous artists of the day, including William Picknell, Augustus Saint-Gaudens, Daniel Chester French, John Boyle, and John Sartain. Their daughter Martha Maulsby Hovenden was a stone sculptor (unusual at this time for a woman to be a sculptor) who also made the Hall her studio. She likewise was friends with noted artists of the period including Paula Belano, Edith Emerson and Violet Oakley.

Mr. Wilson ended his comments with a quote from Irish born Thomas Hovenden in 1891, discussing his emphasis on painting American subject matter: *"...I believe I am more intensely American than any man in the profession. I am an American by adoption and will die an American. I think no one appreciates what it is to live in this country, until he has had a taste of some other."*

Cynthia Turner (Chestnut Street, West Norriton) said she grew up in Plymouth Meeting and thanked the Friends of Abolition Hall and Sydelle Zove. She said she hopes this moves forward.

Chair Nester stated the Township acknowledges and appreciates all the Friends of Abolition Hall contributed.

David Miller (Plymouth Monthly Meeting) said he has a grateful heart tonight. He thanked the Wilsons and Nancy Corson for the years of care and education on the property and for all of them who maintained the living legacy. He thanked the Board of Supervisors for taking the ideas of a community and making them a reality. He spoke about the use of the land going forward with the township, the community and individuals with gifts that step forward to make this move forward. He said this is a huge opportunity but a tremendous amount of work to be done. He said he is so grateful.

Sydelle Zove (Harts Ridge Road) said it has been a long time coming and fills her heart with joy. She thanked everyone who made this happen. She thanked the Board of Supervisors for seeing it thru. She thanked the Wilsons for the preservation of the property and for this history and historical documents. She said she wanted to point out that the township attempted to acquire the property in 2013 and the fact that the township could not compete with the agreement of sale the developer had offered. She thanked the Friends of Abolition Hall who fought the fight and helped, in an indirect way to get the developer to pull the plans. She said the developer's decision was clearly a business decision. She thanked the Whitemarsh Art Center for their help in bringing this to fruition.

Gary Kaplan (Black Walnut Lane) thanked the Board of Supervisors for enabling this day to come to pass.

Tam Paulits (Edmonds Road) thanked the Board of Supervisors and the Boards and Commissions who sat through all of the development meetings. She said she is so glad that it came to this conclusion and it will be the best thing for all.

Roy Wilson said they approached the township about 10 years ago to buy just the fields of their property because of the high taxes. He explained the history of the taxes on the property and spoke about the exceptions he has to some of the comments made by the Friends of Abolition Hall.

Celine Childs stated she is overwhelmed with gratitude and offered any help that township would need.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Agreement of Sale between Ann Wilson, Margaret Stevens and Thomas Hopkins having an address at 4006 Butler Pike and Whitmarsh Township and the Whitmarsh Community Art Center in the amount of \$3.95 million dollars subject to the terms and conditions set forth in the Agreement of Sale.

2. Awarding Public Bid - Administration and Police Cleaning Contract

Mr. Mellor explained the Township received a total of five (5) sealed bids for cleaning services for Bid# 2021-01. He said after the bid opening, it was determined that Interstate of 508 Prudential Road in Horsham, PA submitted the lowest responsible bid. It is recommended to accept the "base bid" not to include window cleaning, carpet cleaning, or provision of supplies. The total for those monthly services at the "base bid" rate comes to \$2,221.90. It was explained while preparing the bid specifications, Assistant Manager Halbom spoke with several surrounding communities about their services. He learned that Interstate provides cleaning services for Upper Dublin Township's Library. Mr. Halbom had an opportunity to speak with Upper Dublin staff concerning their impression of Interstate and they reported that they have been pleased with their services to date. Per the specifications, this contract would begin May 1, 2021 and would end on December 31, 2021 with an option for two one-year extensions at the Township's discretion.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the public bid from Interstate for the cleaning contract for both the administration and police in the amount of \$2,221.90 per month.

3. Hold Harmless Agreement - 1100 E. Hector Street/Spring Mill Corporate Center

Mr. Mellor explained the Hold Harmless Agreement is to allow four ground-mounted signs within the ultimate rights-of-way of E. North Lane and E. Hector Street for the Spring Mill Corporate Center. The Center is undertaking a complete re-branding with a comprehensive new signage package to help identify the center and provide better vehicular and pedestrian directional signage throughout their properties. Of the seven proposed signs to be located along these two roads, four are either totally or partially within the ultimate rights-of-way. He said certain zoning relief was necessary for this new signage package; it was granted on Sept. 17, 2020 by the Zoning Hearing Board in case ZHB #2020-19. He said Police Chief Ward, the Traffic Safety Unit and the Township Engineer conducted a site visit to review the proposed sign locations. The location of the signs designated on the site plan as ST03/03,

ST04/12, and ST02/14 were found to be acceptable. The sign designated as ST04/11 (top circled location on E. North Lane) was found to potentially impair sight distance from the adjacent driveway for drivers exiting here. Two options to alleviate this situation were recommended; the applicant agreed to one of the options, which was to move the sign back so that it is 16 feet from the curb; the sign remains partially within the ultimate right-of-way. As a result, none of the four signs pose sight distance issues.

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for signs in the ultimate right-of-way at 1100 East Hector Street/Spring Mill Corporate Center.

4. March 2021 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved expenditures totaling \$985,707.15; and payroll totaling \$628,466.01 and pension paid costs totaling \$4,684.68 for March 2021.

AMENDED AGENDA

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

5 Order and Settlement Stipulation between Hanson and Beck/5219 and 5221 Militia Hill Road v. MONTCO Board of Assessment Appeals

On a motion by Supervisor Manuele seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors authorized the Order and Settlement Stipulation between Hanson and Beck/5219 and 5221 Militia Hill Road v. MONTCO Board of Assessment Appeals resulting in the decrease in the assessment between 2018-2020 requiring a repayment of \$800.88 in Township real estate taxes.

6. Collective Bargaining Agreement between Whitemarsh Township and the Public Works Association

Mr. Mellor explained the township had been working with the Public Works Association as their contract expired at the end of 2020 in an effort to renegotiate their contract. He explained after meeting with them the Board offered them an extension of their current contract and terms for 2 years. He said they have agreed and the Memorandum of Understanding was provided to them. The PW Collective Bargaining Association signed the MOU and returned it to the township. He said he believes it is a fair deal for both the township and the PW Association. He thanked their collective bargaining team for their efforts in working out the deal.

On a motion by Supervisor Toll seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the Collective Bargaining Agreement between Whitmarsh Township and the Public Works Association which extends the current terms of the contract for the years 2021-2022.

PUBLIC COMMENT PERIOD

Tam Paulits (Edmonds Road) spoke about some shade tree issues at the Knolls development. She is stated she is very concerned about the tree issues at both the Knolls and the Veterans Memorial. She said she is very happy to be a part of the Chapter 55 rewrite.

Steve Kaufmann (Harts Ridge Road) spoke about Abolition Hall and that he is very happy the township is taking such a position. He spoke about the heritage and history of the property. He spoke about the history of non-violence there.

BOARD MEMBER COMMENTS

None

EXECUTIVE SESSION

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

ADJOURNMENT

On a Motion by Supervisor McCusker, seconded by Supervisor Toll the meeting for April 8, 2021 was adjourned at 7:10 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager