

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

**MAY 12, 2022**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, May 12, 2022 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

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

Supervisors Absent: Patrice Turenne

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 Manuele announced:

Don't forget! Tuesday May 17th is Primary Election Day! The Montgomery County Voter Services Office website includes polling locations and ballot information. Visit: [www.MontCoPA.org/VoterServices](http://www.MontCoPA.org/VoterServices) for details.

Aqua PA reports that roadwork on Ridge Pike (Between Manor Road and Joshua Road) is expected to be completed by the end of May.

A fireworks display is scheduled for May 14th at 9:00PM at the Union League. The display is for a private event. Please take note if you have pets or members of your household who are sensitive to fireworks.

Movies in the Park is back! Join us at Leeland Park on Wednesday, May 18th for a family-friendly viewing of Disney's Encanto. The event is weather-dependent. Viewers are encouraged to bring a chair or blanket and bug spray. We hope to see you there!

On May 21<sup>st</sup> the William Jeanes Memorial Library is having its Wine and Cheese fundraiser from 5PM to 7PM and we hope everyone can attend.

**Whitemarsh Veteran's Monument Committee - Four Chaplains Legion of Honor Award**

Supervisor McCusker invited the Whitemarsh Veterans Monument Committee: Dr. Richard Cutler, Eileen Behr and Joe McGrath to present the Four Chaplains Legion of Honor Award.

Dr. Cutler thanked the Board for allowing them to make the presentation. The presentation is to one of the committee members: Fran McCusker.

Dr. Cutler gave a background of the Chapel of the Four Chaplains. He said the story begins in February of 1943 when the United States Army Transport vessel Dorchester (a converted cruise ship) and carrying over 950 members of the US Army from Newfoundland to Greenland. The boat was hit in the middle of the night by a German U-boat and subsequently only 230 soldiers survived. He explained during the course of the event there were four chaplains on board. He stated there was a Dutch Preferred, a Catholic Priest, a Methodist Priest and a Rabbi. He stated while the chaplains were trying to organize and keep calm amongst the enlisted men, they realized there was a problem, there weren't enough life preservers. The four chaplains took their own life preservers and donated it to the other servicemembers on board. He said as the ship was ready to go down, they put themselves right at the railing, arms locked and continued to pray as the ship went down. He continued, shortly thereafter there were awards given and established on February 2<sup>nd</sup> of 1951 by President Truman here in Philadelphia, the Chapel of the Four Chaplains that was at that time and until 2000 on Temple University's campus. He explained it has been moved to Constitution Avenue by the Philadelphia Navy Yard.

Dr. Cutler stated the award that is be presented tonight honors members of the public for the community service unconditionally without regard to race, religion or creed.

Joe McGrath stated he is a member of the Whitemarsh Veterans Monument Committee for approximately 10 years. He stated he nominated member of the committee for the honor, including Supervisor McCusker. He thanked Township Manager, Rick Mellor; Park and Recreation Director, Tom Blomstrom and Assistant Township Manager, Sean Halbom for their help in establishing the monument. Mr. McGrath explained the nomination process which includes showing multiple selfless acts on behalf of the nominees, to make the community and the country better. He also thanked the many Boards of Supervisors who helped over the 10 years the committee worked to get the monument.

Eileen Behr then presented the award to Supervisor McCusker. Supervisor McCusker said his father died on October 17, just before the dedication of the monument. He said they had dedicated two pavers one for his dad and one for his uncle, who was killed in Vietnam. Supervisor McCusker said they were able to show his father the paver before he passed and he was choked up with joy and pride about the sacrifice he gave for this country and it meant so much to him. He said that shows how much the monument means to those who served and their families. He thanked the members of the committee and said he enjoyed working with such a great team.

### **William Jeanes Memorial Library - "Bronze Star" within the PA Forward Star Library Program**

Supervisor Toll announced the William Jeanes Memorial Library and Nicholas and Athena Karabots Center for Learning has been awarded the Bronze Star by the PA Forward Star Program for Libraries. Congratulations!

Supervisor Toll gave a little background about the PA Forward Star Program. She stated Libraries are more than a place to conduct research or to complete assignments. They house more

than shelves of books and multi-media devices. Libraries are integral parts of our societies, serving as hubs for activity and engagement, adding value to their communities. Our libraries envision a Pennsylvania where citizens know how to use online resources and current technology to improve their education, to enhance their job skills, and to fully participate in a digital society. PA Forward® is an initiative of the Pennsylvania Library Association that highlights libraries' role in moving Pennsylvania forward. Libraries are key to powering progress, elevating the quality of life by fueling the types of knowledge essential to its success: Basic Literacy, Information Literacy, Civic and Social Literacy, Health Literacy and Financial Literacy.

In January 2017, the Pennsylvania Library Association's PA Forward® Initiative launched its PA Forward® Star Library Program. The PA Forward® Star Library Program requires libraries to "brand" their programs and communications and to talk with their communities about how libraries across the Commonwealth are moving PA Forward®. There are several steps to becoming a PA Forward® Star Library requiring libraries to submit documentation of their efforts, which is reviewed and verified by a committee of peer librarians. Those steps demonstrate that the library has incorporated the five key literacies into their programming and communication. The PA Forward® Star Library program awards a bronze, silver, or gold star to a library as it adapts and integrates the initiative's core values.

Supervisor Toll explained what the Bronze Star means. This level demonstrates that a library has adopted the core literacy terminology, and it is using that language in its communication plan. The library is making the public aware of its programming and services. The library is taking part in the training and taking advantage of the PA Forward® free resources made available by the Pennsylvania Library Association. When a library displays their bronze, silver, or gold level star, visitors to that library can be assured that the star has meaning. It means the library has gone through training and developed its programming to further its support of the five essential literacies outlined in the PA Forward® Initiative. It also means that its programming was reviewed and verified by a committee of library peers and that those peers have recognized the quality of its programming by granting the library its star level. PA Forward® is implemented on the local level. Each library decides what fuel their communities need. The initiative does not mandate any specific programs, collections, or communication methods; it provides support and contacts for the local library to develop partnerships with the subject matter experts available in their community.

She said she would like to congratulate the volunteers on the Library Board, Executive Director of the Library, Lisa Clancy and her staff on this great achievement. The Library continues to be an essential part of serving the community here in Whitemarsh Township. Congratulations and thank you!!

## **APPROVAL OF MINUTES**

**April 14, 2022**

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 4-0) the Board of Supervisors approved the April 14, 2022 meeting minutes.

## **PUBLIC HEARINGS**

## **BOARD PUBLIC DISCUSSION ITEMS**

**1. SLD #02-21 DP Spring Mill Developers, LLC/561 Spring Mill Avenue, Final Plan; 19 Townhouses ('The Transition at Spring Mill')**

Mr. Guttenplan explained SLD #02-21, Final Land Development application of DP Spring Mill Developers, LLC is for a 19-townhouse development at 561 Spring Mill Avenue and 551 E. 10th Avenue, Conshohocken, known as 'The Transition at Spring Mill'. The Board last saw this application as a preliminary plan at your November meeting. At that time, the Board approved a number of waivers and the preliminary plan. The final plan is consistent with the preliminary plan. He explained some townhouses will front on each of the two streets; however, all vehicular access to the development is proposed via two driveways on E. 10th Avenue. He said the Planning Commission reviewed this application and after a brief discussion with no major issues noted, the Commission passed a motion recommending final plan approval. TJ Doyle, representing the developer, stated he has nothing to add.

**Resolutions**

**1. SLD #02-21 DP Spring Mill Developers, LLC/561 Spring Mill Avenue, Final Plan;19 Townhouses ('The Transition at Spring Mill')**

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted **Resolution #2022-13** granted Conditional Final Plan approval for SLD #02-21 DP Spring Mill Developers, LLC/561 Spring Mill Avenue for 19 Townhouses known as the Transition at Spring Mill.

**CONSIDER ACTION ITEMS**

**Ordinances**

None

**Resolutions (continued)**

**2. American Rescue Plan Act Resolution - 2022 Capital Improvement Plan Expenditures**

Mr. Mellor explained this is an administrative item. He said Whitemarsh Township has received funds in 2021 and will receive additional funds in 2022 totaling 1.9 million dollars. He said during the 2022 budget process various projects were identified and included in the three-year capital improvement plan that the Township would use the American Rescue Plan Act (ARPA) funds for. The auditors advised, to make the funding clean for future audits and reporting requirements to the US Treasury, that having a resolution that clearly identified the projects that would have allocation from ARPA funds would be best when doing all the reporting. He explained the projects that would be funded through ARPA.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote 4-0) the Board of Supervisors adopted **Resolution #2022-14** authored the use of American Rescue Plan Act funding for various 2022 Capital Improvement Projects as approved in the 2022 Budget.

## MOTIONS

### 1. **2022 Road Program - Consider Bid Award and Notice of Intent**

Ms. Heinrich explained she reviewed the bids submitted to the Township and publicly opened on May 3, 2022 for this project. She said based on the bid evaluation, Glasgow, Inc. is the lowest responsive bidder for the Total Bid for this project. It is therefore recommended that the Board of Supervisors authorize the Township Engineer's office to issue a Notice of Intent to Award to Glasgow, Inc. for the Base Bid cost of \$1,395,077.96. She said due to rising fuel costs and based on asphalt being a petroleum product, the bids came in high and reducing the scope of work on some of the roads gave the ability to get the price down to the amount budgeted. She explained that is the change order to reduce the scope and reduce the amount of the bid to \$1,017, 673. 22. She stated final awarding of the contract is contingent upon a successful outcome to the required Responsible Contractor Determination that will be performed by her office and the majority of this project will be funded by contributions from Aqua Pennsylvania, Inc. towards road restoration required over recently installed water main replacement work, which will help offset the cost of construction.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote (4-0) the Board of Supervisors authorized the notice of intent to proceed and bid approval based on the successful review of the 2022 road paving bid to Glasgow, Inc. for total base bid amount of \$1,395,077.96.

### 2. **Hold Harmless Agreements - 4060 Butler Pike: Sign in the ultimate right-of-way**

Mr. Guttenplan explained the Hold Harmless Agreement is for a new monument sign at 4060 Butler Pike. This sign would replace the existing monument sign and be located closer to the road for better visibility. The sign location is in the ultimate right-of-way of Butler Pike. The sign will identify the current three ophthalmology related users of the building at this address located in the rear of this three-building site. He stated the Township Engineer has reviewed the location and finds no sight distance issue with the location of the sign.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors approved a Hold Harmless Agreement for a sign in the ultimate right-of-way at 4060 Butler Pike.

### 3. **Escrow Release #1 - Robbins Gulph Holdings, LLC/27 East Germantown Pike**

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote (4-0) the Board of Supervisors authorized the escrow release #1 for Robbins Gulph Holdings, LLC/27 East Germantown Pike in the amount of \$18,106.25.

### 4. **April 2022 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors approved expenditures totaling \$1,445,367.62; and payroll totaling \$1,066,025.89 pension paid costs totaling \$5,366.78 for April 2022.

## **5. Certificate of Appropriateness - 27 E. Germantown Pike; Renovation and Addition for Office Use**

Mr. Guttenplan explained the Certificate of Appropriateness for 27 E. Germantown Pike. He said the application is a follow-up to the land development for this project that the Board approved last September. The applicant is proposing to renovate the existing building and add an 832-square foot addition in the rear to be used for professional office (along with parking and stormwater improvements). The plans HARB reviewed at their meeting were the same as the ones previously reviewed; at today's meeting, several architectural details were discussed with the applicant, but no major issues were identified. He explained at the conclusion of the discussion, the HARB members present unanimously voted to recommend the issuance of a Certificate of Appropriateness.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors approved the Certificate of Appropriateness for the renovation and addition for office use at 27 East Germantown Pike.

## **6. Real Estate Tax Appeal Order and Settlement - 7111 Sheaff Lane**

Mr. Kilkenny explained the Board of Supervisors is party to all assessment appeals as well as the county and the school district. He explained the school district takes the lead on assessment appeals because they have the biggest tax burden. He explained there was an appeal by the taxpayer which has been settled and signed off by the school district. He said his office is in agreement with the settlement.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote (4-0) the Board of Supervisors authorized the Order and Settlement Stipulation between 7111 Sheaff Lane v. MONTCO Board of Assessment Appeals resulting in the decrease assessment for 2021 requiring a repayment of \$12,559.83 in Township real estate taxes.

## **7. Real Estate Tax Appeal Order and Settlement - 835 Bethlehem Pike**

Mr. Kilkenny explained the Board of Supervisors is party to all assessment appeals as well as the county and the school district. He explained the school district takes the lead on assessment appeals because they have the biggest tax burden. He explained there was an appeal by the school district which has been settled and signed off by the school district. He said his office is in agreement with the settlement.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors authorized the Order and Settlement Stipulation between 835 Bethlehem Pike v. MONTCO Board of Assessment Appeals resulting in the increase assessment for 2022 requiring a payment of \$639.86 in Township real estate taxes.

## **8. Authorizing the Solicitor to Represent Zoning Officer - Harner Realty Zoning Violation Appeal ZHB #2020-20**

Mr. Mellor explained the township has a long-standing zoning violation, written by the Zoning Officer, Mr. Guttenplan. He said this has been continued numerous times over the course of two

years. He said the Zoning Hearing Board indicated they were no longer going to continue the appeal of the violation notice and it would be heard before the Township's next board meeting. In order to have representation for the Zoning Officer it is being recommended that the solicitor represent the Zoning Officer in the appeal.

On a motion by Supervisor Manuele, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors authorized the Solicitor appearance before the Zoning Hearing Board to represent the Zoning Officer in ZHB #2020-20 Harner Realty Zoning Violation Appeal.

#### **PUBLIC COMMENT PERIOD**

Frank Rieger (Ridge Pike) complained about a neighbor's tree that fell onto his property and they are refusing to move it. Mr. Mellor explained it is a civil matter between two neighbors and it is not a township or code issue.

#### **BOARD MEMBER COMMENTS**

None

#### **EXECUTIVE SESSION**

Vice-Chair McCusker announced the Board of Supervisors held an Executive Session prior to the meeting to discussed litigation and real estate.

#### **ADJOURNMENT**

On a Motion by Supervisor Toll, seconded by Supervisor Manuele the meeting for May 12, 2022 was adjourned at 7:40 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.  
Township Manager