

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

JUNE 10, 2021

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, June 10, 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

PRIDE MONTH PROCLAMATION

Lori Schreiber, Montgomery County Clerk of Courts stated she was honored to speak in support of Whitemarsh Townships Proclamation of PRIDE Month. She gave her background as the first elected LGBTQ+ official in Montgomery County. She stated Montgomery County has more municipalities with non-discrimination ordinance and Human Relations Commission's than any of the counties in Pennsylvania. She said there is a record number of PRIDE flag raisings this year in the county. She thanked the township for taking this step. Chair Nester read the proclamation.

JUNETEENTH PROCLAMATION

Supervisor McCusker read a presentation from Jayel Brown regarding the history of Juneteenth. He stated on June 19, 1865 two years after the Emancipation Proclamation, enslaved African Americans in Texas learned of their freedom. Even though the Emancipation Proclamation. was made effective in 1863, it could not be implemented in places still under Confederate Control. Finally on June 19, JUNETEENTH, roughly 2,000 Union troops arrived in Galveston Bay, TX to announce that the more than 250,000 slaves were free.

He continued Juneteenth Represents a day of freedom for African Americans in the US, a day of celebration of black excellence & history and a day of celebration of black culture and progress. He said the story of Juneteenth has long been kept out of most curriculums & the acknowledgement of it is an acknowledgement of the erasure of Black History and a celebration and acknowledgement of Juneteenth is both acknowledging the hardships and triumphs of the Black Community. He said going forward we can promote Education, Acknowledgement, Celebration, actively working to support the

Black Community and implementing & discussing ways that the aforementioned can become a part of the day-to-day work of Whitemarsh. Chair Nester read the proclamation.

Supervisor McCusker announced:

The closure at the intersection of Flourtown Road and Joshua Road has been extended until June 28, 2021. The next leg of this project is Joshua Road between Flourtown and Emerson Drive, beginning June 28th.

The William Jeanes Memorial Library and Nicholas and Athena Karabots Center for Learning is now open for their full Summer Hours! There are public computers and study tables available, with a limit of one person per table. Masks must be worn by all library visitors over the age of 2. Curbside service is still available by appointment for those who need to maintain distance or are unable to wear a mask. The library is about to kick-off their Summer Reading Clubs for all ages, so please check the website or visit the library to pick up their Calendar of Events. On Saturday, June 12 the Friends will be holding an outdoor book sale from 10 to 1 in the lower parking lot, weather permitting. And this coming Tuesday night, join the library online in learning about fun things to do in Philly with Irene Levy Baker, author of 100 Things to Do in Philadelphia Before You Die. Attendees will be entered to win a set of her books. Thank you to everyone who has supported the Library during our phased reopening. We look forward to seeing you back at the library!

Registration for Citizens Police Academy is open on the Township Website. This program runs from mid-September until mid-November and is free to all residents.

Join the Parks and Rec Department on Wens. June 23rd at 8:45PM in Leeland Park for a showing of "The Karate Kid." This event is FREE and activities will begin around 7PM with the movie showing beginning at dusk.

Chair Nester spoke about the Shade Tree Commission Meeting on ZOOM that was Zoom Bombed. She explained the police and IT were notified and it is being handled. Mr. Mellor stated this is an ongoing investigation and it is happening all across the country on different platforms.

Mr. Kilkenny explained the recent action taken by the state, ending government emergency selection. He explained the Emergency Order will be repealed and in person meetings will begin and ZOOM meetings will no longer be legal.

PUBLIC HEARINGS

None

APPROVAL OF MINUTES

1. May 13, 2021

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the May 13, 2021 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

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

Mr. Guttenplan explained SLD #02-19, Final Land Development Plans for Argos Associates/ Adelphi Land Associates/Polergodom Group, Ltd. for 'Longfield Farm', is for the development of 58 townhomes on the site, within the VC-4, Village Commercial District, Sub-district 4. You may recall that a pre-1940's single-family home on Butler Pike is also being preserved as part of this development. The Final Land Development Plan is consistent with the approved Preliminary Plan. This has been reviewed by the Township Engineer and the Fire Marshal. The Planning Commission reviewed the Final Land Development Plan submission. After a short discussion, primarily about roadway improvements being required on Butler and Skippack Pikes, the Commission made a recommendation for Final Land Development Plan approval.

Rick Collier, Land Concepts introduced the team of Bob Downs (owners' representative), Caroline Edwards (counsel), Estelle Eberhardt and Bob Rick (Irick, Eberhardt, Mientus), David Cavanaugh (Land Concepts) and Brian Keaveney (Pennonni Associates). Mr. Collier explained the plan is essentially the same as the previous plan. He provided the refinements made which include a PennDOT required left turn into the development from Skippack Pike, technical revision to stormwater management, formal "will serve" letters from Whitemarsh Sewer Authority, Ambler Water Department and Ambler Treatment Plant and space for patios (10' x 12') in stormwater management calculation.

Supervisor Manuele asked if there will be a left turn lane from Skippack Pike into the development. Mr. Collier agreed and showed the design. Supervisor Manuele stated he is assuming that the addition of the patios has no impact on the site's overall compliance with impervious limitations. Mr. Collier concurred.

Linda Doll (Fairway Road) spoke about her concern of left turns out of the development onto Butler Pike. Brian Keaveney explained Butler Pike is full movement in and out and Skippack Pike is left in and right out only. He explained there will be gaps that occur in traffic on Butler Pike to allow residents to get out. He explained how the decisions were arrived at. Mr. Collier was explained that this was reviewed by the Township Traffic Consultant. He explained it has been reviewed and is going through review with Montgomery County. He stated they are just working out the final details. Mr. Keaveney explained the submitted the traffic study and the concept drawing to the County and it appears they agreed with the configuration. He explained they are in the process of developing more detailed plans for their review.

Debra Harris (Pilgrim Road) asked about the spillway on Basin 3 and thanked Gilmore Engineering for the precision they paid to their calculations.

Pat Shineman (Butler Pike, Whitpain Township) asked about the fee-in lieu and what it is used for. Mr. Mellor explained it is used at the Board's discretion. She stated she is across the street from the Butler Pike entrance and spoke about the multi-use center lane and her concern for that lane for people who are trying to get to the light at Skippack Pike. She spoke about people like her who don't live in the township and are being negatively affected by the development in Whitemarsh.

Sydelle Zove (Hart Ridge Road) was not in attendance however she provided questions. She asked that Mr. Collier elaborate on the items that will be addressed during building permit stage. She also asked for the details of the fee in lieu and traffic impact fee negotiations. Chair Nester stated traffic and fee in lieu was discussed. Mr. Collier stated they will go through the normal process of applying for building permits and will follow due diligence. Mr. Guttenplan explained the two items that were being dealt with during permitting are for possible signage and final review of the architecture before the building permits are issued.

CONSIDER ACTION ITEMS

Ordinances

None

Resolutions

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

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors adopted **Resolution #2021-17** granting Conditional Final Plan approval for SLD #02-19; Argos Associates/Adelphi Associates/Polergodom Group/Longfield Farm/Butler Pike for the construction of 58 townhomes.

MOTIONS

- 1. Easement Agreement with Green Valley Country Club**

Mr. Mellor explained the Easement Agreement between Green Valley Country Club (GVCC) and Whitemarsh Township is to allow the relocation of the Township Informational Sign on their corner of Joshua Road and Germantown Pike. This agreement was necessitated due to the construction of the Veterans Monument at Miles Park. The Veterans Monument Committee facilitated the discussions with representatives of GVCC. The Agreement requires the Township being responsible for erecting and maintaining the sign and surrounding landscape. He said the township is working with a sign company on design options which will likely be a digital sign at this corner. He said he appreciates GVCC and their leadership working with the Township to allow the easement for the Township sign on their property.

Chair Nester stated she is excited to have a digital sign for the township and that it can be used for many things, not just community events it can be used for emergencies, etc..

Linda Doll (Fairway Road) thanked the Board for the work it took to get the sign. She really appreciates it.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the Easement Agreement between Green Valley Country Club and Whitemarsh Township to allow the installation of a new Township sign on the corner of Joshua Road and Germantown Pike.

2. Sidewalk and Maintenance Agreement with Montgomery County

Mr. Mellor explained there are two agreements between Whitemarsh Township and Montgomery County for sidewalk and roadway lighting maintenance related to the Ridge Pike widening project between Crescent Avenue and Manor Road. Ridge Pike is a County owned and maintained roadway and Montgomery County has been planning over the last several years the roadway widening between Crescent Avenue and Northwestern Avenue (Springfield Township). As they are moving closer to the construction phase of the project they require these two agreements be signed with the Township. These agreements are meant to transfer ownership of new facilities the County is creating – sidewalks and intersection lighting – to the Township with the assumption that in certain instances (sidewalks) that maintenance will further transfer to adjacent property owners under Township codes. The agreements are standard on PennDOT-led projects. Even though there is no State or Federal funding on Ridge Pike (Section D), the County follows PennDOT protocol as much as reasonably possible. Regarding the roadway lighting agreement, it will cover the fixtures being added to the replacement signal poles at Harts/Church and the new signal poles at Barren Hill.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the sidewalk and maintenance agreement between Montgomery County and Whitemarsh Township between Crescent Avenue and Manor Road.

3. Roadway Lighting Agreement with Montgomery County

Mr. Mellor stated in addition to streetlight the County will be replacing the traffic signal and Hart Lane, Church Road and Ridge Pike and a new traffic signal will be installed at Barren Hill Road and Ridge Pike.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the roadway lighting agreement between Montgomery County and Whitemarsh Township between Crescent Avenue and Manor Road.

4. Board/Commission Appointment

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the appointment of the following individuals to Boards/Commissions:

Kristyn Vandergrift – Open Space Commission term ending December 31, 2022

5. Hold Harmless Agreement - 3038 Butler Pike

Mr. Guttenplan explained the Hold Harmless Agreement is to allow the reinstallation of a sign on two existing posts that are in the ultimate right-of-way of Butler Pike. This would be a sign for Bob's Auto Parts. The proposal is to 'wrap' the posts with aluminum sleeves for better appearance and install an internally lit sign. There is no previous permission on file for allowing this sign within the ultimate right-of-way. He explained the applicant previously proposed this sign installation in 2018 but did not proceed with it. At that time, the Traffic Safety Unit of the Police Department had looked at the location and found no issues with it. Mr. Guttenplan stated he has contacted Chief Ward and he has told me that we can continue to rely on that assessment.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a sign in the ultimate right-of-way at 3038 Butler Pike.

6. Hold Harmless Agreement - 552 Bethlehem Pike

Mr. Guttenplan explained this is a Hold Harmless Agreement to allow the replacement of a fence and the proposed installation of masonry wing walls/pillars and an electric driveway gate in the ultimate right-of-way along the frontage of 552 Bethlehem Pike. The existing fence is 6 feet high; the proposed fence would be 4 feet high. There is no previous permission on file for allowing the existing fence within the ultimate right-of-way. The Township Engineer conducted a site visit and determined that there will be adequate sight distance exiting the driveway and is recommending approval of the Hold Harmless Agreement. She is also recommending that a Knox Box be installed on the gate for emergency access.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence and gate in the ultimate right-of-way at 552 Bethlehem Pike.

7. Escrow Release #4 - Maple Hill/Spring Mill Road

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized escrow release #4 for Maple Hill/Catherine Lane in the amount of \$20,000.00

8. May 2021 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved expenditures totaling \$1,198,980.63; and payroll totaling \$693,387.57 and pension paid costs totaling \$5,378.43 for May 2021.

AMENDED AGENDA

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

9. Certificate of Appropriateness – 7 Catherine Lane.

Mr. Guttenplan explained the application is in the 'Maple Hill' development and is for a paver patio to be constructed in the rear of the home at this address. It was noted by HARB that this is very similar to other patios previously approved in this development and had no issues with it. The HARB members present unanimously recommended approval of a Certificate of Appropriateness.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for the installation a patio at 7 Catherine Lane.

10. Certificate of Appropriateness – 3023 Tara Court

Mr. Guttenplan explained this application is to change the two-door garage façade by removing the two garage doors because the garage is part of an interior conversion for an in-law suite. The façade will be refaced in stucco to match the rest of the house; there will be one entry door installed along with one window. HARB noted that this is on the side of the house and will not change the front of the building; the members had no issues with it. The HARB members present unanimously recommended approval of a Certificate of Appropriateness.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for new garage façade at 3023 Tara Court.

11. Joint Inter-Municipal Cooperation Agreement for Wastewater Treatment between Ambler Borough and Whitemarsh Township

Mr. Mellor explained per the Township Solicitor's office, the Whitemarsh Authority is requesting that the Township execute an agreement to modify the wastewater cooperation agreement to permit more capacity at the Ambler treatment plant. Although the management of the wastewater is the responsibility of the Authority, the original and amendment cooperation agreements were signed by the Township, and the Township's ordinances still regulate wastewater, they would like to see the Township's signature just to be careful. As such, this should make no changes that impact the Township itself, and the Authority will continue to address any changes made in the agreement.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Joint Inter-Municipal Cooperation Agreement for Wastewater Treatment between Ambler Borough and Whitemarsh Township

10. Notice of Intent to Award - Westaway Stormwater Project

Ms. Heinrich explained the project location and stated bids were submitted to the Township and publicly opened on June 8, 2021. She stated based on the bid evaluation, Mecco Constructors, Inc. is the lowest responsive bidder 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 Mecco Constructors, Inc. for the Base Bid of \$899,619.00. She explained following a discussion with the Finance Director, that additional funds to cover the cost of construction would come from the American Rescue Plan funding. Final awarding of the contract is contingent upon a successful outcome to the required Responsible Contractor Determination that will be performed by our office.

Mr. Mellor explained the project is in the Capital Plan. The amount in the Capital Improvement Plan is less than the amount bid due to the current market conditions, the cost of plastic. He explained the money for this was from the bond issue for the intersection improvements. He said the remaining amount will come from the American Rescue Plan. He explained wastewater is one of the Permitted uses. There was a discussion about re-bidding the project to use products that are not plastic but it was decided what was bid on is what is best for the project.

Chair Nester said she is aware of the importance of this project and the time it takes to bid and go through the process. She stated this area needs help with stormwater as soon as possible. There was a discussion on the American Rescue Plan funding and financing.

Supervisor McCusker stated the neighbors on Westaway and in Whitemarsh Valley Farms are going to be happy this is going to be done. Supervisor Manuele asked how soon shovels will be in the ground. Ms. Heinrich stated it will probably be in July. Supervisor Toll asked how long it is anticipated the project will take. Ms. Heinrich stated there is a 180-day contract period.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors issued a Notice of Intent to Award to Mecco Constructors, Inc. for the Base Bid of \$899,619.00 for Westaway Stormwater Project.

PUBLIC COMMENT PERIOD

Michelle Laverty (Cherrydale Drive) stated she is a 20 year resident. She spoke about the issues on Harts Lane, street line markings that confuse motorist and the rumble strips. She spoke about the disruption caused by the rumble strips that were installed on Harts Lane. She said the noise from the rumble strips is causing problems to the residents and neighbors. She stated their quality of life has

been impacted. She provided a list of residents who signed a petition for the removal of the rumble strips.

Donald Norbeck (Harts Lane) seconded the concerns mentioned. He stated the number of transverses of the rumble strips on this road indicates some of the challenges and ongoing misuse of the road caused by the road design.

Chair Nester asked for an update. Ms. Heinrich stated as part of the 2021 Road Program they noticed there is an existing inlet grate in the travel lane. She said it appears that vehicles are swerving around to avoid and hitting the rumble strips. She said that is a fix that is incorporated into the 2021 program. She said they are open to anything that will keep people safe. Chief Ward explained the police department has received numerous complaints about traffic on Harts Lane. He said the Traffic Safety Unit had studied it and have worked with the engineers to come up with the safest and most modern road repair. He said they are constantly evaluating the roadways and the Traffic Safety Office is aware of this situation and have been involved in figuring out the next step. He said from a safety standpoint they have made an improvement to the area and they are working with the engineers and the Township Manager on next steps and future plans. Mr. Mellor stated the township will look at this as part of the 2021 road program and if there are improvements based on the concerns and there are ways that can improve it and not impact the safety of the roadway Staff will take a look at and make recommendations.

Mrs. Laverty responded she said a simple pavement marking would have saved this problem. She is asking that the rumble strips be removed from the existing portion of Harts Lane.

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 Toll, seconded by Supervisor Manuele the meeting for June 10, 2021 was adjourned at 7:35 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager

