

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

**AUGUST 11, 2022**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, August 11, 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 Patrice Turenne (virtual)

Supervisor Absent: Jacy Toll

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**

Chair Nester announced that Patrice Turenne would be participating virtually and Jacy Toll is unable to join the meeting.

Chair Nester announced as Supervisor Toll has been so involved with Chapter 55 - Tree Protection Standards – on a motion by Supervisor McCusker, second by Supervisor Manuele (4-0) The Board of Supervisors **TABLE** the ordinance amendment advertising Chapter 55 – Tree Protection Standards to a time when she is available to be present.

Supervisor McCusker announced:

Road Updates are being provided on a weekly basis in the Township's eNewsletter and are posted on the Township webpage. You can sign up for the weekly newsletters at [WWW.WhitemarshTWP.org](http://WWW.WhitemarshTWP.org)

Bring the Family to Miles Park on August 17 at dusk for a viewing of Ghostbusters: Afterlife. As always, please bring your own blanket or chairs.

Join the Barren Hill Fire Company on August 23rd and 25th for "Sprinklers in the Park". The events will be held from 7pm-8pm on August 23rd, and from 6pm to 7:30pm on August 25th.

**INTRODUCTION OF NEW POLICE OFFICERS**

Chief Christopher Ward explained at the beginning of January 2022 the Whitemarsh Township Police Department started the process of hiring a probationary police officer to join the ranks of our agency. At that time, there was one vacancy in our staffing and we intended to hire one officer to replace an officer that had retired after 25 years of service to the Township. By the time we reached

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the end of the hiring process, in mid-June, another officer had resigned from the department, so we were in a position to hire two probationary police officers.

The application period of almost two months closed with us receiving 103 applications for the Probationary Police Officer position. The application/ resume review process then occurred and the top 40 candidates were invited to join us for the physical agility testing on April 30 at the Plymouth Whitemarsh High School. The Physical Agility Testing is based on the minimal requirements needed to enter the police academy in Pennsylvania based on the Municipal Police Officer Education and Training Commission (MPOETC) guidelines.

The candidates that successfully passed the Physical Agility Testing were then invited to the Oral Interview portion of the Police Hiring Process. These interviews were conducted by supervisory level officers from our agency and a visiting supervisory level officer from the Abington Police Department. From here, the top candidates were identified and our detective division, with the assistance of Administrative officers and specially assigned officers, conducted our background investigations. These background investigations include a polygraph exam, a verification of all information provided, and interviews with references, previous or current employers, neighbors, past neighbors, friends and family.

By mid-June, we were finishing up our Hiring Process and we had identified two candidates that were clearly the top two available candidates for the position of Probationary Police Officer with the Whitemarsh Township Police Department. Both men also happened to be current Philadelphia Police Officers. Conditional job offers were extended to both men and, after they had completed the pre-employment physical and psychological exams, formal job offers were extended to these candidates. On July 11, 2022 both officers started their employment with Whitemarsh Township. On July 12, 2022 Magisterial District Justice Deborah Lukens swore both men in in her courtroom.

At this time, I am pleased to introduce both of these officers to the Board of Supervisors and the residents of Whitemarsh Township.

### **Brandon Irwin**

Chief Ward stated Brandon Irwin was raised in the Roxborough section of Philadelphia and currently resides in the Lafayette Hill section of Whitemarsh Township with his wife, Brooke, and their 3-month-old daughter, Sophia. Both Brooke and Sophia are here with us this evening. He said Brandon is the son of Lynda and the late Barry Irwin, Lynda is here with us this evening and his sister, Ashley Brotherton is a resident of Whitemarsh Township. The Chief stated Brandon is also joined here tonight by his in-laws, who are Whitemarsh Township residents, Kevin and Jackie Ashenfelter, along with his brothers-in-law, Kevin and Matthew Ashenfelter.

Chief Ward explained Brandon is a 2011 graduate of Roman Catholic High School and a 2016 graduate of Neumann University, with a Bachelor's Degree in Criminal Justice. He graduated from the Philadelphia Police Department Academy in 2017 and had been assigned to the 25th Police District. He is assigned into our Field Training Program under the Supervision of Officer John Hartman. Please allow me to introduce Officer Brandon C. Irwin #90 to the Board and the residents of Whitemarsh Township.

## **Colin Yabor**

Chief Ward stated Colin was raised in the Northeast section of Philadelphia and currently resides in the Northeast section of Philadelphia with his wife, Harley, who is here with us this evening. He said Colin is the son of Timothy and Mary Yabor. Colin's parents are here with us this evening. Also joining Colin is his mother-in-law, Janet Dunphy. Colin's older brothers, Matthew and Thomas Yabor, along with Thomas' wife Allyssa Dowd are with us this evening. Thomas is the Chief of the Tri-Hampton Rescue Squad in Bucks County. Chief Ward stated and not to be forgotten, Colin's Uncle, Captain Thomas McLean from the Philadelphia Police Department Counter Terrorism Unit.

Chief Ward explained Colin is a 2013 graduate of Archbishop Ryan High School and a 2018 graduate of West Chester University, with a Bachelor's Degree in Professional Studies. While attending West Chester University, Colin participated in the ROTC Program and completed Basic Training with the United States Army in Fort Benning, Georgia. Upon graduation from West Chester, Colin enlisted in the Pennsylvania Army National Guard and was assigned to A Troop 1-104 Calvary Regiment located in Philadelphia. In June of 2021, Colin was activated from reserve status and deployed for 11 months to Egypt, returning just in time to participate in our hiring process. Colin currently holds the rank of 1st Lieutenant, with the position of Battle Captain, in the Reserves. Colin graduated from the Philadelphia Police Department Academy in 2019 and had been assigned to the 22nd Police District. Colin is assigned into our Field Training Program under the Supervision of Officer Caleb MacMain.

Please allow me to introduce Officer Colin M. Yabor #91 to the Board and the residents of Whitemarsh Township.

## **PUBLIC HEARINGS**

### **1. CU #03-22 Café du Coeur c/o Carey Kelman/535 Germantown Pike - Restaurant, Tearoom or Café in the VC-1 District**

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors opened the public hearing for Conditional Use #03-22 Café du Coeur c/o Carey Kelman/535 Germantown Pike for a Restaurant, Tearoom or Café in the VC-1 Village Commercial District.

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 P. Kilkenny, Township Solicitor  
Robert Tucker, Attorney for the Applicant  
Carey Kelman, Applicant

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

## **Motions**

**1. CU #03-22 Café du Coeur c/o Carey Kelman/535 Germantown Pike - Restaurant, Tearoom or Café in the VC-1 District**

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved Conditional Use #03-22 Café du Coeur c/o Carey Kelman/535 Germantown Pike for a Restaurant, Tearoom or Café in the VC-1 Village Commercial District.

**MOTIONS**

**1. Donor Gift Agreement - Corson/Abolition Hall Property Acquisition**

Mr. Mellor stated this is very exciting, it has been a long time coming since the announcement of the agreement of sale. He said tonight is the night to recognize the Karabots family and foundation for their grant of \$2,000,000 to the Whitemarsh Art Center who will be occupying the property after settlement. He said the art center will move into the Hovenden house, which has a rich art history. He explained the total purchase cost was 3.95 million dollars and this grant going to the art center allowed the township to make up the difference with open space funds. He said moving forward there will be agreements between the township and the arts center. He said there will be recognition to the Karabots at the property, but it will not distract from the historic preservation of Abolition Hall. It allows the Karabots family of the use of the main house if they choose to display and of their heirlooms. He stated it is great that these historic buildings are being preserved.

Chair Nester shared comments from Supervisor Toll: stating Supervisor Toll is excited to move forward with the next step towards the acquisition of the historic and important property. She stated she is thankful to the Karabots family for their generous donation to the Whitemarsh Art Center.

Chair Nester stated Abolition Hall is a living example of the journey of history. The property's journey from the 18<sup>th</sup> century farm to a meeting location for the abolitionist's movement helped change and shape our nations history. She said we are reminded of the many courageous journeys of individuals from the American south to this vital station on the underground railroad escaping the bondage of slavery. She said here the Corson family and other abolitionists at great risk to themselves provided compassion and safety to enslaved people and helped them continue their journey to freedom. She stated tonight the journey of Abolition Hall continues through the tremendous generosity of Nicholas and Athena Karabots, their family, their family representative Bob Downs and the Karabots Foundation. The history and legacy of every person who provided or found safety within the walls of this historic property is now preserved for all time because of the kindness and commitment the Karabots family and foundation have shown to this township.

Sydelle Zove (Harts Ridge Road) stated this is a wonderful occasion. She made comments with regards to the grant agreement. She stated she is happy to see the eight acres will remain as open space. She stated the public deserves a say in the use of this property. She asked about the name recognition in perpetuity and if it precludes other gifts that require naming rights. Mr. Kilkeny stated there is no exclusivity. Mr. Mellor stated the agreement states any kind of changes would have to go to the Karabots Foundation as well. There was a discussion about possible design changes going forward and who makes those decisions. Mr. Mellor explained the process. There was a discussion about the possible display of Karabots memorabilia. Ms. Zove stated she looks forward to participating as a resident going forward.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved the grant agreement with the Karabots Foundation to provide a grant in the amount of \$2,000,000.00 to the Art Center for the acquisition of the Corson/Abolition Hall property which includes several acres of open space and meadow and also the following buildings the historic building located at 1 East Germantown Pike (the “Hovenden House”), the building located at 4006 Butler Pike (the “Main House”), the historic building located just to the southeast of the Main House (“Abolition Hall”), and the residential house located at 14 Marple Lane and recognize and acknowledge the wonderful generosity and gratitude of Nicholas and Athena Karabots, the Karabots family and Karabots Foundation in helping preserve this property and its national history for Whitemarsh Township.

## **APPROVAL OF MINUTES**

### **1. July 14, 2022**

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

## **BOARD PUBLIC DISCUSSION ITEMS**

### **1. SLD #14-21 KRE Acquisition Corporation/401 and 433 Washington Street; Conditional Final Plan**

Mr. Guttenplan explained SLD #14-21, Final Land Development Plan is for the Whitemarsh Township portion of the apartment development of KRE Corp. for their project at 401 / 433 Washington Street. The Board granted Conditional Preliminary Land Development Plan Approval for this project on April 14, 2022. He stated the applicant is proposing a 4-building, 598-unit apartment complex with associated parking and related improvements. Sixty of the apartments would be located within Whitemarsh Township. The Whitemarsh portion of this development is unique in that no street frontage is located in the Township; it is all in Conshohocken. However, most of the river frontage is located in the Township. The Final Plan is consistent with the Preliminary Plan; in addition to responding to reviews from the preliminary plan, additional details concerning the architectural design of the complex, have been provided. He stated the Planning Commission reviewed this application at its July 26, 2022 meeting. After a brief presentation primarily highlighting architectural changes and the landscape plan proposed, there was considerable follow-up discussion mostly concerning plans for the riverfront open space. At the conclusion, the Commission passed a motion recommending that the one new waiver requested be approved (to waive the park/recreation fee in lieu), and then passed a second motion to recommend approval of the final plan.

Ed Murphy, representing KRE Corp. gave an overview of the project and the timeline of the approval process. He stated they have no issue with the resolution before the Board of Supervisors.

## **Resolutions**

### **1. SLD #14-21 KRE Acquisition Corporation/401 and 433 Washington Street; Conditional Final Plan**

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted **Resolution #2022-21** granting Conditional Final Plan approval for SLD #14-21 – KRE Acquisition Corporation/401 and 433 Washington Street for 598 Apartments located in both Conshohocken Borough & Whitemarsh Township.

## **CONSIDER ACTION ITEMS**

### **Ordinances**

None

### **Resolutions**

## **MOTIONS (continued)**

### **2. Financial Software Proposal - Edmunds Govtech Cloud Based Solution**

Mr. Mellor explained Mr. Barron spent most of 2022 researching various financial software systems to see what other systems were out there other than the current Munis program. He stated they were looking at the gaps that are in the current system and have everything be synced together. He gave an example of escrow accounts are separate and would like to be brought into the financial software. He stated it is the point of creating more efficiencies with the software and going out to the cloud reducing the need for actual hardware and servers. He stated Mr. Barron and the members of his department went and demoed the other software systems. He stated they went to other municipalities and talked about the pros and cons of the software. He stated Edmonds Govtech was the one they felt best met the township's need. Mr. Mellor explained the timeline for getting the township up on the new system.

Mr. Barron explained according to Edmonds Govtech it will take 9 – 12 months depending on the complication of the conversion. He stated they have done conversions from the system the township is currently running and they feel it should be easy. He said he and his staff are looking forward to using the new system as the current system is very cumbersome and not user-friendly.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved the financial cloud-based software proposal with Edmonds Govtech in the amount of \$38,450 for the first year.

### **3. Ordinance Advertisement - Amendment to Snow and Ice Code**

Mr. Mellor stated this is not a change as far as the core of the snow and ice code, he said this is a recommendation from Nick Weaver, Fire Marshal/Emergency Management Coordinator of putting in a mechanism where the township can declare a Snow Emergency and notify the public. The snow code actually says when the township receives over a certain amount of inches the residents are required to park in an even year – on the even side of the street and in an odd year – on the odd side of the street. He said it helps with snow removal, it alerts the public that the regulations exist and if there were to be a severe storm, there could be some state or federal money available because of the declaration of the

snow emergency. He stated the declaration would come from either himself or his designee, Emergency Management Coordinator or the Chief of Police.

Supervisor Manuele asked if this applies to street where you are currently only permitted to park on one side. Mr. Mellor stated they would be allowed to continue to park as they would. Supervisor Manuele stated that would need to be communicated to the residents. Mr. Mellor explained that a PR Campaign regarding this change would be done.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors authorized the advertisement of an ordinance amending the Snow and Ice Code to include the announcement of Snow Emergencies.

#### **4. Emergency Capital Improvement Purchase - River Road Stabilization**

Ms. Heinrich explained on September 1, 2021, an embankment along River Road sustained significant damage in the form of a major slope failure caused by the remnants of Tropical Storm Ida. The road was immediately closed to all traffic until the condition could be assessed. After inspection, one lane directly adjacent the slope failure was deemed structurally unstable and closed to traffic. The remaining lane was reopened to traffic, and the area has since been under a one-way, sign controlled traffic pattern. She stated the condition of the road has since deteriorated such that there is now a threat to public health, welfare and safety which has created an urgency of need which does not permit the delay involved in obtaining formal bids through a competitive sealed bidding process. Based on the above, we have received concurrence from the Solicitor's office that the work to stabilize the road and embankment proceed through the emergency procurement process. Ms. Heinrich explained we have solicited quotes for installation of a rock anchor system to stabilize the slope and recommend that the Board of Supervisors authorize the Township Engineer's office to issue a Notice of Award to AXIS Stabilization in the amount of \$157,500.00. If authorized, it is expected that the project could commence within the next few weeks and be completed by the end of September. Township Staff continues to work with FEMA to secure funding. To date, these funds have not been formally allocated or received however, FEMA has indicated that the project would be eligible for FEMA and PEMA Public Assistance Funding. This funding is available as a result of President Joseph R. Biden Jr., granting a Major Disaster Declaration for the Commonwealth of Pennsylvania triggering the release of Federal funds to help communities recover from the Remnants of Hurricane Ida.

Chair Nester asked if this would be a temporary fix. Ms. Heinrich explained it would be a permanent fix and explained the process of the stabilization.

Mr. Mellor stated the township has already received three payments from FEMA for other Tropical Depression Ida related expenses the township incurred. He acknowledge the work the Emergency Management Coordinator, Nick Weaver, the township engineer and the finance director for the work they have done with FEMA in order to get these reimbursements. He said at this point the township has recouped approximately \$40,000 to date.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors authorized the emergency repairs to stabilize River Road in the amount of \$157,500.00.

## **5. Capital Improvement Plan Purchase - Swap Loader with DEP Grant**

Mr. Mellor explained the township received a grant from DEP in the amount of \$267,107.00 that Sean Halbom, Assistant Manager and Jack Fields, Director of Public Works applied for. Mr. Mellor explained this is a multi-purpose type vehicle. He explained the leaf collectors that they township currently has is a large machine with a large arm that collects leaves, that is the only thing it does. He explained Mr. Fields demoed this new machine at other municipalities. This new machine allows for one person to do the leaf collection, it has a state body and a lift gate. He said it has a dump body so it can be used for more types of work, not just leaf collection. He said it could also be used as a salt spreader, brine spreader and a plow. He explained the funding and the fact that the vehicle would not be ready for at least two years, due to supply chain issues. Chair Nester asked if the township buys it at this price now, is it guaranteed to be this price in two years. Mr. Mellor stated that doing it now the township would be able to lock in that cost.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved the Capital Improvement Purchase for new Swap Loader with the addition of a DEP grant in the amount of \$510,772.75.

## **6. Ordinance Amendment Advertisement - Chapter 55 - Tree Protection Standards**

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors **TABLED** the advertisement of an ordinance amending Chapter 55, Tree Protection Standards.

## **7. Stormwater Operation and Maintenance Agreement with Montgomery County Cross County Wissahickon Trail along Stenton Avenue**

Mr. Mellor explained Whitemarsh Township is requiring a Stormwater Operation and Maintenance Agreement with Montgomery County for facilities constructed throughout the Cross County Trail. The Cross County/Wissahickon Trail will be located along Stenton Avenue from the Whitemarsh Township boundary with Springfield Township in the south to the eastern boundary of Erdenheim Farm's Sheep Tract, then along the northern boundary of said Sheep Tract, and continuing north through property owned by CBS Radio East, LLC to Joshua Road. He stated this agreement requires the County to comply with all Whitemarsh Township Stormwater Management Ordinances as well as the responsibility to maintain them into the future and this agreement has been reviewed by the Solicitor and Township Engineer and we are recommending approval.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved the Stormwater Operation and Maintenance Agreement with Montgomery County for the Cross County Wissahickon Trail along Stenton Avenue.

## **8. July 2022 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors approved expenditures totaling \$1,210,117.04; and payroll totaling \$713,711.97 pension paid costs totaling \$4,823.09 for July 2022.

## REVISED AGENDA

### 10. Certificates of Appropriateness - 3024 Tara Court

Mr. Guttenplan explained the application is for the installation of a patio in the place of a recently demolished deck in the rear of the house. This Board recently approved a Certificate of Appropriateness for the deck removal and exterior door modifications at this address. HARB members had no issue with this proposal, noting that it was behind the home and that the home is not historic; the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote (4-0) the Board of Supervisors approved the Certificate of Appropriateness for the installation of a paver patio at 3024 Tara Court.

### 11. Certificates of Appropriateness - 4060 Butler Pike

Mr. Guttenplan explained the application is to modify signs on the property, including one monument sign and three wall signs. The Zoning Hearing Board granted variances for Section 116-209.B. and Section 116-209.C., respectively allowing multiple signs and a reduced setback for the monument sign. HARB members had no issues with this application and noted that the signs are appropriate for the building which is a modern building; the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved the Certificate of Appropriateness for replacing Monument and Building Signs at 4060 Butler Pike.

### 12. Certificates of Appropriateness - 100 Black Walnut Lane

Mr. Guttenplan explained the application is for the repair and refinishing of deck stairs and pavers at the base of the staircase in the rear of the house. HARB members had no issue with this proposal but it was noted that for Code purposes, the risers need to be closed for at least a height of 4 inches; the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness with the condition that the risers be closed as required by Code.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved the Certificate of Appropriateness for replacing Monument and Building Signs at 4060 Butler Pike.

### 13. Certificates of Appropriateness - 27 E Germantown Pike

Mr. Guttenplan explained the application is for an addendum to a Certificate of Appropriateness approved by the Board of Supervisors on May 12, 2022. That Certificate was for the building renovations and building addition at this address. There is also a retaining wall along the front edge of the parking lot at the rear of the property which was not specifically reviewed by HARB at their May 2022 meeting, so this application was brought back to HARB to review the proposed wall. HARB

members had no issue with this proposal, noting that the retaining wall will not be visible from the road due to landscaping and that the material and color of the wall was acceptable; the members present at the meeting unanimously voted to recommend issuance of an Addendum to the previously approved Certificate of Appropriateness to include the proposed retaining wall as part of the redevelopment of this property.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved the Certificate of Appropriateness for Deck and Stair Repair and adding a Paver Landing at 100 Black Walnut Lane.

#### **14. Real Estate Tax Appeal Order and Settlement - 7025 Lafayette Avenue**

Mr. Kilkenny explained in real estate assessment matters Colonial School District takes the lead. He stated the residents filed an appeal years ago. He explained the process that occurred. He explained the results are the assessed value of the property came down resulting in a refund from the township.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors authorized the Order and Settlement Stipulation between 7025 Lafayette Avenue v. MONTCO Board of Assessment Appeals resulting in the decrease assessment in 2022 requiring a refund of \$920.59 in Township real estate taxes.

#### **PUBLIC COMMENT PERIOD**

None

#### **BOARD MEMBER COMMENTS**

None

#### **EXECUTIVE SESSION**

Chair Nester announced the Board of Supervisors held an Executive Session on August 4, 2022 and prior to the meeting to discuss litigation and real estate.

#### **ADJOURNMENT**

On a Motion by Supervisor Manuele, seconded by Supervisor Toll the meeting for August 11, 2022 was adjourned at 8:15 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.  
Township Manager

DRAFT