

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

SEPTEMBER 8, 2022

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, September 8, 2022 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

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

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor McCusker announced:

PECO Gas Main work is scheduled to continue on Butler Pike between Cold Point Road and Stenton Avenue between the hours of 9am and 3pm, Monday through Friday. This project is expected to reach completion in early December.

The Annual "Touch a Truck" event will be held at Miles Park lower lot on Saturday, September 24th. The event begins at 11am and there is a \$2 attendance fee for those age 2 and older.

The Eat and Enjoy Senior Social Series event will take place on Thursday, September 15th. Pre-Registration is required, so please contact the Parks and Recreation Department at (610) 828-7276, or RSVP on the Township website.

The William Jeanes Memorial Library's Annual Book Sale will take place this weekend, Saturday September 10th from 10am-1pm, and Sunday from 1pm-3pm. Books for all ages, CDs, and other media are available for purchase. All proceeds help fund enhanced library programs. Masks are required and the event is cash-only, no checks are accepted.

APPROVAL OF MINUTES

1. August 11, 2022

On a motion by Supervisor Turenne, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the August 11, 2022 meeting minutes.

PUBLIC HEARINGS

1. Requirement of the Open Space Act - 4006 Butler Pike

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors opened the public hearing for the acquisition of open space at 4006 Butler Pike Corson Property/Abolition Hall in accordance with the Open Space Act requirement.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

Sean P. Kilkenny, Township Solicitor
Richard L. Mellor, Jr., Township Manager

Mr. Kilkenny explained the public hearing is a requirement under Act 153, he explained he will enter exhibits, ask Mr. Mellor a series of questions and the Board will have an opportunity to ask questions and the public will have an opportunity for comments. He explained then the Board could continue this public hearing to another time or close the public hearing and take action.

Mr. Kilkenny provided the following Township Exhibits into the record:

- T-1 Proposed Ordinance Authorizing and Approving Fee Simple Acquisition of 4006 Butler Pike (Parcel #65-00-01234-00-6) for Open Space Benefits
- T-2 Proof of Publication (Times Herald, August 25, 2022 and September 1, 2022)
- T-3 Map of Property (Page 19 of Appraisal Report, Sept. 21, 2020 by Higgins & Welch Appraisers, LLC)
- T-4 Whitemarsh Township Resolution #2012-26 (8.16.2012) Amending Open Space Plan Encouraging Preservation of Historic Properties in Cold Point and Plymouth Meeting Historic Districts by Acquiring and/or Preserving Same as Open Space
- T-5 Whitemarsh Township Resolution #2013-15 (3.14.2013) Amending Open Space Plan Including Property Listed as "Hovenden House, Barn & Abolition Hall" in 'Priority Open Space Opportunities' Category of the Plan
- T-6 Whitemarsh Township Resolution #2013-29 (7.25.2013) Amending Open Space Plan Placing All 'Priority Open Space Opportunities (Non-Acquisition)' Properties into 'Priority Open Space Opportunities' Category
- T-7 Whitemarsh Township Selective Comprehensive Plan Update (2020) Map Showing 'Parks and Open Space' Character Area (page 30)

Mr. Kilkenny asked the following questions of Richard L. Mellor, Jr., Mr. Mellor's responses are provided:

Where is the property located that the Act 153 funds will be used to acquire? Street address of 4006 Butler Pike, Montgomery Tax Parcel Number: 65-00-01234-00-6

How much open space funds will be used toward this acquisition? An amount not to exceed Two Million Dollars (\$2,000,000.00)

What interest will the Township have in the Property through the use of the funds? It will be a fee simple interest shared jointly with the Whitemarsh Art Center.

How much is the sale price of the Property? Three Million Nine Hundred Fifty Thousand Dollars (\$3,950,000.00)

How will the remainder of the purchase price be paid above the amount of the Township's contribution? The remainder of the sale price will be contributed by the Whitemarsh Art Center due to a generous donation made to the Art Center for this purchase by the Karabots Foundation.

What portion of the Property will be acquired with the Act 153 funds? The Act 153 Funds will only be used to acquire the open space on the Property. The Arts Center contribution will go towards the buildings on the property, including the residential house located on Marple lane and its surrounding lot. There may be a subdivision of the Marple Lane house off from the rest of the open space, and the portion of the property that is included in that subdivided lot will not be part of the Property acquired from the Act 153 funds.

So will any of the structures be purchased with the Act 153 funds? No – that is why the Marple Lane house may be subdivided and transferred and the Hovenden House will be used by the Arts Center. However, through the use of the Act 153 funds to purchase the open space, the Township and the Arts Center are able to ensure the historical preservation of Abolition Hall.

Why is this Property being acquired, in part, with Act 153 funds? The Property is being acquired for open space benefits for the Township including the protection of planned passive recreation and conservation sites; the protection and conservation of natural or scenic resources, the protection of scenic areas for public visual enjoyment from public rights of way; the preservation of sites of historic interest; and the promotion of sound, cohesive, and efficient land development by preserving open space between communities.

Is the acquisition and use of the Property in accordance with the Township's Comprehensive Plan? Yes, the Township has long desired to acquire this property as part of its Comprehensive Plan. Mr. Mellor stated as they go through some in our Open Space Plan a lot of them have to do with the historic nature of the area and obviously of the property. The first one being:

Whitemarsh Township Resolution #2012-26 (8.16.2012) Amending Open Space Plan Encouraging Preservation of Historic Properties in Cold Point and Plymouth Meeting Historic Districts by Acquiring and/or Preserving Same as Open Space

Whitemarsh Township Resolution #2013-15 (3.14.2013) Amending Open Space Plan Including Property Listed as "Hovenden House, Barn & Abolition Hall" in 'Priority Open Space Opportunities' Category of the Plan

Whitemarsh Township Resolution #2013-29 (7.25.2013) Amending Open Space Plan Placing All 'Priority Open Space Opportunities (Non-Acquisition)' Properties into 'Priority Open Space Opportunities' Category

Whitemarsh Township Selective Comprehensive Plan Update (2020) Map Showing 'Parks and Open Space' Character Area (page 30)

What are the benefits of the open space to the public? In addition to preserving the natural resources of the property (as open space) and the historic nature of the property for the public's benefit, the Township intends to maintain the open space as passive recreation for the public's benefit. However, the Township still intends to involve the public and receive public feedback related to the use, within these parameters.

Chair Nester stated it is exciting to take this to the next step.

Public Comment:

Sydelle Zove (Harts Ridge Road) said this is a great moment in the history of the township and the history of this very special homestead. She stated she had a couple of questions about the mechanics of this purchase. She said the resolutions that were adopted and referenced as exhibits refer to Hovenden House, Abolition Hall and the barn but the documents the resolution and Rick your cover memo referred to Hovenden House, Abolition Hall and the main house. Mr. Mellor stated it's one in the same it has been called a couple different things for reference. Ms. Zove state so the main house and the barn are the same building. Ms. Zove asked if there is any possibility that the map that was referenced on page 19 of the 2020 appraisal could be put on display because she has some questions about the possible subdivision. The map was displayed. Mr. Guttenplan oriented the public to the map provided. Ms. Zove asked about the Marple Lane Property, lot B, if there is to be a future subdivision is this the line/configuration shown here. Mr. Mellor stated it is unknown at this time. She asked if there would be any further subdivision of Lots A and C which differentiate the open space roughly eight acres from the area around the Hovenden House which is lot A. She asked if it is the intention of the township or the art center to create that subdivision. Mr. Mellor stated it is not and it has not been addressed in any of the documents. Ms. Zove stated the use of the township Open Space dollars not to exceed two million dollars would be used toward the purchase but not dependent on a subdivision that separates the open space from the remaining property. Mr. Mellor explained the subdivision is a maybe its always been listed as its not contemplated as it will absolutely happen, the subdivision of Marple Lane. Mr. Mellor stated none of that has been determined to this date. Ms. Zove said the acquisition is not dependent on dividing the open space from Hovenden House. Mr. Mellor stated the acquisition will be fore the entire property. Ms. Zove asked when to expect the acquisition settlement will occur. Mr. Mellor stated they anticipate that will happen sometime in the fall. A lot of dates are specific. The money from the Karabots Foundation has to come in by a certain date and from that date the township has 60 days to settle on the property. He said his best estimation would be before the holidays probably mid-November at the latest. He said no date has been selected. Ms. Zove asked with regard to the use of the spaces, the structures and the open space she said she is confused about who occupies what. She asked if the Art Center definitely occupies Hovenden House. Mr. Mellor stated that is correct. Ms. Zove asked the main house/barn what becomes of that. Mr. Mellor stated that is to be determined. He said when I mentioned in my testimony that there will be a lot of public input and the board will have input as well. He said the idea

is for it to be open to the public. Just like the art center is a non-profit they have public events. He said the idea is to open the property to the public in some fashion. He said what that looks like is to be determined. Ms. Zove asked if the art center will occupy any portion of Abolition Hall on a permanent basis. Mr. Mellor stated again that it is to be determined. Ms. Zove asked who will manage the property. Mr. Mellor stated the next step in this entire process is for the Township to enter into a covenant agreement with the Whitmarsh Art Center and that agreement will spell out the interests, the maintenance and how all of that will look to answer many of your questions and the public's questions once we have that document that document has to be approved publicly so that is one of the next steps. So that interests are clearly defined going forward. Ms. Zove asked if they anticipate that the art center would occupy any portion of the buildings prior to the document being finalized. Mr. Mellor stated there are still people living on that property and after closing there will still be people in accordance with the agreement of sale living on that property. Ms. Zove stated she read the inspection reports done through the Township's due diligence period and clearly the structures need attention and that there is a lot of deferred maintenance. She asked if there is any intention on the part of the township to undertake conditions assessment as a prelude to a Master Plan. Mr. Mellor stated we are certainly not there yet. He said all of those things will have to be discussed. He said the board will want to do that in the future. He said the buildings are historic and old and shouldn't be surprised that there's a lot of issues to be addressed with the property. Ms. Zove stated the oldest part of the Hovenden House dates to the 1760's. Ms. Zove thanked the Board for their efforts, enthusiasm, vision and persistence. She said this is a great moment and she is very pleased.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors closed the public hearing.

ORDINANCES

1. Ordinance for Open Space Acquisition

On a motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote 5-0) the Board of Supervisors adopted **Ordinance #1015** authorizing the open space acquisition in accordance with the Whitmarsh Township Home Rule Charter at 4006 Butler Pike in the amount not to exceed \$2,000,000.00.

BOARD PUBLIC DISCUSSION ITEMS

1. 2021 Financial Statement - Zelenkofske Axelrod, LLC

Mr. Mellor introduced the auditing firm of Zelenkofske Axelrod who performed the audit. He said following best management practices to have the financial statement reviewed publicly once it is approved the Board will be asked to accept the 2021 Financial Statement and it will be posted on the Township's website.

Jeff Weiss, Managing Partner, stated it is their first year auditing the township. He spoke about the firm and the fact they 95-99 percent of their work is government and non-profit companies. He introduced Debbie Bacon, the principal on the engagement and described her job of overseeing the completion of the audit and Matt Beinhauer who was the supervising senior on the job.

Ms. Bacon gave the audit presentation. She explained the responsibilities of the township and the responsibility of their firm. She explained they will be providing a report to the Board regarding the audit results and significant matters. She explained the status of the William Jeanes Memorial Library, Barren Hill Fire Company, Spring Mill Fire Company and Whitemarsh Ambulance financial statements. Mr. Beinhauer went over some of the results of this year's audit and the new accounting principles adopted. He then presented the key financial data and the governmental fund results. He spoke about the American Rescue Plan Act (ARPA) funding. He thanked the Board for the opportunity to serve the township and for the cooperation and assistance of Kevin Barron, Finance Director and his staff.

Supervisor Manuele said they indicated early on that wouldn't be issuing an opinion on internal controls but performed tests on the controls. He asked if they could tell what kind of tests were performed. Mr. Weiss explained what they had done verifying transactions and approvals and all the procedures. He explained the process and they had no findings, procedures followed. There was a discussion of the process, recommendations and findings.

MOTIONS

1. 2021 Financial Statement - Zelenkofske Axelrod, LLC

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors accepted the 2021 Financial Statement for Whitemarsh Township.

BOARD PUBLIC DISCUSSION ITEMS (continued)

2. #07-22 AIM Academy/1200 River Road; Conditional Preliminary/Final Plan

Dan Rally, representing AIM Academy, said AIM academy is a private school located near the Schuylkill River between the Miquon SEPTA station and the Schuylkill River Trail for children with language-based learning disabilities and are requesting preliminary/final plan approval for a two-story addition over an existing parking lot area. He explained the use of the new building and provided a rendering of the addition. He in the rear of the school as well they are removing a number of parking spaces and replacement with a rain garden for stormwater control.

Mr. Guttenplan explained the Planning Commission reviewed this application at its August 9, 2022 meeting and the Commission passed a motion recommending that the waivers requested be approved, and then passed a second motion to recommend approval of the preliminary/ final plan. Mr. Rally went through the variances approved by the Planning Commission. Jim Bannon, Civil Engineer explained one of the variances they are requesting regarding pipe size for the raingarden. Supervisor Manuele asked Mr. Rally to explain the use of the rain garden. Mr. Rally said it is for storm water and it will give students an area to learn as well. Supervisor Toll asked if the new building will be primarily classrooms. Mr. Rally explained it is primarily labs and there will be larger spaces for students to assemble .

Resolutions

1. SLD #07-22 AIM Academy/1200 River Road; Conditional Preliminary/Final Plan

On a motion by Supervisor McCusker, seconded by Supervisor Turenne (Vote 5-0) the Board of Supervisors adopted **Resolution #2022-22** granting Conditional Preliminary/Final Plan approval for SLD #07-22 – AIM Academy/1200 River Road for a 2-story building addition onto the existing school.

CONSIDER ACTION ITEMS

Ordinances (Continued)

2. Ordinance Amendment - Add Emergency Notice Provision to the Snow and Ice Code

Mr. Mellor explained the proposed amendment to the existing code to clarify when a snow emergency should occur, who declares it, and what is a snow emergency route. The requirements of residents and constituents has not changed, snow removal and parking requirements remain the same.

On a motion by Supervisor Turenne, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Ordinance #1016** amending Chapter 103, Article IV, Section 103-24 adding a provision for the Declaration of Snow and Ice Emergencies in Whitmarsh Township

Resolutions (continued)

2. 2023 Minimum Municipal Obligation (MMO)

Mr. Mellor explained Act 205 requires the Township to submit a 2023 budget for the Police and Non-Uniformed Employee pension plans by September 30, 2022. The required contribution amount is known as the Minimum Municipal Contribution (MMO) as determined by the Plan Actuary based in part on the Act 205 Actuarial Valuation Report dated January 1, 2021.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors adopted **Resolution #2022-23** approving the 2023 Minimum Municipal Obligation for the Police and non-uniformed pension plans in the combined amount of \$631,409.00

MOTIONS (continued)

2. Bid Award - Refuse and Recycling Collection and Disposal

Mr. Mellor explained the Township recently advertised and opened bids for the collection, transportation, and disposal of municipal waste and recycling. The bid was opened on Tuesday, August 2, 2022. The Township received one bid from our current provider, JP Mascaro and Sons. Mr. Mellor explained the costs associated with the bid. The new bid specifications have a base bid and an alternate bid and are applied to 5,550 units. The base bid allows for the use of rear-loading trucks, while the alternate bid requires the use of automated side-arm loader trucks. The terms of the base and alternate bids were for five years, with two one-year optional extensions, at the Township's sole discretion. Mr. Mellor stated the Board has two options: they can accept the bid that would end the current contract on December 31 or the other option is to reject the current bid and agree to the renewal with Mascaro by September 30.

Supervisor Toll asked about service to the library and the recent issues with pickup and about policies and procedures with regard to the Mascaro driver backing into the area to pick up the bins.

J.P. Mascaro spoke to the issue raised by Supervisor Toll and said they are evaluating the stop to ensure they have proper service, looking at the challenges in terms of access and he explained the difference between the trucks that pick up residential trash and the ones that pick up commercial. He explained what they are doing to address the issues.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote (5-0) the Board of Supervisors approved the bid award option A for trash, recycling and yard waste collection and disposal to JP Mascaro and Sons for five years with two 1-year renewal options in the total amount of \$23,588,388.00.

3. Capital Purchase - 3 Hybrid Police Vehicles

Chief Ward explained during the 2022 Budgeting process the Police Department was approved for the purchase of three Ford Explorer Police Interceptors. One of these vehicles was a straight gas model that is slated to be a K9 vehicle and the other two vehicles were slated to be Hybrid marked patrol vehicles to replace an already out of service vehicle and a high mileage patrol vehicle. At the beginning of January, the township placed our orders for these specially outfitted police vehicles with Hondru Motors, our municipal vehicle supplier. During the year, we were advised that these vehicles were delayed by “supply chain issues”, mainly tied to computer chip shortages, but we were told the vehicles should ship late in the year, “around September.” He explained two weeks ago, as we were preparing our 2023 Preliminary Budget Request, Hondru Motors advised us that the K9 vehicle should ship mid to late September, but Ford Motor Company had canceled all remaining Hybrid Police Interceptors for 2022. Meaning our two other vehicles were cancelled. Ford advised everyone that they were “free” to resubmit their 2022 orders for 2023 vehicles, but there would be no preference placed on these orders and Ford would not automatically move these orders to 2023. Ford also added in the two other stipulations; first, the cost was going up by approximately \$10,000.00 and, second, we had until the end of the week, September 2, 2022, to place our 2023 orders, advising that Ford would not accept any orders after that.

Naturally, we went into scramble mode and tried to locate Ford Explorers already on the ground and in dealers’ inventory, but there were none to be found. So we looked at option number two and, after discussions with the Township Manager, the Finance Director and the Public Works Director, we decided to place an order with Ford, through Hondru, for Hybrid Explorers for 2023. These three vehicles would be the two missed vehicles from 2022 and the proposed 2023 Hybrid Patrol Vehicle. We all realize that this is not how we normally handle vehicle purchases and Budget items, but I felt that we had no other choice, so I made this unusual request. He explained his justification for this is the need for the police department to have properly functioning patrol vehicles that are maintained within the accepted industry standard and our insurance carrier’s standards. These standards involve the number of miles that primary patrol vehicles are driven and the number of hours the vehicle engines operate. As a 24/7 operation, our police vehicle mileage is not always indicative of the use level of a police vehicle, as many hours of idle time during stationary operations must also be considered. Over the last decade, the police department has worked very hard to establish and maintain a vehicle program that recognizes these standards, while working hand-in-hand with our Fleet Department in Public Works to maintain the Township’s overall vehicle use and replacement

program. This program often utilizes retiring police vehicles in other divisions for their use on a less intensive level.

He said since this decision was made very quickly, I did not have the opportunity to re-evaluate the 2023 Budget implications and we had only begun to discuss the 2022 Budget implications. Moving forward, it was our intentions to sit down and look at the Police Fleet plan and how that would affect the overall Township Fleet plan and how everything would affect the Budget. We were looking at unspent money in 2022 and the increase in cost that would affect the 2023 Budget. Since everything happened so quickly, we decided to get a fresh look at all of this information after the Labor Day Weekend. However, over the weekend, I was made aware that a local Ford dealer, Fred Beans, had been advised by Ford that they would be receiving approximately twelve Ford Explorer Interceptors in the next few weeks. These vehicles were unexpected and unspoken for. These vehicles are also all gas models, not Hybrids, which we had ordered and have been buying. Please note, we have been purchasing Hybrids whenever possible in our attempt to assist the Township in moving towards our zero emissions initiative that was started by the Environmental Advisory Board.

So, in another pivot, utilizing the 2022 money budgeted for police cars, I contacted Fred Beans and reserved one of these Ford Explorers for Whitmarsh Township. Please note that the vehicle reserved is about \$5,000.00 less than the budgeted Hybrid and should arrive within two weeks. In discussions with the Township Manager, the Finance Director and Public Works Director, it was agreed that purchasing this vehicle was in our best interest. Receiving two vehicles now is important, especially with the uncertainty of the delivery of the 2023 vehicles based on 2022's history. This vehicle would be the replacement for Police Unit 3206, which was totaled at the end of 2021 and not replaced. The re-usable parts for 3206 have been in storage awaiting the arrival of the 2022 vehicles, so we have been operating our fleet one vehicle short, which adds mileage to other vehicles that would normally not occur. By receiving two vehicles in 2022 we are doing our best to keep the Police Fleet and the Township Fleet on schedule. The absence of Unit 3206 for the past year and the failure to replace another vehicle this year has not and will not help. Hopefully, if we receive the three Hybrid vehicles next year and any other 2023 Budgeted vehicles, we will be able to get the Fleet Program and our budgeting plans back on schedule. With everything occurring so quickly, we have not had the opportunity to map out the entire vehicle replacement schedule for the Township, but, once we are certain of the vehicles we will be getting in 2022, we will have the plan in place when we make our 2023 Budget Presentation.

Supervisor Manuele asked if the order permitted the dealer to cancel without any penalty whatsoever. The Chief said there is nothing, the decision comes down from Ford. He said in speaking with other Chief's, we are all in the same boat.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Capital Purchase of police vehicles to include 1 gas vehicle in 2022 and 3 Hybrid Police Vehicles for 2023.

4. Hold Harmless Agreements - 5-15 East Germantown Pike

Mr. Guttenplan explained this Hold Harmless Agreement is for various existing and proposed improvements in the ultimate right-of-way at 5-15 E. Germantown Pike on your agenda. He said the need for this Hold Harmless Agreement has come about as the result of a pending land development

plan that is currently under review. Both properties are under the same ownership; 5 E. Germantown is an actively used office building and the owners plan to expand and rehabilitate the building on 15 E. Germantown to expand into with additional office space. Parking for both will be in an expanded parking lot on 5 E. Germantown. Various relief has been secured from the Zoning Hearing Board for this project and it has been reviewed by the Shade Tree Commission, HARB, and by the Planning Commission several months ago. He stated both existing buildings, existing parking, and an old wrought iron fence are within the ultimate right-of-way of Germantown Pike, though no legal recognition of this has ever been documented; hence this Hold Harmless Agreement. The only new feature that will be located in the ultimate right-of-way if the development is approved, is the porch on 15 E. Germantown. The porch platform exists but it is proposed to be improved with a portico roof and columns. There are no safety or sight distance concerns with the existing or proposed improvements; Krista Heinrich has done a sight distance assessment.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approve a Hold Harmless Agreement for improvements in the ultimate right-of-way at 5-15 Germantown Pike.

5. August 2022 Expenditures and Payroll

On a motion by Supervisor Turenne, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved expenditures totaling \$649,942.89; and payroll totaling \$719,123.69 for August 2022.

REVISED AGENDA

6. Resolution to Authorize Grant Award - DEP 902 Grant

Mr. Mellor explained the Resolution will allow the Township of Whitemarsh to accept the Pennsylvania Department of Environmental Protection (PA DEP), 902 Development & Implementation of Municipal Recycling Programs Grant (902 Grant) in the amount of \$267,107. He explained the grant is unique in that it requires three elected Board members to sign electronically to accept the grant. Due to technical problems with the State's Keystone Login Program, the process was not completed by the deadline and would either need to be restarted or signed by the Board's appointee following a resolution. Based upon the numerous issues witnessed during the first attempt to sign electronically, staff recommend appointing the Township Manager to sign on behalf of the Board, as would be done with any other grant award.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (5-0) the Board of Supervisors adopted **Resolution #2022-24** authorizing Chair Laura Boyle Nestor or Township Manager Richard L. Mellor, Jr. as officials authorized to execute all agreements for the DEP 902 grant awarded to Whitemarsh Township in the amount of \$267,107.00.

7. Hold Harmless Agreement - 4037 Joshua Road

Mr. Guttenplan explained the Hold Harmless Agreement is for a 4-foot post and rail fence in the ultimate rights-of-way of Joshua and Marianne Roads on your amended agenda. He stated the

applicant is proposing to enclose a portion of her property which includes the fence around the two frontages on Joshua and Marianne Roads. This has been reviewed by the Traffic Safety Unit of the Police Department and found to be acceptable. The fence must be 11 feet behind the curb on Joshua Road for proper sight distance of cars exiting Marianne Road; the proposal meets that requirement. The setback on Marianne Road is not an issue but is being setback 5 feet from the curb (there is no sidewalk on Marianne, only on Joshua Road).

On a motion by Supervisor McCusker, seconded by Supervisor Turenne (Vote (5-0) the Board of Supervisors approved approve a Hold Harmless Agreement for a fence in the ultimate right-of-way at 4037 Joshua Road.

8. Escrow Release #2 - Robbins/27 East Germantown Pike

On a motion by Supervisor Manuele, seconded by Supervisor Turenne (Vote (5-0) the Board of Supervisors authorized the escrow release #2 for Robbins Gulph Holdings, LLC/27 East Germantown Pike in the amount of \$70,933.50.

PUBLIC COMMENT PERIOD

None

BOARD MEMBER COMMENTS

None

EXECUTIVE SESSION

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

ADJOURNMENT

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

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager