

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

**APRIL 14, 2022**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, April 14, 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; 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**

Chair Nester announced that annually the Pennsylvania Department of Community and Economic Development recognizes municipalities and local government officials for their dedication and commitments to strengthen their communities and better serve their residents. Yesterday at the 2022 Pennsylvania Governor's Awards for Local Government Excellence, Charlie Guttenplan was awarded the PA Chapter of the American Planning Association Career Recognition Award. She said we congratulate Charlie on this well-deserved award and appreciate the many years of dedicated public service to Whitemarsh Township.

**Whitemarsh Township Day – Saturday, April 23, 2022**

Tom Blomstrom, Director of Parks and Recreation stated Whitemarsh Township Day is scheduled for Saturday, April 23rd at the Colonial School District – PWHS Victory Fields from 12pm-5pm. The Parks & Recreation staff has begun planning for the event and has held several organizational meetings. The on-line registration process for Vendors, Food Trucks, Crafters, Businesses, Non-Profits, and Community Groups is open on Community Pass. He said the Township Day team is striving to provide a happy and safe experience for all event attendees. With safety as a top priority, I would like to highlight some of the safety measures at this year's event: Handwashing stations throughout the event, hand sanitizer stations throughout the event, Port-A-Potties throughout the event and a spaced-out vendor layout for better social distancing. He thanked the Board of Supervisors, Colonial School District as our host and the event partners and sponsors. He stated there are 75 vendors in total: 3 political/religious groups, 7 EMS/school groups/nonprofits and 21 sponsor/business tables. He stated entertainment is booked and includes the following: a magician, a juggler, 2 clowns (balloons), a DJ, photographer, a Karate presentation, a stilt-walker, 2 Characters (Moana and Captain America) and the Aqua String Band – Philadelphia Mummers String Band. He listed the rides and games that will be at the event. He finished by thanking the Public Works, Police, and the Fire Marshal for all their team efforts in planning the logistics of the event to make it as safe and enjoyable for the residents. He extended his departments gratitude to the Board of Supervisors for once again supporting our department and the community with this wonderful annual event.

April 14, 2022

## **PROMOTIONS IN WHITEMARSH TOWNSHIP POLICE DEPARTMENT**

### **Sergeant Mike Burton**

Lieutenant Jeff Nowak introduced Sergeant Burton. He stated Sergeant Burton has been a police officer for 14 years having been hired by the Whitemarsh Township Police Department in January of 2008. In 2016, Officer Burton was promoted to the rank of Corporal and was tasked with the duties of a first line supervisor for his patrol squad. During his time with the department Mike has been a patrol officer and a corporal, along with serving on the bicycle unit, the Montgomery County Drug Task Force and the Montgomery County Major Incident Response Team. Mike also serves as a Field Training Officer, our lead First Aid/CPR instructor and as a Taser instructor. Mike is currently the President of the Whitemarsh Police Officers Benevolent Association. Cpl. Burton has assumed other responsibilities to include coordinating our radio communications needs, and in-car computer systems. He has also assumed the role of our Deputy Emergency Management Coordinator, drawing upon his talents and experiences as a police officer and his experiences as a fire fighter. He said Sgt. Burton is originally from the upper avenues in Conshohocken and now resides in the Cedar Heights section of Whitemarsh Township with his wife Katie and his son James Francis and daughter Maisie. Along with being a police officer, Mike is active in his community as a volunteer firefighter. Mike has served with the Plymouth Fire Company No. 1 since 2000 and currently holds the rank of Battalion Chief. He said Mike graduated from Plymouth Whitemarsh High School in 2003 and attended West Chester University where he obtained his Bachelor's degree in Criminal Justice. Mike has gone on to earn his Master's degree in Public Safety Administration through St. Joseph's University and has completed the FBI's Leadership Trilogy series of trainings.

### **Corporal Matthew Stadulis**

Lieutenant Brian Mack introduced Corporal Matthew Stadulis. He said Cpl. Stadulis has been serving Whitemarsh Township for nearly 15 years, after being hired as a police officer on August 4th, 2007. Officer Stadulis was instrumental in developing a proposal for Whitemarsh's first police K-9 Unit. As a result of this work, Whitemarsh did adopt a K-9 unit, and Matt was selected as one of its first handlers, travelling to Mechanicsburg to be paired and trained with his first partner Brock. Matt continues to serve as a K-9 officer, with his current partner Nika. Matt and Nika are cross sworn with the United States Marshal's Service Fugitive Task Force. In addition to his K-9 duties, Officer Stadulis has also served with the Whitemarsh Tactical Team, and the Bike Unit. He stated Matthew is very active in our community relations activities, acting as the lead instructor for our Cop Camp Program for the past 8 years. He's presented to nearly every session of our Citizens Police Academy and is a frequent visitor to our Student Coalition at Plymouth Whitemarsh High School. Matt and his K-9 partners are also featured at a number of other K-9 events throughout the county. He said before coming to Whitemarsh Police, Corporal Stadulis attended the Cape May County Police Academy and served as a seasonal officer with the North Wildwood NJ Police Department for two years. He is also an 8-year veteran of the United States Coast Guard Reserve, attaining the rank of Boatswain's Mate 3rd Class, serving on Long Beach Island's Barnegat Inlet and in Philadelphia's 5th District Sector – Delaware Bay Atlantic Area. He explained Corporal Stadulis holds a Bachelor's Degree in Criminal Justice from Lock Haven University and earned his Master's Degree in Criminal Justice from Saint Joseph's University in 2012. Lt. Mack said with Corporal Stadulis here tonight is his wife Kristin, and their 5-year-old daughter Gianna (G-G), and their 4-year-old daughter Ryann. Matt's father Joseph was

regrettably unable to attend tonight's ceremony, but Matt's mother Linda is here, as well as his siblings, Lisa, Joe and Josh. Also here are his In-Laws Andrew and Janet DiPiero.

### **Corporal Vincent P. Mundy**

Lieutenant Jeff Nowak said Vincent P. Mundy has been a police officer for nearly 12 years having been hired by the Whitemarsh Township Police Department in June of 2010. In addition to his patrol duties, Vince is also a member of our bicycle unit, where he is responsible for the maintenance and replacement of all police department bicycles. Cpl. Mundy was previously assigned as a special assignment officer during which time he worked within the Traffic Safety Unit, the Community Relations Unit and with our Investigations Unit. He is a member of our County's Drug Task Force. In 2017, Cpl. Mundy was nominated by our department to serve with the Montgomery County SWAT Team, and after a rigorous testing and selection process, was appointed to serve as an operator with the entry team. Vince is a de-escalation instructor and also a Field Training Officer, and thus far has trained 2 new officers of this police department. In addition to all of these duties, Cpl. Mundy is a very familiar face at all of our community relations events, including but not limited to, assisting every year with our Cop Camp program, our Citizens Police Academy, and our Student Coalition with PWHS. He stated that Lt. Mundy is originally from the Roxborough section of Philadelphia, Vince moved with his family to Whitemarsh in 2001. He now resides in Springfield (Delaware County) with his wife Kate, sons, Brody (8) and Brett (6) and his daughter Maeve (3). While living in Whitemarsh, Vince was a volunteer firefighter with Barren Hill Fire Company, ran a successful landscaping business and worked as a part time dispatcher with both Whitemarsh and Plymouth Police Departments. Vincent graduated from Roman Catholic High School and attended Neumann University where he obtained his Bachelor's degree in Business Administration. In 2015, Vince has earned his Master's degree in Criminal Justice through St. Joseph's University. Lt. Nowak said Cpl. Mundy is joined here tonight by his wife Kate and their sons Brody and Brett, and their daughter Maeve. Vince's parents, Pat and Sue and his in-laws John and Stacy Hanrahan are also with us tonight.

## **PROCLAMATIONS**

### **Arbor Day**

Chair Nester read the proclamation for Arbor Day, which is on Friday, April 29, 2022. She explained the Arbor Day Foundation requires that \$2/resident be spent on approved activities such as, municipal leaf collection, costs associated with tree planting or maintenance, and costs paid to the Township Arborist. The Townships application was approved based largely upon the cost of curbside leaf collection, but this year we also included the costs associated with the Tree Giveaway, and several municipal planting projects with the community. She said additionally this year the Township will also be eligible for a "Growth Award" should the Township choose to apply. That award is based on single-year actions taken by a municipality to promote tree planting. The Tree Giveaway would be the eligible project.

### **Earth Day**

Chair Nester read the proclamation for Earth Day, which is Friday, April 22, 2022. She explained the Proclamation is to help spread awareness about some of the efforts the Environmental Advisory Board (EAB) has recently undertaken. In the past, their efforts have been geared heavily toward

advocacy and research, but now they are applying their efforts to actionable projects, such as the work on May 6th with Germantown Academy Students. She explained the EAB members and contractors from Redtail Restoration will educate 6th grade students about stormwater and water quality in public waterways. On May 6th, the students will assist by planting over 100 understory species in forested areas throughout the Township, in locations where the plantings can improve water quality and benefit the ecosystem. This joins hands with the EAB's past work with natural basin maintenance. Last year, the EAB advised the Board of Supervisors to engage Natural Lands Trust to perform a Basin Study that provided the Township with best management practices to apply to all township-maintained basins.

## **ANNOUNCEMENTS**

Supervisor McCusker announced:

Congratulations to the Whitemarsh Township Parks and Recreation Department for their Pennsylvania Recreation and Parks Society (PRPS) Award for Excellence in Programming. Recipients of these awards must demonstrate outstanding quality, innovation, range and value of appeal, community support, efficient use of funding, human and material resources in the development, delivery and use of programs, special events, publications and promotions.

The Parks and Recreation Department won the 2021 PRPS Excellence in Programming Award for their Magic McSnowflake program. Magic's task was to hide in different parks each week and park users would take selfies with him and post it to the Parks and Recreation social media accounts for a chance to win a weekly prize.

The Parks and Recreation Department also won the 2021 PRPS Excellence in programming award for their Spotted Lanternfly Program.

## **APPROVAL OF MINUTES**

### **1. March 10, 2022**

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved the March 10, 2022 meeting minutes.

## **PUBLIC HEARINGS**

### **1. CU #01-22 DKMNK, LLC c/o Daniel Kuo/428 Germantown Pike (Shops of Lafayette Hill)**

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors opened the public hearing for Conditional Use #01-22 DKMNK, LLC c/o Daniel Kuo/428 Germantown Pike (Shops of Lafayette Hill).

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 Kilkenny, Township Solicitor  
 Todd Nurich, Attorney for the Applicant  
 Daniel Kuo, Applicant

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

## **MOTIONS**

### **1. CU #01-22 DKMNK, LLC c/o Daniel Kuo / 428 Germantown Pike (Shops of Lafayette Hill)**

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 4-0) the Board of Supervisors approved Conditional Use #01-22 DKMNK, LLC c/o Daniel Kuo / 428 Germantown Pike (Shops of Lafayette Hill) for a Personal Service Use – Dog Grooming.

## **BOARD PUBLIC DISCUSSION ITEMS**

### **1. SLD #14-21 KRE Acquisition Corporation/401 and 433 Washington Street Conditional Preliminary Land**

Edward Murphy, attorney for the applicant stated that with him tonight are representatives of the civil engineering firm, the architectural firm, the landscape architectural firm as well as KRE representatives. He explained they reviewed the potential resolution and they accept it with all the conditions that are outlined. Mr. Kilkenny explained that waivers 1 and 2 be denied. Mr. Murphy agreed that in regard to the traffic study and the traffic impact fee be deferred to final plan approval. Mr. Guttenplan stated there is a provision in the resolution requiring a traffic study be prepared prior to final planning.

Mr. Guttenplan explained SLD #14-21, Preliminary Land Development Plan for KRE Acquisition Corp. is for the Township's portion of the proposed 598-apartment development at 401/433 Washington Street. This site is located in both Conshohocken Borough and Whitemarsh Township. The Board last saw a similar project on this site in 2015 when the final plan for a similar project was approved; that project was never built. The current project received Zoning Hearing Board approval for certain relief in ZHB #2021-48. The total development site is 10.66 acres; of this area, 2.91 acres are in Whitemarsh Township. The 598 apartments will be contained in four building; 60 of those apartments in a portion of one of the buildings, will be in Whitemarsh. All of the Washington Street frontage for this development falls within the Borough, with the majority of the river frontage being located in Whitemarsh. Conshohocken Borough has recently approved the development within the Borough; its approval is based on a Settlement Agreement from 2014; this agreement was for the prior 600-apartment proposal on this site which was not built but the Agreement remains applicable to the current development. He explained the Planning Commission reviewed this application at its March 8, 2022 meeting. Much of their discussion of the land development concerned the applicant's request to waive a traffic impact study since the applicant has been asked to participate in a regional study being undertaken by Conshohocken. There was additional discussion about the potential flooding of the site and an acknowledgement that the applicant has worked with the Borough and Township to develop a comprehensive strategy for emergency responses. Additional discussion focused on landscaping, retaining vegetation along the river, and access to the river. Following their discussion, the Commission

passed a motion to recommend approval of all of the necessary waivers except for two: one that would waive the submission of a traffic impact study and the second that would waive the payment of a traffic impact fee. A second motion to specifically not recommend approval of those two waivers was then passed unanimously. Finally, a motion to recommend approval of the preliminary plan was passed.

Mr. Murphy added they have been interacting with staff for almost a year. He explained the previous approved plan from seven years ago had various issues with it so the plan was completely redone. He said the waivers they are seeking are the same waivers that were presented and approved previously. Mr. Murphy pointed out that 65-70% of the several acres that are along the riverfront it in the township. He explained the newer DEP approved stormwater plan that they will be using called the managed release concept, which puts the basin underground. He said the building area is an original brownfield and the basin water cannot infiltrate the soil, it needs to be released. He also pointed out the living street that leads from Washington street to the river and makes it truly public and allows access to the river and the riverwalk. He said it encourages the public to access the river at the site.

Mr. Heinrich stated she would like the applicants engineer to reach out to agree upon the scope of the traffic impact study.

Sydelle Zove (Harts Ridge Road) asked if the traffic impact study will address the issue of emergency evacuation in the event of flooding. She asked how many parking space there will be and how many spaces are in the floodway.

Rick Rosebury, Collier's Engineering explained the traffic study will not address the evacuation of vehicles but they are preparing an emergency evacuation plan, which is a condition of Conshohocken Borough. He stated they have been working with Emergency Services and there will be a complete emergency evacuation plan. He explained KRE will have staff on site. He stated the entire property is in the flood zone which will require all vehicles to be evacuated. He explained Conshohocken has designated areas where people can take their cars, if evacuated. Mr. Guttenplan asked if the evacuation plan will be submitted with the final plan. Mr. Rosebury agreed. He explained there are 751 parking spots.

Supervisor Manuele thanked the team for respecting the riverfront and providing pedestrian walkway for pedestrian access to the riverfront.

## Resolutions

### 1. **SLD #14-21 KRE Acquisition Corporation/401 and 433 Washington Street Conditional Preliminary Land**

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote 4-0) the Board of Supervisors adopted **Resolution #2022-12** granting Conditional Preliminary Plan approval for SLD #14-21 KRE Acquisition Corporation / 401 and 433 Washington Street for 598 Apartments located in both Conshohocken Borough & Whitmarsh Township and all waivers with the exception of traffic and traffic impact.

## BOARD PUBLIC DISCUSSION ITEMS (continued)

### 2. SLD #01-22 – 931 Spring Mill Avenue, LLC (“Westy Project”)/927-931 Spring Mill Avenue; Conditional Preliminary Plan

Mr. Guttenplan explained SLD #01-22, Preliminary Land Development Plan for 931 Spring Mill Avenue, LLC is for a development at 927 - 931 Spring Mill Avenue (corner of Lime Street). The project is being referred to as the 'Westy Project'. The majority of the site is the 931 Spring Mill Avenue property (consisting of three separate lots), the location of a previous automobile service garage which has been closed for some time. The applicant proposes to raze the garage and construct a 3-story, 20-unit apartment building, with a single parking level under the building. The property at 927 Spring Mill Avenue contains one-half of a twin dwelling. The proposal is to keep that dwelling unit and consolidate all four involved parcels into a single development. The property is being developed in accordance with the Riverfront Development Overlay District, Sub-district 2 (RDD-2). As one of the first proposals to be submitted since our new parking requirements were approved in December, this proposal includes two parking spaces with electric vehicle charging facilities. He said the Planning Commission reviewed this application and no major issues were raised; their discussion covered various aspects of the development including building design, how the dwelling at 27 Spring Mill Avenue is being integrated into the development, traffic flow and access to parking, handling of deliveries, landscaping along Spring Mill Avenue and in the buffer. They also asked about the possibility of providing a green roof in light of the building's flat roof design and that the developer (Chuck Borkowski) has a background in landscaping. The Commission passed a unanimous motion recommending approval of all of the requested waivers (except for one which Ms. Heinrich, Township Engineer determined was unnecessary) and recommending approval of the preliminary plan with a request that strong consideration be given to providing a green roof.

Chuck Borkowski, developer and applicant provided a presentation. He explained the location and explained the project. He stated they are looking into some aspect of doing a green roof and he spoke about the charging stations they will be provided. Mr. Guttenplan stated he is the first developer to provide charging stations. He also said he is the first to use vehicle stackers. Mr. Borkowski explained vehicle stacking, he stated it allows two spots out of one. There was a discussion about the types of semi-automatic parking systems and the green roof development.

### Resolutions (Continued)

### 2. SLD #01-22 – 931 Spring Mill Avenue, LLC (“Westy Project”)/927-931 Spring Mill Avenue; Conditional Preliminary Plan

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted adopt **Resolution #2022-13** granting Conditional Preliminary Plan approval for SLD #01-22 – 931 Spring Mill Avenue, LLC (“Westy Project”)/927-931 Spring Mill Avenue for a 3-story, 20-unit Apartment Building.

## CONSIDER ACTION ITEMS

### Ordinances

#### 1. Ordinance Amendment - Adopting the 2018 Fire Code

Mr. Mellor explained the Pennsylvania Labor & Industry has modified the Uniform Construction Code to the 2018 edition of the International Code Council codes. This went into effect February of this year and our original adoption for the Uniform Construction Code automatically follows the current edition as set forth by the Uniform Construction Code. Except for some sections, the International Fire Code must be adopted at the local level. The Township formally adopted the 2015 International Fire Code in 2020 to match the 2015 edition of construction codes. With the Uniform Construction Code moving to the 2018 edition of the International Code Council codes, the Township needs to adopt the 2018 edition of the International Fire Code. The proposed adoption modifies the code as done with the 2015 edition with previously adopted fire code requirements and ask Board of Supervisors approve the proposed adoption of the 2018 International Fire Code to ensure we are using compatible editions of construction code series for construction and code enforcement

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted **Ordinance #1012** adopting the 2018 Fire Code.

#### 2. Ordinance Amendment - Transfer Collection of Delinquent Refuse Fees to Portnoff Law

Mr. Mellor explained every year when the taxes are not paid the taxes are liened by the County. The past two years all of the fees were liened by the County. According to the County, the Refuse fee should never have been liened at the County. The previous year's (2016-2018) delinquent fees have not been pursued by the township. The Township only receives money from them when someone decides to sell their home. He explained Mr. Barron has worked with Portnoff Law previously and recommends them. Portnoff Law explained their process as, the Township will receive 100% of the balance owed on its delinquent refuse accounts, as Portnoff's fees and costs are paid by the delinquent property owner. Assuming that the Township will turn over at least 50 delinquent accounts at the initial placement, the only cost that we charge directly to the Township is a cost of \$40 plus certified postage (approximately \$6) to send out the initial notices of claim and fee shifting. This cost is subsequently charged to the delinquent property owner and fully reimbursable from our collections. After the notice of claim and fee shifting, our fees for subsequent collection steps will be charged directly to the delinquent property owner and Portnoff will front all hard collection costs for the Township.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted **Ordinance #1013** transferring Collection of Delinquent Refuse Fees to Portnoff Law.

#### 3. Ordinance Amendment - Age of Non-Uniformed Employees' Pension Plan

Mr. Mellor explained after doing some research it was found the normal retirement age for the 457 plan was 70.5. This is not correct. The 70.5 age is the age when an employee must start taking distributions from the plan. The normal retirement age for a police officer is 50 years old with a

minimum of 25 years of service. The normal retirement age for a non-policer is 65 years old. It is recommended that we change the normal retirement age for the 457 to be 50 years old with 25 years if service for a police officer and 65 years old for a non-police officer.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 4-0) the Board of Supervisors adopted **Ordinance #1014** amending the age of Non-Uniformed Employees' Pension Plan.

## **Resolutions**

**None**

## **MOTIONS (continued)**

### **2. Extension of the Agreement of Sale - Corson Property Tract (Abolition Hall)/Butler Pike**

Mr. Mellor explained the agreement is an amendment to the original Agreement of Sale (AOS) that includes a two-month extension until June 1, 2022 allowing for the Gift funds from the private donor to be available for the purchase of the property. Whitmarsh Township and Whitmarsh Art Center entered into an AOS with the sellers of the Corson Estate located at 4006 Butler Pike comprising the Corson Tract/Abolition Hall/Hovenden House/14 Marple Lane. The Agreement is contingent on a gift from a private donor to the Art Center in order to complete the transaction. The AOS includes a provision that the Gift funds would be available 12 months from the April 15, 2021 effective date. The Township was advised that while the gift is forthcoming an additional two months would be required from the donor to provide the funds. The sellers of the Corson Estate and Whitmarsh Art Center have agreed to the extension and signed the amendment. The amendment includes the two-month provision which was reviewed by the Solicitor's office and we are recommending approval of the agreement.

Sydelle Zove (Harts Ridge Road) stated she is thrilled this going forward. She thanked everyone for their efforts and she looks forward to hearing that settlement is scheduled.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors authorized Extension of the Agreement of Sale for the Corson Property Tract (Abolition Hall)/Butler Pike.

### **3. Authorization for Ordinance Advertisement and Public Hearing - Open Space Acquisition - Corson Property Tract (Abolition Hall)/Butler Pike**

Mr. Mellor explained this is a request to approve the advertisement of an Ordinance and public hearing for the acquisition of real estate associated with the purchase of the property located at 4006 Butler Pike comprising the Corson Tract/Abolition Hall/Hovenden House/14 Marple Lane. He said the Property is approximately 10 acres and located in the Plymouth Meeting Historic District. The Township approved an Agreement of Sale with the property owners in 2021. The sellers have agreed to the purchase price of \$3,950,000.00 which include a partnership with the Whitmarsh Arts including a generous gift to be made from a private donor. The Township would utilize Act 153 Open Space funds to be included for the acquisition of the property. Whitmarsh Township Home Rule Charter requires an ordinance for the purchase, convey, lease or authorize the purchase, conveyance or lease

of any real property. He said it is recommended the Board authorize advertisement and schedule a public hearing in order to facilitate the closing on the property.

Chair nester asked the time frame from doing the advertisement to action. She asked if there is a limit of the time. There was a discussion about the time from for advertisement.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors authorized an Ordinance Advertisement and Public Hearing for an Open Space Acquisition - Corson Property Tract (Abolition Hall)/Butler Pike.

**4. Hold Harmless Agreement - 3036 Joshua Road; Drainage Improvements in the ultimate right-of-way**

Mr. Guttenplan explained the Hold Harmless Agreement is for an underground drainage (stormwater) system which extends into the ultimate right-of-way at 3036 Joshua Road. This is an improvement to an existing stormwater management system. He said the applicant has applied for an Earth Disturbance Permit for this work. There are no major issues with that permit application but the Hold Harmless Agreement must be approved and recorded before permits can actually be issued.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved a Hold Harmless Agreement for the drainage improvements in the ultimate right-of-way at 3036 Joshua Road.

**5. Hold Harmless Agreement - 582 Bethlehem Pike (Magerks); Monument Sign in the ultimate right-of-way**

Mr. Guttenplan explained the Hold Harmless Agreement is for a new monument sign at Magerks Restaurant at 582 Bethlehem Pike. This sign would replace their pylon sign in the same location, adjacent to the southernmost driveway accessing the parking lot from Bethlehem Pike. The sign location (existing and proposed) is in the ultimate right-of-way of Bethlehem Pike. However, there is no previous Waiver of Damage Right or Hold Harmless Agreement on file for the existing sign. The Police Chief has indicated that he sees no problem with the location of the replacement sign.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved a Hold Harmless Agreement for a Monument Sign in the ultimate right-of-way at 582 Bethlehem Pike (Magerks).

**6. Allocation of Funds - Spring Shredding Day Donations**

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors allocated \$1,059.11 in donations received from the Spring Shredding Day Whitemarsh Community Ambulance Association for volunteering their services in coordinating activities on the day of the event.

**7. Certificate of Appropriateness - 51 E Germantown Pike; Installation of a Fence**

Mr. Guttenplan explained the application is for the installation of a 4-foot red cedar fence enclosing the rear yard of this property. HARB members noted that this was behind the building. HARB members had no issue with this proposal and 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 the installation of a fence at 51 E. Germantown Pike.

## **8. Certificate of Appropriateness - 14 Catherine Lane; Expanded Driveway**

Mr. Guttenplan the application is to expand the property's driveway with a 9-foot-wide addition; no change is proposed to the driveway apron accessing the street. HARB members had no issues with this proposal and the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness.

Mike Kapiczynski (Cardinal Drive) spoke about the opposition of the Maple Hill Development when it was proposed. The main issue was flooding. He spoke about the variances granted to the developer and storm drainage. He provided pictures of Cardinal Drive during a recent rainstorm. He said it is becoming unbearable. He complained about the retention basin. He spoke about the new development and the decks with roofs that are being installed and the more impervious coverage that has been approved in the development which allows more water runoff. He said the drainage isn't working.

Supervisor McCusker asked Ms. Heinrich to go out and meet with the residents. She stated she would follow up. Chair Nester thanked him for sharing with them.

At the request of Supervisor Manuele, Mr. Guttenplan explained what a Certificate of Appropriateness compared to a waiver or variance. Supervisor Manuele stated the certificate only applies in the historical district. Mr. Guttenplan qualified it applies to any property within the boundaries of the historical district.

Chair Nester thanked Ms. Heinrich to evaluate what is going on especially in the basin and stormwater.

Sydelle Zove (Harts Ridge Road) stated the residents of the development, when applying for a Certificate of Appropriateness, must provide proof that the Homeowners Association (HOA) has approved the plans. She suggested the township advise the HOA and let them know the additional impervious coverage is causing problems on Cardinal Drive.

Mr. Kapiczynski asked about the property being historical. Mr. Kilkeny explained that is the historical district where the property falls.

Bill Totten (resident) asked about new buildings in historic district. Mr. Guttenplan explained they are in the boundaries of the historic district.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote (4-0) the Board of Supervisors approved the Certificate of Appropriateness for an expanded driveway at 14 Catherine Lane.

**9. Certificate of Appropriateness - 3049 Spring Mill Road, Installation of a Fence**

Mr. Guttenplan explained the application is for the installation of a 54-inch-tall black aluminum fence enclosing the rear yard of this property. (This is a home in the 'Maple Hill' development; it is the property which suffered a fire last year and has the historic schoolhouse in its front yard.) HARB members had no issues with the proposal 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 the installation of a fence at 3049 Spring Mill Road.

**9. Certificate of Appropriateness - 105 Black Walnut Lane; Installation of a Fence and Fence Around Chicken Coop**

Mr. Guttenplan explained the application is to replace an existing post and rail fence along one of the property's rear boundaries with a 6-foot red cedar fence, matching other existing fencing on the property. This application also includes the replacement of the fence surrounding an existing chicken coop with a 6-foot fence and slightly enlarging the fenced enclosure. (This is one of the historic homes within the Black Walnut Lane development.) HARB members had no issues with application and 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 the installation of a fence and fence around a chicken coup at 105 Black Walnut Lane.

**10. Certificate of Appropriateness - 12 Catherine Lane; Installation of a Roof & Fireplace Over Patio**

Mr. Guttenplan explained the application is to add a roof over a previously installed patio and add an outdoor fireplace. (This is a home in the 'Maple Hill' development.) It was noted that this is similar to other patio projects previously approved in this development. HARB members had no issues with the proposal and the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness.

Mr. Kapicynski asked again about impervious coverage. Mr. Guttenplan explained the historic district does not regulate impervious coverage. He explained it is regulated by the underlying zoning district. He stated this was appropriate for the development and allowable. He stated there is not going to be an increase in impervious coverage.

Supervisor McCusker stated he understands there is a problem. The Board has asked the engineer to go out and look at the situation.

Chair Nester stated the Board hears him and his words are not meaningless. She stated the engineer and township staff will visit she said its much bigger than the two properties and want to address it.

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 roof and fireplace over the patio at 12 Catherine Lane.

#### **11. March 2022 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote (4-0) the Board of Supervisors approved expenditures totaling \$1,463,256.27; and payroll totaling \$669,033.12 and pension paid costs totaling \$4,332.57 for March 2022.

#### **PUBLIC COMMENT PERIOD**

Kim Sweider (Chestnut Street) spoke about the traffic issues on Chestnut Street. She shared that her mother was almost in a head-on collision the previous week at the intersection of Ridge and Chestnut. She said she wanted to remind the township that this issue still exists and they need to look into options. Ms. Heinrich said they submitted an application to the county for the installation of the louvers on the traffic light on Ridge Pike. She said additionally they are working on the public survey for the residents.

#### **BOARD MEMBER COMMENTS**

None

#### **EXECUTIVE SESSION**

Chair Nester announced the Board of Supervisors held an Executive Session prior to the meeting to discussed personnel and on April 8, 2022 an Executive Session was held to discuss real estate.

#### **ADJOURNMENT**

On a Motion by Supervisor Manuele, seconded by Supervisor McCusker the meeting for April 14, 2022 was adjourned at 9:05 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.  
Township Manager