

**BOARD OF COMMISSIONERS**

**TODD M. SINAI, PRESIDENT**

**August 5, 2024 - 7:00 PM**

**AGENDA**

**1. Call to Order**

**2. Roll Call**

**3. Announcements**

- The Board will meet in Executive Session on August 5, 2024 to receive reports from its professional staff.
- National Night Out will be held on Tuesday, August 6, 2024 from 6:00 p.m. until 9:00 p.m. in the parking lot of the Wynnewood Shopping Center.
- The Board of Commissioners will be in recess from August 6, 2024 until September 4, 2024.
- Monday, September 2, 2024, Labor Day, is a legal Holiday. The Township Administration Building and Libraries will be closed and there will be no refuse or recycling collection.
- The 2024 Budget Workshop will be held on Wednesday, September 4, 2024 at 6:00 p.m.

**4. Public Privilege of the Floor**

The Floor is open to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority.

**Response to Public Privilege of the Floor** - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address and correct any statement made by a member of the public during the Public Privilege portion of the agenda.

**5. Public Comment**

The Floor is open to provide the opportunity for the public to address the Board on matters relating to agenda items which will be voted upon at this meeting.

**Response to Public Comment** - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address or respond to any statement made by a member of the public during the Public Comment portion of the agenda.

**6. Consent Calendar**

Consent Calendar items are grouped together in the last section of the agenda which is marked "Consent Calendar." If there is a request from any member of the Board for separate discussion of any item listed on the Consent Calendar, the item will be removed from the Consent Calendar and considered during the appropriate Committee portion after non-consent items listed under that Committee are addressed.

- a. WAIVER OF LAND DEVELOPMENT PLAN - 204 Lippincott Avenue, (DeBaptiste Funeral Homes, Inc.), Ardmore, Ward 4, LD# W-24-001
- b. AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 12, ELECTORAL DISTRICTS - Reapportionment of Ward Populations
- c. APPROVAL OF CERTIFICATES OF APPROPRIATENESS
- d. APPROVAL OF HISTORICAL COMMISSION APPLICATIONS
- e. REAPPOINTMENT TO THE UNIFORM CONSTRUCTION CODE APPEALS BOARD
- f. REAPPOINTMENT / APPOINTMENT TO THE HISTORICAL COMMISSION
- g. AWARD OF CONTRACT – ARDMORE PUBLIC LIBRARY WINDOW RESTORATION
- h. RESOLUTION - TRANSFER & LOAN FROM THE GENERAL FUND TO THE CAPITAL FUND
- i. EXECUTION OF LEASE WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR EXPANSION OF THE CYNWYD HERITAGE TRAIL
- j. AUTHORIZATION TO ISSUE CONDITIONAL OFFERS OF EMPLOYMENT FOR OPEN POLICE POSITIONS
- k. AUTHORIZATION TO CONDUCT COMPETITIVE EXAMINATIONS FOR THE POSITION OF PROBATIONARY POLICE OFFICER
- l. RESOLUTION - APPLICATION TO THE PA DCED IDA RECOVERY GRANT FOR STORMWATER MITIGATION AND INFRASTRUCTURE IMPROVEMENTS
- m. AUTHORIZATION FOR SUBMISSION OF A USDA COMPOSTING AND FOOD WASTE REDUCTION GRANT AND COMMITMENT OF MATCHING FUNDS

**7. Building and Planning Committee**

- a. The Consent Calendar contains items referred from the July 31, 2024 meeting of this Committee (items a - f).

**8. Finance Committee**

- a. The Consent Calendar contains items referred from the July 31, 2024 meeting of this Committee (items g - h).
- b. A meeting of the Finance Committee will be held on Monday, August 5, 2024 at approximately 6:55 p.m. at which time the following item may be referred to the Board of Commissioners for action: Authorization to Enter into an Agreement for Energy Supply Services. Additional information may be found on the agenda for the aforementioned Finance Committee meeting.

**9. Parks and Recreation Committee**

- a. The Consent Calendar contains items referred from the July 31, 2024 meeting of this Committee (item i).

**10. Police Committee**

- a. The Consent Calendar contains items referred from the July 31, 2024 meeting of this Committee (items j - k).

**11. Public Works Committee**

- a. The Consent Calendar contains items referred from the July 31, 2024 meeting of this Committee (item l).

**12. Sustainability Committee**

- a. The Consent Calendar contains items referred from the July 31, 2024 meeting of this Committee (item m).

**13. Unfinished Business**

**14. New Business**

**15. Adjournment**



**AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: WAIVER OF LAND DEVELOPMENT PLAN - 204 Lippincott Avenue, (DeBaptiste Funeral Homes, Inc.), Ardmore, Ward 4, LD# W-24-001

Consider for approval a Waiver of Land Development Plan. The Plan shows construction of a 1,101 sq. ft., single-story addition to the rear of an existing 2-1/2 story funeral home.

In addition, the applicant requests the following waivers which were recommended for approval by the Building & Planning Committee:

- (a) Subdivision & Land Development Code Section 135-3.5, to not provide a Tentative Sketch Plan.
- (b) Subdivision & Land Development Code Section 135-3.6, to not provide a Preliminary Land Development Plan.
- (c) Subdivision & Land Development Code Section 135-3.9, to not provide a Final Plan.

Expiration Date – N/A.....Zoning District – MDR1  
 Owners: Clifford & Lillian De Baptiste  
 Applicant: Town & Country Master Home Builders, Inc.  
 Applicant's Representative: Fred Fromhold, Esq.

On July 31, 2024, the Building & Planning Committee recommended approval of the plan subject to the following conditions:

Township Engineer's Review:

- 1. The Township Engineer's review letter dated July 15, 2024, shall be incorporated by reference into these conditions of approval to the extent the same is not consistent with these conditions of approval.

Architectural Elevations/Site Design:

- 2. The proposed ADA building entrance/exit ramp shall be approved by the Building Codes Officer. Details on the plan shall be coordinated with the building permit plan. Final dimensions shall be approved by the Building and Planning Department.
- 3. Architect of record shall detail fire-rated separation (UL Listing) between different uses (S-1 to A-3, A-3 to B, and B to S-1).
- 4. Architectural elevations and renderings of all sides of the proposed building shall be submitted with the Permit Plan, including the proposed materials. The applicant shall provide a chart to demonstrate compliance with the Architectural Design Standards in Zoning Code Section 155-3.9.
- 5. The proposed building(s) shall be constructed substantially as shown on the fourteen (14) sheets of

architectural elevations prepared by Jack Burns, Architecture, dated February 29, 2024, last revised July 1, 2024, with the exception of any de minimis changes, including those mutually agreed to with Township staff.

6. The building height shall be verified by the Zoning Officer prior to issuance of any permits. The building height shall not exceed 35 feet from mean grade to the top of the roof ridge.

7. All signage shall be subject to a separate review for compliance with the Zoning Code by the Zoning Officer.

8. The HVAC/mechanical equipment shall be screened on all sides whether on the roof of the building or on the ground. If located on the roof, the screening shall be integrated into the architecture of the building to improve the appearance and better mitigate noise from the unit(s).

9. The existing and proposed mean grade of the structure shall be calculated and shown on the plan. The architectural plans shall be coordinated with and must comply with the grading proposed with this application.

Landscape Plan/Streetscape:

10. The applicant shall cut back the vegetation along the sidewalk and driveway apron so that the vegetation is no longer encroaching on the sidewalk and obstructing the view of vehicles entering and exiting the property.

11. All existing trees to remain shall be devined.

12. The Planting Plan shall be approved by the Planning Department and the Township Arborist.

13. A revised landscape plan complying with Natural Features Code Section 101-9 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the permit.

14. The applicant shall provide native or non-invasive adapted plant species on the landscape plan.

15. Landscape improvements provided for this application shall be perpetually maintained in a healthy and/or sound condition in compliance with Natural Features Code Section 101-11. The applicant shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement. A draft covenant shall be submitted with the Permit Plan.

Access:

16. The proposed parking layout shall be provided on the plans and be coordinated with the architectural drawing set. Maneuverability diagrams, a zoning compliance table, and dimensions are required to demonstrate compliance with Township Standards.

17. The number of parking spaces required for the development shall be approved by the Zoning Officer.

Required Permits:

18. A driveway permit is required from the Public Works Department. The existing driveway shall be evaluated by the Traffic Safety Unit.

Construction:

19. The applicant shall conduct regular street cleaning of all roadways adjacent to active portions of the construction site. Staff shall have the right to order street cleaning more often if there is evidence of construction related debris in the roadway during the project.

20. The applicant shall document compliance with the notification requirements of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall submit an Asbestos Abatement and Demolition/Renovation form to the Pennsylvania Department of Environmental Protection and the EPA at least 10 days prior to commencing demolition. Copies of these documents shall be provided to the Township prior to the issuance of a building permit.

21. The applicant shall submit a demolition plan with the Permit Plans submission. The demolition plan shall indicate how dust and other air particles will be controlled, the procedure for demolishing the buildings and how the demolished building materials will be removed from the site. If asbestos or any other regulated hazardous material exists within the building, it shall be removed and certifications to that effect shall be filed with the Pennsylvania Department of Environmental Protection. Notice of demolition shall be provided by posting of the site at least seven days in advance of the proposed demolition.

22. During demolition of the existing structures the applicant shall ensure that the contractor takes appropriate measures to minimize dust at all times during active demolition. Multiple hoses and/or a water truck shall be provided on site to continually spray the building during demolition. The demolition plan shall include the specific water measures to be used to reduce the dust during demolition.

23. The applicant shall submit a parking plan with the Permit Plans submission detailing where construction vehicles will be parked. The plan shall be subject to the approval of the Township prior to the issuance of any permits.

24. All construction-related vehicles shall be parked on site or at a remote site not in the neighborhood. No construction-related vehicles may park on the street. This includes personal vehicles operated by construction workers or vehicles operated for construction workers, material suppliers, product vendors, and all construction trades engaged in the project.

Utilities:

25. The location of all transformers and utility boxes shall be shown on the Permit Plans submission. Additional utility improvements resulting in material changes to approved plan including but not limited to the loss of required parking, changes to circulation patterns or the alteration of the quantity or location of proposed landscaping shall require an amendment to the approved plan.

Lighting:

26. An outdoor lighting plan, sealed by a responsible design professional that includes illuminance patterns shall be submitted to and approved by the Director of the Building and Planning Department prior to issuance of any permits. The location, luminaire type, wattage, means of control and pole height shall be indicated. Lighting shall be designed to minimize the off-site transmission of light, to shield the source of illumination and to prevent glare on adjacent properties. Exterior luminaires shall be full cut-off unless it can be demonstrated that cut-off luminaires are more appropriate and will result in less off-site light trespass.

27. The lighting plan shall be designed to comply with the IECC or the ANSI/ASHRAE/IES Standard 90.1 that is in effect at the time of the application.

Sustainability:

28. The applicant shall consider incorporating green technology into the project including but not limited to a green roof, solar panels, geothermal heat and air conditioning and an electric vehicle charging station.

29. The applicant shall also consider having no natural gas connections.

Standard Conditions of Approval:

30. The applicant shall install a Knox Box entry system at the exterior of all commercial, institutional and multifamily residential buildings at or near the main entrance to the building and/or at other locations as determined and approved by the Fire Marshal.

31. If required by a Township Public Safety Agency, all new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building.

32. An as-built plan must be submitted certifying the amount of impervious surface on the lot prior to finalization of the permit.

33. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of a Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant.

34. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

35. A copy of the revised plan shall be submitted with any changes highlighted. A letter shall also be provided with the revised plan indicating how each requested revision has been addressed in the re-submission.

36. The owner shall make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.

37. The owner shall make payment of the Township Engineer's inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.

38. The property owner(s) shall comply with all applicable federal, state, county, local and Lower Merion Township ordinances and laws regardless of specific mention herein.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 12, ELECTORAL DISTRICTS - Reapportionment of Ward Populations

Consider for approval authorizing the Township Secretary to advertise notice of intent to adopt of an Ordinance to amend Chapter 12 of the Code of the Township of Lower Merion, entitled Electoral Districts, to reapportion the Township of Lower Merion by retaining fourteen Wards, and by changing the boundary lines of said Wards.





## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF CERTIFICATES OF APPROPRIATENESS

Consider for approval the following certificates of appropriateness as recommended by the Building & Planning Committee at their meeting held on July 31, 2024:

a) 421 Berkley Road, Haverford Station Historic District, 24-15 – approval to replace 8 porch posts, citing Secretary of the Interior’s Standards 9 and 10.

b) 527 Old Lancaster Road, Haverford Station Historic District, 24-13 – approval to make various alterations to the home including new siding and roofing, a new front porch, and additions to expand the rear extension with a second story and add an attached garage, with a subcommittee to review additional details and clarifications to the architectural drawings, citing Secretary of the Interior’s Standards 9 and 10.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF HISTORICAL COMMISSION APPLICATIONS

Consider for approval the following application as recommended by the Building & Planning Committee at their meeting held on July 31, 2024:

- a) 330 Spring Mill Road, Villanova, Stoneleigh, Class 2, 2024-N-17 – approval to demolish a ca. 1935 greenhouse and construct a new greenhouse in its place, citing Secretary of the Interior’s Standards 2 and 9.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: REAPPOINTMENT TO THE UNIFORM CONSTRUCTION CODE APPEALS BOARD

Consider for approval the retroactive reappointment of Joseph Graci to a five year term on the Uniform Construction Code Appeals Board, such term to expire November 2028, and the appointment of alternate Tom Weber as a member of the Uniform Construction Code Appeals Board for a five year term, such term to expire August 2028.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: REAPPOINTMENT / APPOINTMENT TO THE HISTORICAL COMMISSION

Consider for approval the retroactive reappointment of Christian Busch to the Historical Commission for a five year term, such term to expire May 2028, and the appointment of alternate Bart Withstandley as a member of the Historical Commission for a five year term, such term to expire August 2028.



## AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – ARDMORE PUBLIC LIBRARY WINDOW RESTORATION

Consider for approval to award a contract for Ardmore Public Library Window Restoration to the following bidder as recommended by the Finance Committee:

Window Repair & Restoration, LLC	
Total Lump Sum Bid:	\$131,420.00
Total Bid Contingencies Item:	<u>8,065.00</u>
Total Bid:	\$139,485.00



## AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: RESOLUTION - TRANSFER & LOAN FROM THE GENERAL FUND TO THE CAPITAL FUND

Consider for adoption a resolution approving a \$2.0 million transfer and up to a \$5.0 million loan from the General Fund to the Capital Fund.

### RESOLUTION

WHEREAS, the Township of Lower Merion, Montgomery County, Pennsylvania (the “Township”) has determined to finance various capital projects during fiscal years 2024, 2025 and 2026 (the “Project”); and

WHEREAS, the Township intends to finance the costs of the Project by the issuance of its general obligation bond/bonds, in one or more series, with such series designation as the Township shall determine (the “Bonds”); and

WHEREAS, the Township intends to use a portion of the proceeds of the Bonds to reimburse itself for original expenditures made with respect to the Project and paid prior to the date of issuance of the Bonds; and

WHEREAS, no portion of the Project has yet been placed in service; and

WHEREAS, this Resolution is intended to constitute a statement of “Official Intent” pursuant to Treasury Regulation §1.150-2 (the “Treasury Regulation”); and

WHEREAS, the Township also desires to authorize the transfer of \$2,000,000 of revenues from its General Fund to its Capital Projects Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Lower Merion as follows:

1. The Township hereby authorizes \$2,000,000 of unassigned fund balance that is currently held in the General Fund to be transferred to the Capital Projects Fund to be used towards the Project or otherwise as the Township determines.
2. In accordance with Treasury Regulation §1.150-2, the Township hereby states its intentions that a portion of the proceeds of the Bonds will be used to reimburse itself for expenditures paid prior to the date of issuance of the Bonds. All capitalized terms used herein and not otherwise defined have the same meaning as ascribed to them in Treasury Regulation §1.150-2.
  - a. All original expenditures to be reimbursed will be capital expenditures (as defined in Treasury Regulation § 1.150-1(b)) and other amounts permitted to be reimbursed pursuant to Treasury Regulation §§ 1.150-2(d)(3) and (f).

b. The Township intends to reimburse its original expenditures through the incurrence of debt to be evidenced by the Bonds.

c. The description of the type and use of the property for which the original expenditure to be fully or partially reimbursed is to be paid is costs relating to the Project as defined in the recitals to this Resolution.

d. The anticipated maximum principal amount of Bonds which is expected to be issued for the Project, not including costs of issuance of the Bonds, for which the Township expects to reimburse itself is up to \$5,000,000.

3. Once the Bonds are issued, the Township shall allocate Bond proceeds to reimburse a prior expenditure by making the allocation on its books and records maintained with respect to the Bonds; provided that such costs to be reimbursed were paid not more than sixty (60) days prior to the date hereof. Such allocation shall specifically identify the actual original expenditure to be reimbursed. Such allocation shall occur not later than eighteen (18) months after the later of: (i) the date on which the original expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid; provided, however, that if the Bonds satisfy the provisions of Section 148(f)(4)(D)(i)(I) through (IV) of the Internal Revenue Code of 1986, as amended (relating to the small issuer exception from rebate), then the reimbursement allocation shall occur not later than three (3) years after the later of: (i) the date on which the original expenditure is paid, or (ii) the date on which the Project is placed in service. If the Bonds are issued before the expiration of the period prescribed in the preceding sentence, then the reimbursement allocation shall occur not later than the date the Bonds are issued.

4. The Bond proceeds used to reimburse the Township for original expenditures will not be used within one (1) year after the allocation in a manner that results in the creation of replacement proceeds (as defined in Treasury Regulation §1.148-1) for the Bonds or for other bonds.

5. The Township will not use the proceeds of the Bonds to reimburse, refinance or refund an original expenditure paid by another obligation (either tax-exempt or taxable).

6. This Resolution is effective immediately.

7. All resolutions heretofore adopted to the extent the same are inconsistent herewith are hereby repealed.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Public Works Committee

ITEM: EXECUTION OF LEASE WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR EXPANSION OF THE CYNWYD HERITAGE TRAIL

Consider for approval authorizing the Township Manger to execute a lease with Norfolk Southern Railway Company necessary for construction of improvements to expand the Cynwyd Heritage Trail.





## **AGENDA ITEM INFORMATION**

COMMITTEE: Police Committee

ITEM: AUTHORIZATION TO ISSUE CONDITIONAL OFFERS OF EMPLOYMENT FOR OPEN POLICE POSITIONS

Consider for approval authorizing the Township Manager to make conditional offers of employment to up to two police applicants who have fulfilled the Civil Service requirements for eligibility.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Police Committee

ITEM: AUTHORIZATION TO CONDUCT COMPETITIVE EXAMINATIONS FOR THE POSITION OF PROBATIONARY POLICE OFFICER

Consider for approval authorizing the Civil Service Commission to conduct competitive examinations to establish an eligibility list for the position of Probationary Police Officer.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: RESOLUTION - APPLICATION TO THE PA DCED IDA RECOVERY GRANT FOR STORMWATER MITIGATION AND INFRASTRUCTURE IMPROVEMENTS

Consider for adoption a resolution authorizing the Township to submit a grant application to the Pennsylvania Department of Community and Economic Development (PADCED)'s Community Development Block Grant – Disaster Recovery (CDBG-DR) program for stormwater mitigation and infrastructure improvements.

### RESOLUTION

WHEREAS, it is necessary and in the public interest that the Township of Lower Merion, Pennsylvania, receive funds from the commonwealth through the Department of Community and Economic Development in accordance with the Community Development Block Grant-Disaster Recovery Program; and

WHEREAS, the Township of Lower Merion has the legal authority to apply for Community Development Block Grant-Disaster Recovery funds; and

WHEREAS, the Township of Lower Merion is familiar with the requirements of the program; and

WHEREAS, the Township of Lower Merion wishes to apply for said funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Lower Merion that its Township Manager is authorized to have prepared the necessary forms and documents to apply to the Department of Community and Economic Development for Community Development Block Grant-Disaster Recovery funds for the purposes aforesaid; and

BE IT FURTHER RESOLVED, if CDBG-DR funds are determined by the Pennsylvania Department of Community and Economic Development to be expended on ineligible program costs or do not meet a national objective, the Township of Lower Merion agrees to repay the proportion deemed ineligible from non-federal sources.

BE IT FURTHER RESOLVED that the President of the Board of Commissioners of the Township of Lower Merion is empowered to place their signature, on behalf of the governing body, on necessary application forms and affix thereto the official



## **AGENDA ITEM INFORMATION**

COMMITTEE: Sustainability Committee

ITEM: AUTHORIZATION FOR SUBMISSION OF A USDA COMPOSTING AND FOOD WASTE REDUCTION GRANT AND COMMITMENT OF MATCHING FUNDS

Consider for approval authorizing submission of a USDA Composting and Food Waste Reduction Grant including commitment for required matching funds in the amount of \$60,233 in 2025 and 2026 for a total of \$120,466.