

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JULY 22, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 22, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:41 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, Joseph Bartlett, Edward McBride and Erika Spott. Also present were: Ron Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner; Russ Benner, Township Engineer; and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. McBride, seconded by Mr. Waks, all voting "Aye" to approve the June 10, 2010 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Bartlett reported on an executive session dealing with litigation. Chairman Bartlett also commented on the employee four day work week which was instituted as a savings measure and since the first of the year has resulted in a savings of \$50,000.

NEW BUSINESS

CONSENT AGENDA:

1. Waiver of Fees – Candlebrook Elementary School (*Mr. Wagenmann explained that this involves a small pre-fab storage building on the property and a fee waiver has been requested for the building permit.*)

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve Consent Agenda item #1 as submitted. None opposed. Motion approved 5-0.

2. Bid Recommendation re: Charles Street Sanitary Sewer Relocation

Contract – B.P. Paterson, Inc. - \$138,050.00 (*Mr. Wagenmann stated that this project was identified after a flow study was done and involves an existing line that has a sewer backup problem. He explained that this project will relocate and enlarge that ground and minimize the possibility of sewer backups.*)

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve Consent Agenda item #2 as submitted. None opposed. Motion approved 5-0.

RESOLUTION 2010-15 RE: US 422 CORRIDOR MASTER PLAN

Mr. Brian O'Leary, Chief of County Planning, Montgomery County Planning Commission, stated that Upper Merion is one of the 24 municipalities along US 422 that have joined together to plan for the future of this corridor. He provided an overview of the US 422 study and explained that the intent of the study was to link the interrelated elements of land use and transportation. Mr. O'Leary considers the US 422 corridor as the release valve from the King of Prussia area where rapid growth and increasing traffic volume on one road has created a bottleneck. Mr. O'Leary pointed out that unlike Upper Merion, most of the other communities in the corridor have very limited public transportation service. The vision for more sustainable growth is directed to focus in areas where there are more opportunities to take public transportation, walk or drive a short distance instead of a long distance for traveling between activities throughout the planning area. The plan is consistent with the Montgomery County Comprehensive Plan as well as the Commonwealth of Pennsylvania Keystone Principles for Growth.

Mr. O'Leary also recognized the funding problems that exist at the state and federal level that have resulted in project deferrals. As a way to circumvent some funding problems opportunities are being explored to create partnerships with communities in this corridor to advocate better policies at various levels.

A number of land use recommendations are being considered such as the revitalization of older downtowns. Mr. O'Leary noted that while it is not so much of an issue in Upper Merion, it is important for all communities to be aware that the goal of trying to revitalize such areas as Norristown, Bridgeport, Phoenixville and Pottstown in the corridor helps everyone. He pointed out that mixed use development is a big emphasis of the plan that is very applicable to Upper Merion and possibly over time might become more applicable in some of the employment areas near the mall and office parks.

With regard to the recommendation for transit-oriented development, Mr. O'Leary remarked that there may be some opportunity for a little more development around some existing train stations possibly at King Manor or Hughes Park.

Mr. O'Leary stated that open space is not so much of an issue in Upper Merion as in some other communities along the corridor, but there are still some opportunities to preserve open space and possibly link areas of open space together.

With regard to river access, Mr. O'Leary noted that the Township has been working with some of its neighbors to improve the river access and to make connections to the county trail system.

Mr. Leo Bagley, head of Transportation Planning, Montgomery County Planning Commission, stated that during his presentations with the municipalities he discussed the common problems of transportation up and down the US 422 corridor. He acknowledged that it is going to take a pretty heavy lift in order to get some of the PennDOT projects underway. Mr. Bagley outlined some of the larger projects yet to come: replacing the bridges over on Valley Forge where US 422 crosses the river and interchanges to be fixed. He said that some of them are funded and some need funding to advance, particularly the bridge project on the expressway. Mr. Bagley noted that the expressway pushes about 110,000 cars a day across that bridge. By the time the western part of the expressway is reached around Pottstown, there are about 40,000 to 50,000 cars in that area and the question is what will happen to all that traffic in the next 10 to 20 years on the expressway.

Mr. Bagley stated that Upper Merion Township has been an aggressive leader to finding ways to partner with PennDOT and find ways in the plan development process to improve the transportation system in Upper Merion Township.

Mr. Bagley discussed the potential feasibility of tolling US 422 to raise funding for transportation infrastructure, fixing the corridor and extending transit potentially out into the corridor. He said more information would be provided on this issue later this year to indicate if it is feasible and doable. The idea is receiving mixed reviews.

Mr. Bartlett commented that from what he has heard and read about the possibility of tolling, given the volume of traffic that is currently on the road and the difficulty in getting from one place to another, he believes that the idea of tolling is like “throwing an anchor” around the road. He further remarked that he does not understand how tolling can be done efficiently and believes it will slow things down even more. Mr. Bagley responded that there would be no toll plazas, but it would be high speed EZ pass only and if someone does not have EZ pass, the industry is such that a photo would be taken of the driver’s license plate and then the driver would be billed.

Mr. McBride asked if there is a sense of who would really be paying the toll since many people are coming through the township from a distance. Mr. Bagley responded that he really does not have an answer as to how many people who live in Upper Merion would use US 422.

Mr. McBride asked if the toll would be dedicated for US 422. Mr. Bagley responded that the concept they are trying to develop would be a tri-county authority of Montgomery, Chester and Berks Counties that would basically be responsible for raising the money and keeping it here. He said the idea would be to have a locally controlled authority that might have a PennDOT representative and a business representative, but he expressed uncertainty as to how it would all work. Mr. Bagley stated that this would be under a different law than the I-80 situation with the Pennsylvania Turnpike since there would be a different approval process by the Federal Highway Administration. He explained that a financial plan is being developed that would have different funding streams. One would be toll revenue, one would be potentially PennDOT and Federal Highway revenue and one might be private revenue. Mr. Bagley noted that private investment firms have expressed an interest in investing funds in infrastructure. He stated that there is legislation coming through Harrisburg about public/private partnerships that might allow a public entity like the state, an authority or Upper Merion to invest with private entities.

Mr. McBride asked if this input is being communicated with the Governor and the Transportation Committee in Harrisburg. Mr. Bagley responded in the affirmative and said they are aware of all these concerns and what we are trying to accomplish in this region. However, from the numbers he has seen that the Governor has proposed it looks like all they are trying to do is just fill the gap that was left by I-80. If that is the case, that is not enough to do what we want to do in this region.

Mr. Waks asked for clarification about the traffic numbers cited by Mr. Bagley during his presentation. Mr. Bagley was somewhat nebulous in his response and indicated that in the last ten years it has grown about 40/50% all along the corridor; there was a substantial increase in Upper Merion and probably has doubled 40/50% in Upper Merion.

Mr. Waks asked about traffic projections for the future. Mr. Bagley responded that future traffic projections will be based upon anticipated growth in the corridor from King of Prussia to Reading and extremely complex computer modeling scenarios will be utilized with the Delaware Valley Regional Planning Commission and their consulting team to look at existing traffic on the corridor, not only on US 422, but on the parallel roads since these would also be impacted. Mr. Bagley indicated that a report will be provided the Board of Supervisors as to what those numbers would be, including what would happen if nothing is done and what the resulting delays and volumes would be.

Mr. Jenaway commented that one thing he has not heard during this presentation was the impact on business that is related to this slowdown of traffic. He asked what is being done to relate the impact on commerce on the US 422 corridor in order to provide a faster impetus to get things moving in Harrisburg. Mr. Bagley responded that he and others are working with Chambers of Commerce up and down the corridor and they are all actively involved and have been helpful in identifying issues of importance to the business community.

Mr. Jenaway emphasized the importance of getting this information to the appropriate transportation committees at the federal and state level so that the elected officials will understand the adverse impact these transportation issues have on the growth of Pennsylvania and encourage them to be more proactive in their involvement and support. As a final comment, Mr. Jenaway indicated that he is personally not in favor of tolling.

Mr. Waks followed up on Mr. Jenaway's observations as to how transportation affects commerce. He noted that during the planning meetings for the Business Improvement District he heard firsthand some of the concerns of landowners and business owners in Upper Merion Township who recognize the importance of transportation issues that contribute to a healthy business climate that makes it possible to offer residents low taxes and quality services. Mr. Waks indicated that the members of the Business Improvement District would like to hear from those involved with the US 422 Corridor Master Plan. Mr. Bagley stated that he would be glad to talk to them whenever they are ready.

Mr. Bagley commented that one of the questions people at some of these meetings asked is why would they wait for 15 or 20 years for the improvements to be made. He clarified that an authority would be able to float bonds, based upon the anticipated revenue that would be collected from a tolling so that it would be possible to immediately start getting into a design and the construction of improvements for US 422.

Mr. Jerry Coyne, Transportation Planner with the Delaware Valley Regional Planning Commission (DVRPC) stated that the DVRPC developed the US 422 Corridor Master Plan over 18 months. The draft final report was completed in December 2009 and it was sent to the Chairmen of all 24 municipalities in the corridor in February 2010 and the outreach campaign was directed to 14 key municipalities in the corridor, including Upper Merion Township. Four public meetings were held through the course of the planning process and a special brochure was prepared that outlines the major steps that Upper Merion should consider and are already working on. Brochures for neighboring municipalities can be found on www.422corridor.com. The formal study should be completed by the end of August or shortly thereafter by collecting comments from the municipalities that were involved through the process. If Upper Merion Township has any comments about the draft report, Mr. Coyne asked that they be sent directly to him.

Mr. Coyne encouraged support for the resolution that endorses the principles and strategies of the US 422 Corridor Master Plan. He pointed out that endorsement of the plan through the resolution does not necessarily mean endorsement of the tolls as they are separate issues. Mr. Coyne noted that the tolls may just be another way of funding improvements and it is certainly worth exploring.

Prior to the vote on the resolution Mr. Jenaway emphasized that Resolution 2010-15 does not reference tolling or non tolling in any way, but rather is a resolution in support of the strategies and principles of the US 422 Corridor Master Plan.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. McBride, all voting “Aye” to approve Resolution 2010-15 as submitted. None opposed. Motion approved 5-0.

REQUEST FOR PROPOSAL RE: SUMNER DAM REMOVAL AND STREAM RESTORATION PROJECT - \$9,650.00

Mr. Russ Benner, Township Engineer, provided a status report on the Sumner Dam Removal and Stream Restoration Project. He indicated that the Initiative to remove the dam was a result of a Department of Environmental Protection (DEP) inspection a number of years ago. Mr. Benner explained that this is an older dam that never went through a permitting process. If it were to be classified as a Class C “high hazard” dam, it would require extensive improvements. Since the township now owned the property it would be responsible for maintenance of that dam and subject to a very detailed annual report. The decision was made to remove the dam as the most inexpensive way to resolve the situation. In this way it removes the dam itself, the hazard and associated maintenance.

The dam has been under study and the subject of public discussion at a number of public hearings and meetings. As time progressed a two phased plan was prepared for the Sumner Dam restoration. Mr. Benner explained that as a result of a breach of the dam years ago there was considerable stream bank erosion downstream to the point where it was endangering properties. The first phase was a down stream restoration project completed two years ago. Retaining walls were constructed and stream restoration work was done using the naturalized method similar to what is being proposed with phase two of the project. This was completed successfully and essentially protected all those properties downstream.

While going through that process a potential for grants was identified through the Growing Greener Program for this next phase of the project for the Dam Removal and the Up Stream Bank Restoration. In 2009 application was made to DEP for two grants. One was for the Stream Bank Restoration Dam Removal and the other was more associated with Park and Recreation improvements that were identified in some early plans for a passive park to be essentially installed with trails and overlooks on the stream. The stream bank restoration portion of that grant application was approved for an amount of \$489,000 in October 2009. Mr. Benner noted that the deadline to use this funding is April 2011. He reported that the Park and Recreation phase was not approved by DEP.

Mr. Benner explained that the proposal presented to the Board of Supervisors at this meeting is to complete the plans which are 95/97% complete and prepare a bidding document. He clarified that the work is for the actual dam removal, i.e., the concrete stone structure would be removed. There is a significant amount of fill that has accumulated from silt sedimentation behind the dam that would be removed. The flood plain would be restored and the stream embankment would be stabilized. Everything then will be in place to take the dam out of service and allow the property to go back to naturalized restoration or possibly be considered for development as some type of passive park situation. Mr. Benner noted that there is some design for landscaping replacement that can be shown as an alternate bid item. He also indicated that as part of the original plan all the stone work associated with the dam would be saved on site out of the flood plain for possible reuse for the trails, etc.

Board Action:

It was moved by Mr. McBride, seconded by Mr. Jenaway, all voting "Aye" to approve the Request for Proposal as submitted. None opposed. Motion approved 5-0.

MINOR PLAN RE: LOCKHEED MARTIN – VALLEY FORGE DATA CENTER. DEVELOPMENT PLAN. 4000 GEERDES BOULEVARD. INSTALLATION OF GENERATOR PADS AND ASSOCIATED ELECTRICAL EQUIPMENT IN CONJUNCTION WITH THE CONVERSION OF EXISTING BUILDING SPACE INTO A DATA CENTER. SM SUBURBAN METROPOLITAN DISTRICT, 24.45 ACRES. Plan Expiration: September 7, 2010

Mr. Rob Loeper, Township Planner, stated that Lockheed Martin has submitted a minor development plan for partial redevelopment of a site located at 700 Geerdes Boulevard. The 25-acre parcel is occupied by a 375,000 square foot building which is owned by Lockheed. The site currently has parking for about 1,100 vehicles.

The proposal is to convert approximately 75,000 square feet of the building to a data center. Mr. Loeper pointed out that data centers tend to be very high energy users and a significant upgrade of electrical utilities and features for the site are required. The data center requires the installation of new generators, transformer, switchgear and other electrical equipment. The equipment will be placed on a gravel and concrete pad which will be located behind the existing three-story building and surrounded by an eight foot fence. Utilizing the aerial Mr. Loeper pointed out where this will connect with the building as well as with the existing transfer station and substation that is located on the backside of the building.

Approximately 28 parking spaces will be removed; however, more than adequate parking would still be available for the site.

Staff has reviewed the plans, found them to comply with township codes, and will provide formal approval on July 26, 2010 pending comment from the Board of Supervisors.

Without further comment from the Board of Supervisors, the minor plan is approved and able to proceed.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. McBride, seconded by Mrs. Spott, all voting “Aye” to approve the Accounts Payable [for invoices processed from June 9, 2010 to July 8, 2010, in the amount of \$595,865.12] and the Payroll [for June 11 and June 25, 2010 in the amount of \$1,140,208.01 for a total of \$1,736,073.13]. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

Board Comment:

Mr. McBride remarked on the Ride to the Shore, a 65 mile bicycle ride in July to raise funds for law enforcement and he recognized Lt. Mike Martin for his involvement in this event and his other contributions in the community.

Mr. McBride also thanked the volunteers of the Economic Community Development Committee and the Media Communications Advisory Board and township staff for their hard work on the new website.

Mr. Waks extended his appreciation to the Information Technology Department headed by Scott Widenhofer and the Economic Community Development Committee and the Media Communications Advisory Board for the significant upgrade of the township’s website. He urged residents to take some time to check out the features of the website which will help increase two-way communication with residents and help the economic status of this township.

Mr. Jenaway commented about the fine work of the Upper Merion Police Department in apprehending a burglary in process suspect earlier this week. He noted the successful use of the Township’s notification system to alert residents in the immediate area to the developing situation so that information could be received by residents and also relayed to the police department. It was the diligence and vigilance of the residents that helped to focus in on the area where this person was observed and subsequently apprehended in the process of the crime. Mr. Jenaway reminded the public that they are in the front line and should observe and remain alert in their neighborhood and report suspicious activity to the police department.

Mr. Bartlett said he agreed with Mr. Jenaway’s observations and commented that another dimension to such law enforcement response and public involvement is that lawbreakers will get the message. Mr. Bartlett also agreed with Mr. McBride’s comments about the new website and that it is a step forward in the Township’s communications with the residents.

WAIVER OF FEES:

Board Action:

It was moved by Mr. McBride, seconded by Mr. Waks, all voting “Aye” to approve a waiver of fees for the new doors of the Township building. None opposed. Motion approved 5-0.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:31 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered:

The entire proceedings of the business transacted by the Board at this Business Meeting were fully recorded on audio tape, and all documents submitted in connection thereto are on file and available for public inspection. This is not a verbatim account of the minutes, as the tape is the official record and is available for that purpose.