

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
JUNE 7, 2012

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, June 7, 2012, in the Township Building. The meeting was called to order at 7:39 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: Ronald Wagenmann, Township Manager; Joseph McGrory, Township Solicitor; Judith A. Vicchio, Assistant Township Manager; Angela Caramenico, Assistant to Township Manager; Rob Loeper, Township Planner; Tom Beach, Township Engineer. Supervisor Greg Waks was absent.

CHAIRPERSON'S COMMENTS:

Chairperson Spott stated an executive session was held prior to this meeting dealing with litigation and an executive session will resume at the conclusion of this workshop meeting.

DISCUSSIONS:

PLANNING COMMITTEE - WAWA

Robert J. Kerns, Esq., representing Goodman Properties, stated that the applicant is now in a better position to present plans that would address many of the Board's concerns. He stated two plans have been prepared; one is for a half signal and one is a full signal.

Mr. Kerns stated concerns were raised about the front isle in front of the site where it created a four-way intersection. The front isle is being removed to accommodate the half signal design as well as a future signal. Applicant is still working with PennDOT and the engineers to make sure they come up with the most optimum design at that intersection.

Mr. Kerns discussed internal signage to assist vehicular circulation as well as site access both ingress and egress.

A discussion ensued about the Henderson Road exit for travel back to Route 202 south. Also discussed were the prospects for an eventual full signal. During the discussion, Mr. McGrory noted Bruce Goodman agreed to escrow the difference between the partial signal and the full signal for a period of three years after which it can be determined if a full signal is warranted by PennDOT.

Mr. Wagenmann commented that trucks are not allowed to make the U-turn at Henderson and asked if it would be signed as such. Greg Richardson, Traffic Planning and Design, responded the applicant would agree to signage indicating "no U-turns for trucks." Mr. Richardson discussed other directional signage to facilitate people through the site and back onto Route 202.

Mr. Philips asked what it takes to get the full signal. Mr. Richardson responded PennDOT is fully aware that the township's ultimate desire is the full signal. In his view, once the sites are operating and PennDOT is able to assess the demand on the Henderson Road access point, they would be open to the benefit of a full signal.

Mr. Philips asked about the timing on the post development study. Mr. Richardson responded it could be as short as three months and it depends on the occupancy.

Mr. Philips asked who would undertake the study. Mr. Richardson responded it is his understanding the condition is that it would be Goodman Properties, Target, or some combination thereof.

Mr. McGrory asked if Goodman Properties would pay for the post development study since Target has already been approved. No audible response.

Mr. McGrory and Mr. Kerns discussed the wording of the land development agreement in view of the two plans [partial signal (plan A), full signal (plan B)].

Ron Klaus, Bohler Engineers, provided an overview and explanation of the requested waivers.

Mr. Jenaway asked for clarification about the grading waiver. Mr. Klaus responded currently it is probably in the range of 5-6%, but because the building is being moved back further away from Route 202 and their finished floor is getting raised up a bit, it is picking up the rear parking lot.

Mrs. Spott asked if the Shade Tree and Beautification Commission reviewed the landscaping. Mr. Klaus responded in the affirmative.

Mrs. Spott asked for clarification about the internal circulation. Mr. Richardson responded the applicant will update their truck circulation, including emergency vehicles.

Mr. McGrory asked if the supervisors were of the opinion that staff should begin working on a resolution for consideration of the Board of Supervisors, and he was given the okay to proceed.

AT&T Cell Tower - Velocitel, Inc.

Nicholas A. Cucé, Jr., Riley Riper Hollin & Colagreco, representing AT&T, discussed their application for a temporary tower because of a capacity issue for the King of Prussia Mall during the holiday months and the need for reliable coverage for the various forms of communication. A Cell on Wheels (COW) is a portable cellular site and is proposed from mid-November to mid-January. Mr. Cucé reviewed the various site options:

- Candidate A - Lockheed Martin parking lot.
- Candidate B - a grassy area near Champs Restaurant - the landlord at this site is amenable to the proposal. There would be a fenced-in, 50-foot lattice type tower, and no trenching would be required for power.
- Candidate C - the parking lot of the Strayer Building. This site is more problematic since there is a footage drop-off there in terms of elevation topography requiring a taller tower. Trenching would have to be done from across Mall Boulevard.

Mr. Cucé stated the applicant would like to have some feedback from the supervisors to see if they are open to the applicant pursuing option B for relief.

Mr. Philips asked which option would require the 80 foot tower. Mr. Cucé responded Candidate C [Strayer]. He said that Candidates A and B would be approximately the same elevation.

Mr. Philips asked why Candidate A needs trenching. Mr. Cucé responded the trenching is necessary to hook up to the power on the other side of Mall Boulevard.

Mr. McGrory made the observation that Candidate B [near Champs] does not need trenching. Mr. Cucé confirmed and indicated for Candidate B there is a transformer from which the applicant would be able to pull power from behind the existing landscaping. The tower would not be visible and it would be away from the sidewalk going up Goddard Boulevard; therefore, it would not be a safety hazard. Mr. Cucé stated from a construction standpoint Candidate B is a better option.

Mrs. Kenney asked for clarification about the ground elevation for Lockheed versus Strayer. Mr. Cucé responded the Lockheed ground elevation is 209 feet and the Champs location is 213 feet. Strayer University is 164 feet because it drops down toward Mall Boulevard; it is a significant drop for Strayer, but the difference between the Lockheed and Champs location is negligible.

Mrs. Kenney asked if the Champs site would not be as visible. Mr. Cucé responded in the affirmative because of the existing vegetation.

Mrs. Kenney asked for more clarification about the height of the trees. Mr. Cucé responded the trees are not very high and the top of the tower would be visible, but they would screen the base of the trailer pretty well. Mr. Cucé stated

if the township prefers additional screening or fencing, can be worked out.

Mr. Philips stated although this discussion is for temporary relief for the upcoming season from November to January, he asked if the applicant is looking at solving the problem long term. Mr. Cucé responded he believes avenues are being investigated toward that goal. He said these are temporary solutions to get the applicant through a certain time period until permanent solutions are in place.

Mr. Jenaway asked about the wind speed capacity that can be withstood by these devices. Mr. Cucé responded he believes the COW can withstand 80 mile per hour winds. He said they would have to comply with all the current building codes and standards.

Mr. Jenaway stated despite the fact that this is a temporary structure the applicant is going to have to assure that it is built to comply with code. Response: In applying for the temporary permit, the applicant could provide a structural analysis taking into account the height of the tower with the attached appurtenances.

Mr. Jenaway stated the reason he asked about the wind speed capacity is that particular area gets pretty good wind shear. Response: the applicant has COW's along the Jersey shore to the full 84 feet and they have never had any problems or issues there. The COW the applicant is proposing in Upper Merion is 30 feet lower than that and the tower is built with different sections and a different gauge of steel. The COW proposed for Upper Merion is heavier duty and has additional strength than the higher ones.

Mr. Philips asked if there are any guide wires on the COW. Response in the negative.

Mr. Jenaway stated fencing will be required because it is a common pass way with people moving through that area at night. Response: That is done on all the COW's that the applicant deploys for security of their own facility as well to keep people out from being around or on the tower. It would be unsafe if there were no fence around it.

Mr. Philips asked if anything is placed underneath the trailer in the way of gravel. Response: In this case the applicant is going to use blocking to level it and it is weighted enough so that it does not move.

Mr. Philips asked if a soil analysis would be done. Response: A soil analysis would not be done since the applicant would not be digging into the soil.

Mr. Jenaway commented, "unless it was going to be permanent." Response in the affirmative.

Mr. Philips said his concern would be if the soil does not have the capacity

withstand it when it gets wet and starts pumping.

Mr. Jenaway stated that is a good point because we do not have any idea whether the water swales there or not, particularly if there is snow. Response: the applicant could definitely do something to use matting or something to distribute the weight out underneath.

Mr. Jenaway commented that matting was used before to distribute the load and prevent shifting.

Mrs. Kenney asked for clarification about entering into a possible long term agreement. Response: the applicant is looking for alternative solutions in the future. This proposal is just for this year.

Mrs. Kenney pointed out in the handout it mentions plans to install anticipate entering into a long term agreement of plus or minus 45 years with one of the three property owners. Mr. Cucé stated as far as he understood, it was not a long term solution. The applicant is just requesting approval for this year, but he would discuss further [with the applicant].

Mrs. Kenney noted it states, “to allow them to install and operate annually.” Mr. Cucé responded that is not our impression, we were here for just this particular season.

Mr. Wagenmann stated if there is a temporary use permit, the applicant would have to bring it back to the Board of Supervisors. The temporary permit would be issued for this year only. It is just an administrative procedure.

PORCELANOSA

Robert J. Iannozzi, Dischell, Bartle & Dooley, representing the applicant, stated the topic of discussion for this meeting are the entrances for the proposed Porcelanosa tile showroom and turned the presentation over to Mr. Rolph A. Graf, Graf Engineering, project engineer for the applicant.

Mr. Graf discussed the upper entrance on Long Road and the concern raised at the last meeting about people leaving the applicant’s site and going through the residential development. Different options were discussed at the previous meeting on how to restrict turning movements out of that access point. Mr. Graf presented three different options:

- Option A - the entrance used to have two fifteen foot radii. It was just an open driveway design. Option A tightens up the upper radius and turns it into a 5 foot radius instead of a 15 foot radius. The result is it does not prohibit people from making a right, but it severely restricts it, especially for delivery trucks which are smaller box trucks. This is the least obtrusive to the intersection of the three different scenarios.
- Option B utilizes the same 5 foot radius, but then uses either striping or

some kind of demarcation in the paving that would force vehicles exiting to at least begin their turning movement. In addition, the lower radius was increased from 15 feet to 20 feet in order to get people into the driveway easier so that the person leaving starting to turn is not causing a conflict with the person coming in.

- Option C is basically the same as Option B except instead of striping, it takes the curb radius, rounds it and then has a 5 foot radius at the end so the whole intersection is skewed to go left. This option is much more restrictive than Options A and B.

Mr. Graf stated in speaking with the applicant's traffic consultant, Greg Richardson, the concern was raised that Option C creates a conflict between the entering and exiting car. Another consideration with the angled curbing, snow plows are likely to hit it thereby becoming a maintenance problem over time.

After consulting with the Township Engineer, Mr. Graf stated, in his view, Option B is the best solution with "left turn only" signage.

Mr. Graf requested the Board's direction with regard to the above options. Once incorporated in the plan, the applicant has already made all of the other revisions per the Township Engineer's letter and there were no issues in complying with the letter. He noted that pending are responses from PennDOT and the Conservation District.

A brief discussion followed about the type of striping materials to be used after which Mr. Graf stated if Option B is the preference it will be incorporated into the drawings with a revised set to the Township Planner and the Township Engineer for review.

From the Public:

Mr. Gary Russell, King of Prussia, reiterated his concern raised at previous meetings in support of a larger radius in the ingress on Long Road. Mr. Jenaway noted when this was discussed at the Planning Commission, it was pointed out by a couple of members that by having the tighter radius it will actually cause the traffic to be driving at slower speeds on Route 202 and not become more of a higher speed highway. By leaving the curb cuts and the tighter radii the speed movement on the highway would be better managed. Mr. Graf stated a 25 foot radius can be accommodated without much issue, although it would not be much bigger than what is out there right now. He pointed out that the applicant is still in front of PennDOT and they have a say as far as the radius. Mr. Graf indicated there are two schools of thought about bigger versus tighter radius. The bigger radius serves high speed traffic in getting off the road quickly. However, if you have a road where slower traffic is preferred, especially considering all the curb cuts along the road, it is better to have a tighter radius because it slows speeds down.

Emma Levering, King of Prussia, commented about visibility on the site.

Mr. Graf responded there is a sidewalk along the road and a small wall that obstructs vision. The applicant is taking out the existing sidewalk and that wall and will push the sidewalk back into the site further so that along the road there will be 10-15 feet of level area which should improve visibility.

BOARD POLICY - COMMUNITY ASSISTANCE PROGRAM

Mr. Wagenmann discussed a proposed Board Policy for the establishment of the Board of Community Assistance (BCA) to review the Township program of need-based community issues and assist interested non-profit and/or 501(c)(3) organizations. Membership on the BCA will consist of three members; one chosen by the Valley Forge Casino Resort (VFCR) and two township citizens appointed by the Board of Supervisors. There will be no set term for the VFCR appointee and will serve on the BCA at the pleasure of the VFCR. One township appointee will serve a two-year term. Future term for this appointee will be a three-year term. One township appointee will serve a three year term. Future term for this appointee will be a three-year term. The staff liaison to the BCA would be the Township Manager or his designee.

Other topics Mr. Wagenmann discussed were vacancies on the BCA, meeting schedule, purpose of the board, disbursement of monies, conflicts of interest, applicant eligibility. He noted organizations must be classified as tax-exempt under Section 501 (c)(3) of the Internal Revenue Code and not classified as a private foundation/public charity, under Section 509(a). Individuals and for-profit organizations are not eligible for funding. Churches and religious organizations may be eligible to receive funding for activities that are non-sectarian and benefit the larger community. Government agencies are not generally funded, except in certain cases where there is no suitable tax exempt organization to carry out a program or project. Organizations can also submit their application through a sponsoring organization if the sponsor has 501(3)(c) status, is not private foundation under 509(a) and provides confirmation of its willingness to act as a fiscal sponsor. Offer programs or services consistent with the BCA's funding priorities.

A discussion ensued about the various types of tax exempt organizations and the determination and priority of need for various situations.

Since Mr. Waks was unable to attend this workshop, Mrs. Spott relayed his comments as follows: (1) funding for college scholarships (separate from the township employee scholarship fund), with some standard set, such as GPA and mandatory community service for recipients. (2) the maximum grant should be set at \$10,000 and not \$20,000.

Mr. Wagenmann pointed out the proposed Board Policy lists several development opportunities for youth to engage young people's interest in long-term civic engagement in their community.

A discussion followed regarding allocating money to various categories

and organizations, such as Upper Merion Emergency Aid.

Mr. Wagenmann asked the supervisors to relay their comments to Judy Vicchio, Assistant Township Manager, with the next few weeks.

Public Comment:

Mr. Herbert Baiersdorfer, Gypsy Lane, reiterated his concerns about runoff issues and discussed scheduling for an on-site visit by township personnel and a few supervisors.

The Workshop Meeting recessed for an executive session at 8:30 p.m.

Mrs. Spott reconvened the meeting after an executive session dealing with litigation.

BURSON-MARSTELLER

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the retention of Burson-Marsteller to represent the township on a future public relations matter. None opposed. Motion approved 4-0.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the public portion of the meeting at 8:40. None opposed. Motion approved 4-0.

RONALD G. WAGENMANN
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: