

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
NOVEMBER 15, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 15, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:33 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve the October 4, 2012 Workshop Meeting Minutes and October 18, 2012 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

VICE-CHAIRPERSON'S COMMENTS:

Vice-Chairperson Waks stated an Executive Session concerning litigation was held prior to this evening's meeting and will resume afterward.

NEW BUSINESS

BRAVERY COMMENDATION TO WILLIAM METZLER AND JOSEPH BURKERT

John Waters, Fire Marshal, provided a synopsis of the prompt, life-saving efforts of William Metzler and Joseph Burkert during a fire on September 26, 2012 in the Swedesburg King Manor section of Upper Merion Township. Mrs. Kenney and Mr. Jenaway also joined in recognizing the heroic actions of both firefighters.

On behalf of the Board of Supervisors, Mrs. Kenney read the Bravery Commendations and presented the awards to William Metzler and Joseph Burkert.

Mr. Jenaway, who also serves as Chief of the King of Prussia Fire Company, noted it has been the policy in Upper Merion Township for several years that volunteer fire fighters who work for the township are allowed to leave if there is an emergency. He said this was clearly the case where that policy came into play and it saved a life as a result.

Mr. Waks emphasized this is another example of the caliber of people serving throughout all of Upper Merion's volunteer and rescue services.

CONSENT AGENDA:

1. Hough Associates re: 2013 Agreement to Prepare 2012 Recycling Performance Grant
2. Supplemental Budget Appropriation - Library Supplies - \$2,750. *Mr. Waks noted the library has received contributions in this amount and these supplies will be used for awards and prizes to those participating in the Summer Reading Program.*

3. Board Policy Amendment re: Appointments to Citizen Boards, Commissions, and Authorities. (may serve simultaneously on both UCC and Property Maintenance Boards and the Transportation and General Authorities). *Mr. Waks explained a prior Board Policy adopted a few years ago prevented people from serving on more than one Board at the same time; however, it failed to take into account that at that time people were already serving on the Transportation and General Authorities. This amendment to the policy codifies that exception and also allows for the UCC and Property Maintenance Board exception.)*
4. Bid Recommendation re: 2013-2015 Dewatered Sludge/Screenings Hauling and/or Disposal Contract - Waste Management - Alternate A - \$1,170,000.00 (*Mr. Wagenmann explained after solid waste is processed and comes through the wastewater treatment plant, once the water is removed it must be hauled away to a landfill. This contract is providing for that disposal service to take place.*)
5. Resolution No. 2012-28 - Amended Preliminary/Final Land Development Plan Approval for Carmax Auto Superstores, Inc.
6. Resolution No. 2012-33 - Authorizing Upper Merion Township to execute Memorandum of Understanding re: SR 3051 Betzwood Bridge over Schuylkill River and SR 3051 Bridge over Norfolk-Southern Railway. (*Mr. Waks explained these are the ongoing plans to design and have a pedestrian bridge over the Schuylkill River as well as emergency access bridge. The bridge will allow for both functions).*)
7. Project Proposal re: Ballard King & Associates, Ltd. - Old Gold's Gym Building (*will provide a business report for the design and construction of the Community Center/Senior Service Center).*)
8. Resolution 2012-35 re: Homestead Exclusion Act (*the Board of Supervisors has to renew every year in order for residents of Upper Merion who own homes to continue to receive the Homestead Exclusion in the coming year).*)

Board Comment:

With regard to Consent Agenda Item #8, Mr. Philips asked if this represents an increase over last year or remains the same. Mr. Wagenmann responded the assessed value will be kept at the same level.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

POSTING OF PROPOSED 2013 BUDGET

Mr. David Kraynik, Township Manager Designee, presented the 2013 Operating, Capital and Sewer Revenue budgets for Upper Merion Township. He pointed out these budgets represent the culmination of a process that started in July, and involved hours of hard work by the Board of Supervisors, department heads and township staff. Highlights are as follows:

- The Operating Budget did not require a diversion of real estate tax normally used for capital purposes for the first time in three years, and as a result \$590,000 will be used to replenish the Capital Budget.
- A depreciation charge for equipment replacement has been calculated

back in the budget for the first time in four years, resulting in \$445,215 being placed in the Equipment Replacement Fund. This depreciation charge for equipment replacement has been allocated across all the department budgets.

- The Business Privilege and Mercantile Tax up by 8.69%. This is based on 2012 year to date activity and projections that increased business activity will continue next year.
- The budget also contains a 12-month projection (a full year for the first time) of gaming revenue from the Valley Forge casino of approximately \$1.2 million.
- General Fund Reserve Transfer, if needed, is calculated at \$1.3 million. That transfer has not been necessary for the last few years and hopefully will not be needed in 2013.
- The 2013 Operating Budget is balanced and there will be no property tax increases. This budget reflects a total overall increase of 2.28% over the 2012 adopted budget.
  - the General Fund component increased 5.45%
  - the Library Fund increased 5.1% increase
  - the Liquid Fuel component decreased 51.1% and is due to the elimination of \$1 million transfer into the fund that occurred in 2012. That transfer was the result of several years of savings being built up in that fund to allow for a large resurfacing project.
- The 2013 operating expenses total \$28,490,500
- Of the various categories that make up the 2013 operating expenses, the largest and the most appropriate for the protection of the community is the Police Department at 43.36%
- The 2013 operating revenues total \$28,490,500 which represents a balanced budget
  - Act 511 taxes represent almost 50% of the operating revenue which reflects the very strong and vibrant business community
  - The residential real estate tax accounts for 6.75% of the total operating revenue - less than 7 cents of every operating dollar comes from residential property owners which represents a very low level.
- The Board of Supervisors has determined once again to continue with the Homestead Exclusion program and exclude a portion of the value of any homestead property from being taxed. That amount, \$72,500, results in a savings of \$156 for the average assessed residential property of \$150,000.
- The tax dollar is made up of three components, the largest of which is the School District at 76.71% followed by the county at 13.82% and the township at 9.47%. When the Homestead reduction is factored in, it takes the township portion down from 9.47% to just under 5% at 4.91%.
- The township millage of 2.159 millage level is a little over 1% goes toward the General Fund followed by just over \$500,000 for libraries and a variety of other components that make up the 2.159.
- a depreciation charge totaling a little over \$450,000 has been calculated into the Operating Budget to fund the Equipment Replacement Fund. That charge has been applied over all departmental budgets.
- the Administration Department's total budget of \$2.9 million represents a 10.4% increase. The department budget is made up of a variety of activities, personnel, accounting and finance, payables, management and executive group, legal fees, revenue collection, public information and sewer billing.
- Information Technology's total budget of \$652,284 represents a 13.5% increase and without the depreciation charge would be only a 6.9% increase.
- Police Services' budget of \$12.3 million represents a 4.6% increase and without the depreciation charge would go down to 3.17%. A little over half of the police budget goes for the patrol division. Some of the other programs in the Police Department include Traffic Safety, Investigations, Communications, Support Services, Special Officers, Special Response Team. New programs planned for 2013 include the institution of a Bike Patrol and Chaplain Program.

- Fire Protection - total budget of \$1,078,000 reflects a 6.7% decrease because of one time increase in state aid to the fire companies. Funding in 2013 is expected to be at lower normal levels resulting in the overall decrease. Separate from state aid, is the Aid to the Fire and Rescue Services for the ambulance association, the allocation for the three volunteer fire companies and a fuel appropriation as well. Because of the volunteer fire and rescue service, including the Ambulance Association, millions of dollars are saved that would be necessary if there were paid ambulance and fire personnel.
- Safety and Codes - total budget of \$1.2 million represents a 2.1% increase without the depreciation charge for the equipment replacement that increase would be 1.22%. The programs include Building Construction, Enforcement of Regulations, Property Maintenance enforcement, permitting, Fire Marshal activities and Risk Management. This budget is fully paid for by fees and permit charges.
- Public Works - total budget of \$4.2 million represents a 7.1% overall increase and without the depreciation charge that number decreases to 2.75%. There are a number of divisions within Public Works including Planning, Inspections, Transportation, Vehicle Maintenance, Parks and Shade Tree.
- Parks and Recreation - total budget \$1.6 million which represents a 5.8% increase. Some of the programs include: Adventure Day Camp, "Concerts Under the Stars" series, instructional classes, trips, excursions, special events and senior citizen programs.
- Debt Service and Transfers - total budget of \$2.2 million representing 7.83% of the operating budget. This is the principal and interest payment for the debt service and other transfers from the local services tax, and to other funds including expenses for Rambler Transit Service.
- Library - total budget of \$1.9 million representing a 5.1% increase and without the depreciation charge it would be 4.12%.
- 2013 Capital Budget - \$10.6 million of which \$6.3 million goes to General Government, \$1.2 million for Public Works, and \$3.1 million for the extensive sewer program
- Major capital projects for this year include: Public Works stormwater projects, the Allendale Bridge replacement, new belt presses at the Trout Run and Matsunk sewer plants, a new Trickling Filter Tower at Matsunk, sewer lines throughout the Collection system, continued design and the beginning of construction of the new recreation center, playground equipment and resurfacing, and improvements to the ongoing extensive trail system.
- Sewer Operations - total budget of \$6 million representing an 8.2% increase. There are 125 miles of sewer lines and 6 million gallons of sewage treated daily at the two treatment plants and 12 pumping stations, serving 10,700 acres throughout an extensive watershed.
- Sewer Rental Rate is being raised \$2 per quarter from \$56 to \$58 per quarter to establish a Capital Project Fund for capital maintenance at both sewer plant facilities and the collection system operation. This is the third year of the five-year phase-in of that rate increase. In addition, a gradual phase out is continuing over a five year period of the garbage grinder rate at \$54 a quarter. An all residential rate of \$58 a quarter will be established. 2013 will be the third year of the five-year phase in of that rate increase.
- 2013 Liquid Fuels Fund - total revenue of \$534,000 - these are the dollars from the Commonwealth of Pennsylvania's gas tax that is used for the maintenance and reconstruction of all township roads. This allocation is down 3.3% from last year due to increased usage of alternate fuel vehicles and more fuel efficient cars. This also includes the transfer of \$225,000 from Liquid Fuel reserve account for the resurfacing program.

Mr. Kraynik stated the Township will continue to make prudent financial decisions in 2013. With the renewed cooperation of the Upper Merion community, the staff will continue to provide the highest quality services and the most cost effective and efficient manner possible. Mr. Kraynik expressed appreciation to the Board of Supervisors, retiring Township Manager Ron

Wagenmann, the Township's various Boards and Commissions, the Township's department heads and all other township staff who assisted in the budget process. Mr. Kraynik also thanked Mr. Wagenmann for his input and advice during this transition period and wished him a healthy, long and happy retirement after thirty years of outstanding service to Upper Merion Township.

Mr. Kraynik submitted the proposed 2013 Operating, Sewer and Capital Budgets for Upper Merion Township and recommended its adoption in early December. He noted that the Budget will be posted on the township website and will be available at the front desk of the Township Building and the Library.

Board Comment:

Mr. Philips thanked the staff and department heads for the professional way they handled this budget and recognizing tax dollars need to be spent wisely at a time when financial constraints are still in place.

Mr. Jenaway commented the budget was very well prepared, easy to understand, and made the Board's review extremely quick and efficient.

Mrs. Kenney expressed appreciation to all the staff members who came before the Board of Supervisors to explain and detail their department's budgets. She said it was extremely helpful to have their explanatory notes and it will also be valuable for citizens who will review the posted budget.

Mr. Waks echoed the comments made by his colleagues.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Posting of the Proposed 2013 Budgets. None opposed. Motion approved 4-0.

LAND DEVELOPMENT - FINAL REVIEW - RESOLUTION NO. 2012-34 - FRANKLIN MAPS CARWASH. 333 S. HENDERSON ROAD. DEVELOPMENT PLAN. CONSTRUCTION OF A CARWASH, DETAIL BAY AND PET WASH STATION ON EXISTING FRANKLIN MAP PROPERTY; LI LIMITED INDUSTRIAL, 4.01 ACRES

Mr. McGrory stated at the last meeting the Board of Supervisors requested that a Resolution be drafted to approve this project. His office continued with negotiations with the applicant to address some of the fees that were not part of the draft Resolution and reviewed those fees as follows:

1. the calculation of EDU's of 4.50 EDU's in the amount of \$23,850
2. a fee of \$706 as a fee in lieu of open space
3. the transportation assessment fee of \$29,207.

Mr. McGrory stated those fees were agreed to by the applicant and he has in his possession a signed Resolution from the applicant agreeing to all the terms of the Resolution. There are two waivers for the Board's consideration as follows:

1. Section 145-24.1(H) for relief from requiring the minimum plant material in the landscaping area adjacent to the proposed structure, and
2. Section 145-27.B for relief from the requirement that the applicant submit a traffic impact study and analysis.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve Resolution No. 2012-34, including two waivers as read into the Record by the Township Solicitor. None opposed. Motion approved 4-0.

HEARING RE: PROPOSED ORDINANCE AUTHORIZING THE INCURRENCE OF NON-ELECTORAL DEBT

Mr. Joseph McGrory opened the hearing and asked Mr. Michael Wolf, Boenning and Scattergood, to provide a brief description of the Ordinance and what it is intended to accomplish.

Mr. Michael Wolf stated the Township has secured once again Moody's Triple A rating. He reported Moody's was privy to the same positive budget information that was just presented at the Budget Posting. The excellent performance of the various revenue streams was welcome news to Moody's, especially with respect to projections made with respect to the casino and other commercial ventures coming on line. Because of those strong revenues they were able to say assignment of Moody's highest rating reflects the township's strong financial operations characterized by ample reserves, a sizeable and affluent tax base with strong demographic indicators and a low direct debt burden.

Mr. Wolf indicated that municipal tax exempt interest rates this week hit the lowest level since mid-1967. The combination of the Triple A Moody's rating combined with the lowest interest rates in 45 years, allowed the township to be more successful on refinancing than was expected when he was last before the Board on September 20<sup>th</sup>.

The interest rates scheduled on the outstanding series of 2009 bonds is somewhere in the high three's to low four's. The new interest rate, including all costs is only 1.7%. The difference between now and 2023 when the bonds mature allows the Township to save \$416,000 or 6.68% of the refunded principal. The normal target established by the Government Finance Officers Association (GFOA) and others is 3% and the Township is more than twice the normal target.

This refunding goes all the way back to the bonds that were new in 2004 for Heuser Park and other capital improvements. They were already refunded once for savings in 2009. Even though the bonds are not callable until late 2014, the Township is taking advantage of this one chance to refund before the call, called an advance refunding, and lock in this savings tonight.

Mr. Wolf stated most of the savings occurs in the first two years as the township directed and the total is over \$416,000 present value. The new bond is for \$6,405,000. Mr. Wolf noted there was \$300,000 or more of premium (people who paid more than 100 cents on the dollar for these new bonds), making the bond issue smaller than it would otherwise have been. Most of the bond proceeds and premium go to refunding the old bonds which will occur in 2014; savings begin in 2013 and 2014. These bonds will be callable in five years.

Mr. McGrory stated for the Record that he is introducing as Board Exhibit 1 the Proof of Publication from the *Times Herald* dated April 8, 2012 and Board Exhibit 2 is the Ordinance itself.

Ms. Megan Santana, Fox Rothschild LLP, summarized the Debt Incurring Ordinance as follows:

- The Ordinance authorizes the issuance of the bond in the principal amount of \$6,405,000.

- It provides for the date, interest rate, maturity date and place of payment with respect to the bond.
- The bonds will be used for the advance refunding of the 2009 bond and the Ordinance authorizes the refunding of the 2009 bond.
- It authorizes the proper officers to execute all necessary documents for submission to the Department of Community and Economic Development and filing all necessary proceedings with that agency.
- The Ordinance appoints the Bank of New York Mellon Trust Company as paying agent and also sets forth the formal bond.
- The ordinance is similar to forms approved in the past and it effectuates the advance refunding of the 2009 bond.

Mr. McGrory stated the Ordinance is now in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve the proposed Ordinance.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the proposed Ordinance. None opposed. Motion approved 4-0. Ordinance 2012-812 was adopted and will be filed in Ordinance Book #16.

HEARING RE: ORDINANCE - MEDICAL OFFICE ZONING AMENDMENT

Mr. Joseph McGrory opened the hearing for consideration of this ordinance and marked for the Record the following exhibits:

- Board Exhibit 1, letter to the Mercury dated October 25, 2012
- Board Exhibit 2, a Proof of Publication showing ads on October 26, 2012 and November 2, 2012
- Board Exhibit 3, a letter to the Upper Merion Planning Commission dated October 10, 2012
- Board Exhibit 4, a letter to the Montgomery County Planning Commission dated October 15, 2012
- Board Exhibit 5, a copy of the attested Ordinance to the Law Library sent on October 23, 2012
- Board Exhibit 6, the Ordinance itself
- Board Exhibit 7, the legal notice

Mr. McGrory stated the Ordinance defines terms such as hospital, medical clinic, medical office, medical office building and nursing home and allocates those uses to various zoning districts throughout the township. He noted the Ordinance was drafted in close coordination with the attorney for Children's Hospital to make sure this amendment does not interfere, and in fact helps Children's Hospital come into this community at the location desired.

Mr. Jenaway commented this action is also consistent with the goal to update the zoning requirements for Upper Merion Township, helps the Planning Commission and is a good, positive move.

As liaison to the Zoning Hearing Board, Mr. Philips stated such clarifications with regard to medical offices have long been needed in the township's zoning code.

Mr. McGrory opened up the hearing for public comment, and seeing none he adjourned the hearing and reconvened into the public meeting portion of the agenda.

Mr. Waks asked for a motion to approve the Ordinance.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to

approve the Ordinance. None opposed. Motion approved 4-0. Ordinance 2012-809 was adopted and will be filed in Ordinance Book #16.

HEARING RE: ORDINANCE AMENDING CHAPTER 165 OF THE TOWNSHIP CODE - REGULATORY OUTDOOR LIGHTING

Mr. McGrory opened the hearing for consideration of the Ordinance by introducing for the Record the following exhibits:

- Board Exhibit 1, a letter to the Mercury dated October 25, 2012
- Board Exhibit 2, Proof of Publication indicating advertisements on October 26, 2012 and November 2, 2012
- Board Exhibit 3, the Minutes of the Upper Merion Planning Commission dated October 10, 2012
- Exhibit 4, letter to the Montgomery County Planning Commission dated October 11, 2012
- Board Exhibit 5, copy of attested Ordinance to Law Library
- Board Exhibit 6, the Ordinance itself
- Board Exhibit 7, the legal notice.

Mr. Scott Greenly, Associate Planner, stated the approach taken with the lighting ordinance was to first review several local and national model ordinances on outdoor lighting, including the Montgomery County ordinance, the Pennsylvania Outdoor Lighting Council as well as the International Dark Sky ordinance. The best practices found in these ordinances were incorporated into the proposed lighting ordinance. Highlights of some of the changes follow:

- Provisions for emergency lighting have been added as well as emergency utility work
- seasonal decoration and lighting of the American flag.
- Several definitions were added to go with the new design standards
- Instead of going with the maximum height, maximum heights are being based off of luminaries projected.
- Provisions have been included to prohibit wall mounted luminaries which would cut down on light pollution as well as cut-off standards for under canopy lighting.

Mr. Philips asked for clarification about lighting for American flags. Mr. Greenly responded the original ordinance did not have any provisions for lighting of flags, and this proposed new ordinance simply exempts lighting of flags at night by allowing them to be lit at night.

Mr. Philips noted it does not reinforce [what constitutes] the proper lighting [of the American flag].

Mr. Jenaway stated this ordinance was reviewed during three sessions of the Planning Commission, clarifies a number of issues regarding the lighting code, and represents another positive move.

Mr. McGrory opened up the hearing for public comment and seeing none he adjourned the hearing and reconvened into the public meeting portion of the agenda.

Mr. Waks asked for a motion for the Ordinance amending Chapter 165 of the Township Code - Regulatory Outdoor Lighting.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Regulatory Outdoor Lighting Ordinance. None opposed. Motion



approved 4-0. Ordinance 2012-810 was adopted and will be filed in Ordinance Book #16.

HEARING RE: ORDINANCE - ESTABLISH PROPERTY MAINTENANCE BOARD OF APPEALS

Mr. McGrory opened the hearing with the introduction of the following exhibits:

- Board Exhibit 1, a letter to the Mercury dated November 6, 2012
- Board Exhibit 2, Proof of Publication from the Mercury dated November 8, 2012
- Board Exhibit 3, copy of the attested ordinance to the Law Library
- Board Exhibit 4, the Ordinance itself
- Board Exhibit 5, the legal notice

Mr. McGrory stated this ordinance establishes a Property Maintenance Appeals Board to review appeals involving the Property Maintenance Code. A related ordinance to establish the Uniform Construction Code Board of Appeals (UCC) has gone to Labor and Industry (L&I) for a 30-day review period. After the L&I review, the additional ordinance will be introduced at a subsequent hearing.

Mr. Philips commented these ordinances have been long overdue for this township and he emphasized how important it is to get these Boards up and running in accordance with state law and local regulations.

Mr. McGrory opened up the hearing for public comment and seeing none he adjourned the hearing and reconvened into the public meeting portion of the agenda.

Mr. Waks asked for a motion to approve the ordinance establishing the Property Maintenance Board of Appeals.

Board Comment:

Mr. Waks stated with the establishment of the Property Maintenance Board of Appeals, interested residents are encouraged to apply. Once the UCC Board is approved he noted there will be an additional opportunity to serve in that capacity as well.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Ordinance to establish the Property Maintenance Board of Appeals. None opposed. Motion approved 4-0.

ACT 209 LAND USE ASSUMPTIONS REPORT

Mr. Greenly stated Upper Merion Township is in the process of updating the Transportation Improvement Fee Ordinance also known as the Act 209 Study. Highlights of his presentation are as follows:

- Act 209 authorizes municipalities to collect transportation improvement fees on new development which is used to cover off-site roadway improvements.
- There are several steps required by Act 209. The first step has been completed which is to form an Act 209 Advisory Committee. This committee is made up of not only residents, but also business and land

- owners in the township.
- Some of the next steps include completing a roadway sufficiency analysis. This will identify what improvements are needed within the township.
    - The next phase would be the Capital Improvements Plan to ascertain ways of funding these improvements
    - Finally, the Adoption of the Transportation Impact Fee Ordinance.

Mr. Greenly stated the Land Use Assumptions Report is used to create a forecast of potential development within Upper Merion Township for a ten-year period. In determining this forecast the Advisory Committee looked at current municipal and county zoning, current land use, development trends as well as population employment forecasts. The areas identified as potential areas of development in the next ten years are classified individually and by regions and areas, such as: the King of Prussia Business Park, the area around the King of Prussia Mall, South Gulph Road corridor, South Henderson Road corridor as well as individual parcels such as the Glasgow property, two individual parcels on River Road, two parcels by the Gulph Mills Golf Club as well as a property on Mancill Mill Road.

In order to get the proposed development in square feet, a yield analysis was done using existing zoning. This yield analysis took into consideration building coverage, parking, open space for each zoning district, and created a potential minimum and maximum development yield. For purposes of this study minimum yields were used. Maximum yields were created using structured parking while minimum yields were created using surface parking. Both yields were extremely high and for the purpose of the study minimum yields were used. This information was then presented to the Act 209 Advisory Committee, and they were able to take these numbers and look at what is more realistic in the next ten year period of time. They were able to calculate individually by parcels the square feet of expected development. It is anticipated there will be approximately 2.4 million square feet of new development over the next ten years as well as 892 new residences. These numbers were reinforced by the Delaware Valley Regional Planning Commission (DVRPC) population and employment forecasts for the next ten years.

Copies of the Land Use Assumption Report have been distributed to all surrounding municipalities as well as Upper Merion Area School District and the Montgomery County Planning Commission for a thirty-day review period. The Land Use Assumption Report was approved by the Upper Merion Transportation Authority at their September 12<sup>th</sup> meeting and pending approval at this meeting then next step would be to begin the roadway sufficiency analysis.

Mr. Philips asked if the assumptions that were made included redevelopment of parcels. Mr. Greenly responded it includes all redevelopment that is new development.

Mr. Philips asked if this applied to buildings, for example, in the Business Park that might be torn down and rebuilt. Mr. Greenly responded in the affirmative.

Mr. Jenaway asked about the golf course property. Mr. Greenly responded the golf course is a separate parcel and everything has been approved for that parcel. The Land Use Assumption Report focuses on all new future approved development.

Mr. Wagenmann provided some historical comments and indicated the township has had a highway assessment for 27 years. The Transportation Authority has the responsibility of carrying out those projects and they have

essentially completed all of the projects that were initially identified. It was necessary to do the Land Use Assumptions Report so that a new highway assessment could be calculated that was compliant with the latest state laws. Upper Merion's program predated any of the state laws that had existed in Pennsylvania. Mr. Wagenmann pointed out the assumptions do not commit the township to any of the development that was used in the report calculations. The purpose of the assumptions is to generate traffic numbers for realistic projects that need to be done in order to come up with a new assessment figure.

Referring to the number of new residences, Mrs. Kenney asked if it is correct that it does not include the golf course property. Mr. Greenly responded in the affirmative.

Mrs. Kenney asked for additional clarification about the number of residences that are projected in this study. Mr. Greenly responded the study does not necessarily break it down into single, townhouse or condos. It is just new residential units.

Mrs. Kenney commented the figures seem large in view of the fact that there is not a lot of property left in the township, except for redevelopment as well as new developments on currently vacant or unused property. Mr. Greenly responded what we will see with a lot of these properties is redevelopment. It will not necessarily be new development. There are significant properties that are completely undeveloped and a lot of this will be redevelopment. There is over 1,000 acres of vacant property. While most of it is expected to be redevelopment, there will be some new development as well.

Mrs. Kenney said, "this has nothing to do with the open space that is owned by the township, it remains." Mr. Greenly responded in the affirmative.

Mr. Jenaway asked for clarification about one large parcel in the area of Ross Road. Mr. Greenly responded that is considered the Glasgow property.

Mr. Waks said as liaison to the Transportation Authority he is very familiar with, although not part of this process, since neither supervisors nor members of the Transportation Authority could serve on the Act 209 Study Committee. He emphasized and reiterated what Mr. Wagenmann referred to that none of this ties the township to anything or to any particular development. What it means is that in case this property gets developed to this extent, this is what it means as far as transportation impact fees, and that is the sum and substance of the Act 209 Study.

Referring to the aforementioned Glasgow property, Mr. Philips asked if the dead end by Saulin Boulevard was included in the discussions since there is a vacant area all the way down to the Turnpike. Mr. Greenly responded the parcels were selected based on what they thought would be developed in ten years. Some parcels were left out just because of the time constraint.

Mr. Philips commented in going forward for the next time those parcels might be "ripe for the picking" if the other parcels are now developed.

Mr. Wagenmann noted under Act 209, an update is required every ten years.

Mrs. Kenney asked about the time frame for the roadway analysis. Mr. Greenly responded he does not have a specific time line; however, they are ready to start work on that project and it should be completed in a timely manner.

Mrs. Kenney asked if it is more like a month or a year for completion. Mr.

Wagenmann responded it would be closer to months.

Mr. Waks asked for a motion to approve the Act 209 Land Use Assumptions Report.

Board Comment:

Mr. Waks expressed appreciation to everyone involved in the process: Scott Greenly, Ron Wagenmann, and the Transportation Authority for interviewing the engineers, and the residents and business representatives who serve on the Act 209 Advisory Committee.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the Act 209 Land Use Assumptions Report. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from October 4, 2012 to November 1, 2012, in the amount of \$810,347.85 and the Payroll for October 12, 2012 and October 26, 2012 in the amount of \$1,289,032.96 for a total of \$2,099,380.81. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

U12 KING OF PRUSSIA SOCCER ASTON VILLA TEAM

Mr. Philips congratulated the U12 King of Prussia Soccer Club Aston Villa Team in moving up several divisions in the Delco Soccer League this year and becoming co-champions of the Delco League.

HALLOWEEN DELAY DUE TO HURRICANE SANDY

Mr. Philips thanked parents who delayed "Trick or Treating" until the Friday after Halloween. This provided Peco and township staff with more time to clean up the roadways to assure a safe environment for our children.

VETERANS DAY

Mr. Philips expressed appreciation to all the veterans who have served our country. As one who has served and continues to serve our country as a member of the Naval Reserve, he reminded citizens that there are still men and women serving in harm's way and we should do all that we can for our veterans.

HENDERSON ROAD WIDENING

Mr. Philips asked for an update on the Henderson Road project. Mr. Wagenmann responded Henderson Road is basically on schedule, although it was delayed somewhat because of Hurricane Sandy. Some of the utility work is taking a little longer, but the goal is to get it to the point where it was essentially complete with the binder and then next year come in and do the wearing surface, markings and landscaping. The right turn lane on Church Road added some time, but it will be completed to a point to have the two lanes in each direction, without the center left turn lane, through the construction area.

RECYCLING ELECTION SIGNS

Mrs. Kenney encouraged and advised residents on how to recycle election signs.

## FARMERS MARKET

Mrs. Kenney provided an update on activities being held at the last Farmers Market of its third season.

## TRICENTENNIAL UPDATE

Mrs. Kenney announced the release of the Tricentennial Cookbook with over 300 recipes which will be available at the Farmers Market on Saturday, the township website, cashier in the Township Building and many other places. She also discussed changes to upcoming Tricentennial events.

## ADDITIONAL UPCOMING EVENTS IN THE TOWNSHIP

Mr. Waks announced a number of additional Township meetings and events.

### From the Public:

Mr. Herbert Baiersdorfer, King of Prussia, discussed issues related to the power shut-off at his Old Fort property and asked that his electric power be restored. While this is a matter of litigation, Mr. McGrory stated it needs to be duly noted who cut off the electric. Mr. McGrory stated for the Record that Peco shut off the power and only Peco can turn it back on. Mr. Baiersdorfer was advised to contact Peco directly. Mr. McGrory reiterated that it is outside the jurisdiction of the township at this point.

Mr. James Schofield, Radnor Road, discussed issues with water runoff near Crow Creek. Mr. Wagenmann advised of actions already taken and stated that the Township is continuing to evaluate the issue with the assistance of the Township Engineer.

## MESSAGE FROM RON WAGENMANN

Mr. Wagenmann thanked the Board of Supervisors for the trust and confidence that the Board and citizens of Upper Merion Township have offered him as Township Manager over the past thirty years of service. He outlined the success that has been achieved including billions of dollars of highway work, growth of the park system by hundreds of acres, the development of parks such as Heuser Park, implementation of the Highway Assessment Program, creation of the Transportation Authority, expansion of the municipal building. Mr. Wagenmann also thanked the department heads and employees of the township he has worked with over these past thirty years.

Beginning with Mr. Waks, each supervisor offered their appreciation, comments and remembrances of Mr. Wagenmann's outstanding service.

## ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:08 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

rap  
Minutes Approved:  
Minutes Entered

