

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
FEBRUARY 6, 2014

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, February 6, 2014, in the Township Building. The meeting was called to order at 6:15 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Township Solicitor, Rob Loeper, Township Planner, Angela Caramenico, Assistant to Township Manager.

CHAIRPERSON'S COMMENTS:

Chairman Waks reported an Executive Session was held prior to this meeting to discuss a personnel matter. He also noted the first agenda item is a Declaration of Disaster Emergency so that the Township will be able to apply for funds from FEMA for reimbursement of some of the township expenses incurred as a result of the recent storm.

DECLARATION OF DISASTER EMERGENCY

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Declaration of Disaster Emergency. None opposed. Motion approved 5-0.

DISCUSSIONS:

PRESENTATION BY BOENNING & SCATTERGOOD, INC. RE: BOND FINANCING

Mr. Nick Hiriak, Director of Finance, introduced Elena Boteva, Boenning & Scattergood, who provided an overview of the funding options for prospective bond issues to fund the Community Center.

Ms. Boteva provided a timeline for the Board of Supervisors to select an option and indicate an amount to borrow at the March 6 Workshop Meeting and lock in an interest rate at the Business Meeting on March 27 in order to settle and obtain funds by April 30th.

Ms. Boteva indicated the current debt service will drop off in 2022 and 2023 and presented options which take advantage of that drop off and ones that do not. She reviewed options in order to net \$7,585,000 or \$10,000,000 for Community Center funding. The first option is a 20-year level debt service which is just like a mortgage. The second option is the same structure with mortgage payments stretched out to 25 years. Ms. Boteva then discussed two “wraparound” options which would hold principle as low as possible for the first years until the drop off and would then push the principle towards the back in order to limit the amount of money needed to budget the first years.

Mr. Waks asked if the \$7,585,000 figure assumes that the township is not reimbursed by the Transportation Authority. Mr. Kraynik responded in the affirmative.

Mr. Waks commented this is now far more than a Community Center project. It is a public safety project, a trail project and includes the potential of having a signal light at the Caley/Valley Forge intersection.

Mr. Waks pointed out the choices are \$7,585,000 or \$10,000,000 for 20 or 25 years level or wraparound.

Mrs. Kenney asked for clarification about the 20 year level and 20 year wrap around and 25 year level and 25 year wrap around, and Ms. Boteva explained the rationale for these options.

Mr. Jenaway asked if Mr. Hiriak will prepare for the Board of Supervisors a “pro and con” for each of the four options that were presented so that it will be better understood what the impacts will be with each one of the options. Mr. Hiriak responded he will provide that information and pointed out for the Board’s information that the wraparound has worked well for the township in the past.

Ms. Boteva stated “wraparound” is the most common type of issuance and while some prefer the mortgage because it sounds simple with a level payment over time, more and more municipalities are utilizing the “wraparound.”

Mrs. Kenney asked if there is a downside to the wraparound. Ms. Boteva responded the only downside is paying overall higher interest costs which would amount to \$200,000 over the life of the issuance and when discounted it is not much of a difference.

Mr. Waks asked if there were any questions or comments from the public and there were none.

Mr. Waks stated the Board of Supervisors has until March 6th to notify Boenning & Scattergood, Inc. which direction to go.

Mr. Philips commented he will be interested to review Mr. Hiriak's analysis of the available options and how this will affect day to day operations.

Mr. Kraynik noted the attachment to the agenda which includes a February 4 memo from the Finance Director regarding some of the much needed capital projects that are recommended for the Board's consideration to be funded in addition to the Community Center which would net out to between \$7.5 million and \$9.5 million.

Mr. Waks asked if these are projects that are not already in the capital budget going forward a few years out. Mr. Hiriak responded most of the projects listed in the memo are 2014 projects which are not funded. Some projects are ongoing with engineering studies, and some larger public works projects are projected for 2015 to 2018.

Referring to the February 4 memo from the Finance Director, Mr. Philips asked for clarification about the Police Department Communication Center radios listed for \$135,000. Mr. Kraynik responded this equipment was specific to the Police Department and not part of the county-wide overall upgrade. In response to an additional question by Mr. Philips, Mr. Kraynik noted there were no road projects included.

Mr. Waks stated this matter will be placed on the March 6th agenda for final decision.

MS4 ORDINANCE PRESENTATION BY MONICA WALL OF T&M ASSOCIATES

Ms. Monica Wall, T&M Associates, presented the Ordinance revision for the MS4 program. Upper Merion received their NPDES MS4 General Permit from PA DEP in March 2013.

This permit states that within the first year of this permit, the Township shall enact and implement a stormwater management ordinance which meets the requirements of this MS4 permit.

The Township has two options:

1. Adopt a separate MS4 ordinance prepared by PADEP. This would be a separate ordinance and would be in addition to the existing ordinance, or
2. The existing ordinance could be revised to include all the required language.

There is concern that two separate ordinances would be confusing to applicants; therefore, the existing ordinance was revised to include the MS4 language.

The current ordinance already contained some of the required language. A summary of required PA DEP MS4 changes follows:

1. Roof drains shall discharge to Stormwater Best Management Practice facilities (BMPs), for example, rain barrels or seepage pits.
2. Ownership of BMP's would be the property owner.
3. Perpetual Maintenance responsibilities for BMPs would also be the property owner.
4. Recording (as part of the property deed) of Post Construction Stormwater Management Plans and Operation & Maintenance agreements documenting ownership and maintenance. This includes an actual O&M agreement which has been attached to the ordinance as Appendix A. This O&M agreement was prepared by PA DEP.
5. Post Construction Maintenance Inspection Requirements for BMPs to be performed by the property owner.
 - a. Annually for the first 5 years after construction is complete
 - b. Once every 3 years thereafter
 - c. Immediately after a 10-year storm event or greater
6. Summary of changes to address Township issues (not required by MS4)
 - a. Split the ordinance into two subsections, one for simple residential developments and one for more complicated developments such as multi-family, commercial, and industrial.
 - b. Additional guidance regarding roof drain and sump pump discharge points.
 - c. Additional information regarding BMP's, including a sample list which would be attached as Appendix B in the ordinance. This list differentiates between BMP's which can and cannot be installed in sinkhole areas.
 - d. Stormwater management criteria for redevelopment sites. This includes reducing existing impervious surface cover by 20%, installing stormwater BMPs, or paying a fee in lieu of installing BMPs.
7. Summary of permit fees and fees-in-lieu of installing BMPs
 - a. Class A stormwater permits are typically for simple residential developments between 250 and 3,000 square feet of new impervious surface. This will typically include dwelling additions, residential detached garages or patios. The existing permit fee is for \$400 no changes are proposed for this fee. There is a new additional fee of \$20. This is optional if an

applicant wants to obtain a plot plan of existing features. Class A also addresses fees in lieu of installing the BMP's. These are proposed to be updated at \$2 per square feet for up to 300 square feet of new impervious surface, \$3 per square foot for 301 square feet up to 1,000 square feet of new impervious cover, and \$4 per square foot for 1001 square feet up to 3,000 square feet. Class B permits typically required for new impervious cover areas greater than 3,000 square feet.

- b. Existing Class B permit fee is \$200 and there are no proposed changes to this fee. The existing fee is \$2,500 to establish a Professional Review Escrow Account for Class B permits and there are no proposed changes to this escrow amount.
- c. For Class B fees in lieu of installing the Stormwater Management Facilities there are no changes proposed. The current guidelines indicate the fee shall be equal to the sum of the total costs that would have been incurred for constructing the facility plus the fair market value of the raw undeveloped land that would have been required for the facilities.
- d. Redevelopment fees in lieu of installing stormwater BMPs are new and not in the existing ordinance. That fee would equal the cost that would have been incurred for constructing the required stormwater BMPs.
- e. Currently there are no fines listed in the Ordinance. Fines are being proposed as follows:
 - i. Residential first offense would be \$10 to \$100.
 - ii. Second offense would be \$100 to \$1,000.
 - iii. commercial would be \$100 to \$1,000.

Mr. Philips asked for clarification about the depository and use of the fees. Mr. Loeper responded the application fees go into the General Fund as application fees normally do; however, any kind of fee in lieu or other fees go into a dedicated stormwater account. That stormwater account is intended to help fund other stormwater projects moving forward.

Mr. Waks asked hypothetically if a stormwater authority was established or the Municipal Utility Authority converted to a stormwater authority would the fees go to that entity. Mr. Loeper responded it is his understanding that it would. Mr. McGrory pointed out it would still be enforced by Township ordinance in the form of fines paid to the Township and then allocated to the Authority to spend accordingly.

Mr. Philips commented he wants to make sure that collected fees go to projects that will alleviate stormwater problems in the neighborhoods, particularly some of the older neighborhoods, so that people will get to see the visual results of Best Management Practices. Mr. McGrory indicated with the proposed establishment of a "stormwater system" with the Authority that will create a

substantial fund to do some serious stormwater management throughout the township.

Mrs. Kenney asked for clarification about the Class A stormwater permit exemption as it applies to covering areas less than 250 square feet, for example, a 6 x 8 patio. Mr. Loeper pointed out the current 250 square foot exemption is a one-time exemption and if the property owner comes in again that exemption no longer applies. Property records are kept to track the 250 exemption. Mr. Loeper noted the \$400 application fee would still apply to review the application.

Mr. Jenaway commented in reading through the material, it appears there are changes in what is acceptable and what is unacceptable in managing stormwater runoff both for residential and commercial. Ms. Wall indicated her concurrence with that statement. Mr. Jenaway said he wanted to make sure there is a communication plan once the ordinance is adopted because people who have been doing these projects for many years need to understand there are changes to be addressed in moving forward in the future.

Mr. Kraynik noted March 15th is the deadline to pass the ordinance and asked that this be placed on the agenda for the February meeting and duly advertised.

Mr. Waks asked if there were any questions or comments from the public and there were none.

PRESENTATION BY THE MUNICIPAL UTILITY AUTHORITY RE: FUTURE REVENUE/EXPENDITURE PROJECTIONS

Mr. David Kraynik, Executive Secretary, Upper Merion Municipal Utility Authority (UMMUA) provided a brief overview with regard to the Authority's analysis of future revenue/expenditure projections for the next four years. The Authority has concluded that based on projected revenue with relatively certain development over the next four years and the much needed projects many of which have been deferred for the two treatment plants and our collection system; by 2017 the Authority will come close to running out of money. A lot of thought has been given to ways to increase a steadier stream of revenue with the support of the Board of Supervisors. Mr. Kraynik asked Mr. Edward Veneziale, Chairperson, UMMUA, to offer a PowerPoint presentation.

Mr. Ed Veneziale stated the Authority is asking the Board of Supervisors to consider increasing the revenue the township provides to the UMMUA by seeking approval to increase the sewer revenue that comes to the UMMUA by \$480,000 a year. This increase will be used solely by the UMMUA to fund on-going Capital improvement projects at Trout Run, Matsunk and Collection Systems.

Mr. Veneziale indicated UMMUA's recommendation is that the increase be phased in over two years to township sewer customers which would amount to an approximate 12% increase to the average sewer bill. The increase will ensure adequate funding of capital improvement projects based on good engineering practices. The fund reserve will be depleted by 2017 just with the projects that are in the queue over the next three years.

In terms of background, UMMUA revenue comes from three main drivers:

- Upper Merion Sewer Access Rights or "tap fee" for any new development or redevelopment project which is currently \$6,800/EDU (recently raised from \$5,300). The future estimate is only 2 EDU's funding per year or 13,600.
- Township contribution of \$480,000 to the annual budget of the UMMUA. This amount has not changed in decades.
- Interest earnings – which has significantly declined in the last 5 years.

Mr. Veneziale noted the Fund Reserve was significantly impacted negatively due to UMMUA support of the Village at Valley Forge settlement in 2012. The Authority waived its right to collect the last payment of \$1.5 million for the tapping fee. The Authority also allocated almost 50,000 gallons a day of capacity without charge which would have represented approximately \$1.1 million of potential revenue.

Without approving the funding increase to the Authority some of the risk includes needed capital improvement projects will have to be deferred or eliminated thereby leading to potential equipment failures, increased maintenance expense, and potential Notice of Violations resulting in an aged system that may not be able to accommodate new land development projects.

Current Upper Merion sewer rates compare very favorably against a survey of 14 local municipalities. Currently Upper Merion's annual rate is \$232 per household and is the second lowest with a range from \$223 up to \$636.

The updated rate, if approved, would increase Upper Merion's annual cost to \$276 and would still place the rate as the 4th lowest when compared with other municipalities.

Mr. Veneziale stated the Authority's recommendation here tonight is to increase sewer rates by \$480,000 per year to be used solely by the UMMUA to fund on-going Capital improvement projects to be phased in over two years to township sewer customers. The increase would equate to an additional \$7 added to the quarterly rental, annually that calculates to \$28 or an approximate 12% increase in the average sewer bill.

The additional revenue will support the ongoing construction capital improvement project implementation over the next 10 years. Mr. Veneziaie noted a review of sewer rates will occur periodically on a three-year cycle.

Mr. Veneziaie indicated in order to implement the changes the Township will develop a communication plan and talking points for customers. The 2014 billing increase would be implemented over the last nine months of the year and the 2015 increase would begin January 1, 2015. Instead of the \$480,000 annual transfer to the Authority, the Township would transfer \$960,000 annually, prorated for the first year based on revenue collection.

Mr. Philips indicated his supportive comments for maintaining our equipment and keeping current with improvements in order to have the needed capacity to remain on the cutting edge in all aspects of our operations.

Mr. Veneziaie said it is not known where the EPA or DEP is going in terms of testing and what additional requirements that will drive and what kind of improvements will need to be implemented. These types of potential costs are not factored into this presentation.

Mr. Jenaway recalled his recent comments during a review of rezoning issues for the Industrial Park about the importance of taking into account the capacity of the sewage treatment plans when considering new development.

Mrs. Kenney commented on the tapping fees which had remained static for eight years and pointed out the Township contribution of \$480,000 remained static as a dollar amount, but went down as a percentage of the revenue income. She also emphasized the importance of maintaining the equipment at the sewer treatment plants.

KING OF PRUSSIA PLAYERS – MEMORANDUM OF UNDERSTANDING

Mr. McGrory indicated negotiations have been ongoing with the King of Prussia Players and he and their attorney, George Ozorowski, have narrowed down certain issues that require the Board's input to determine if a lease can be negotiated or not.

Mr. Waks noted the Memorandum of Understanding concerns the future of the historic Moore-Irwin House. He said, "this is one of the hidden gems in Upper Merion Township," and the Board of Supervisors, Moore-Irwin subcommittee and the Economic and Community Development Committee have tried to determine what to do about this house and grounds. Mr. Waks stated with all the progress and development ongoing in Upper Merion Township ways must be found to preserve our past.

Mr. McGrory provided an overview of the King of Prussia Players' issues as follows:

- exclusive use of the facility
- sublet or rent out the facility.
- have weddings and other catered functions at the facility. (*Mr. McGrory noted an issue his office has raised with regard to parking*)
- an issue has come up as to who is going to be responsible for the removal of hazardous waste. Apparently there is some asbestos concern at the facility
- want the ability to allow a lease-hold mortgage to be placed on the property.

Mr. Ozorowski commented an issue discussed at one point is the Players interest in having an option to purchase, an option to buy or first option of refusal if the township ever decided to sell the property. He said about 20 years ago the King of Prussia Players identified this property as a potential cultural center for Upper Merion Township. In 2011 they entered into a Memorandum of Understanding. There were some gaps in the Memorandum of Understanding as to how to draft a lease agreement. As far as exclusive use of the facility, the way the lease was drafted it indicated it would be a non-exclusive lease.

Mr. Ozorowski said from the Players perspective they would be spending anywhere potentially from \$5 million to \$7 million in making improvements on the property. They want some type of control over who is using the facility and at what hours. As far as funding goes, there are certain things necessary to generate income, one of which would be to have weddings and other functions that could be leased out for dance studios, musicians, or concerts. Mr. Ozorowski indicated the way the lease is structured it does not allow the Players to do subleasing to other third parties. With regard to hazardous waste, there is no direction provided in the lease as to who is going to pay for this. Mr. Ozorowski indicated the lease hold mortgage is the major issue for the Players so they would be able to approach a lender. He said they have to have some sort of lease hold to be able to own the building and then pay for the actual construction of the building itself. He said the way the lease is drafted it does not allow them to do that. He agreed that the parking needs to be addressed. Mr. Ozorowski indicated they have never really developed a site plan to lay out the properties. He reiterated they need a lease in place in order to spend the money or potentially spend the money to do that and it is an issue they will need to address at some point during the land development phase.

Mr. McGrory pointed out there has to be some parking concept established so they know what uses can and cannot be utilized at this premises and to build that into the lease. He said you cannot do a lease and then figure out how you are going to park. There must be a conceptual idea about how to accommodate the parking demands of the various uses contemplated for the facility.

Mr. Ozorowski said the concept would be to approach some of the other business owners because in theory their conflicts are not in use. Some would be at the facility at night and others during the day. There would be some type of lease agreement with the users and that is what is envisioned.

Mr. McGrory stated the lease may need to be contingent on obtaining a certain number of parking spaces in a manner that is meaningful.

Mr. Waks expressed concern about the exclusivity the Players are looking for. He pointed out it is still an Upper Merion Township property and as such there should be an opportunity for residents to enjoy the property outside of the offerings of the King of Prussia Players. Mr. Waks asked how much flexibility the Players are willing to offer with regard to exclusivity.

Mr. Ozorowski commented the concept would be if a member of the community wanted to rent a room from the Players and use the facility they would enter into a lease agreement. He said the problem they had with the way the lease was drafted was it would be open to the public at all times. The Players wanted more control and their idea was to do an outdoor amphitheater to start with and then build a building with indoor facilities.

Dr. Larry Anderson commented the property was formerly a cultural center with an arboretum. He said it was a beautiful place and they envision bringing it back to that standard. However, if someone wanted to have a picnic by the creek, for example, the Players would want to be able to say there is a show scheduled in the amphitheater and access has to be closed off at that time.

Mr. Waks reiterated the importance of being careful about words such as exclusivity or right of first refusal.

Mr. McGrory commented he believes the Players envisioned renting out the facility versus the township having the ability to utilize the facility in some way. They wanted all the proposed users or tenants to go through them.

Dr. Anderson stated originally when they discussed this matter with Park and Recreation staff the idea was if there were community grants the township would help with the construction so that if the township wanted to hold summer concerts in the amphitheater rather than a gazebo it could be done. The Players vision was to make sure the facility was used all the time and that it was a real community center.

Mr. Ozorowski stated the distinction would be between the inside facilities and outside facilities and who is going to be in charge of booking these facilities. He said there needs to be communication with the Park and Recreation Department on these issues.

Mr. Philips stated his concern is over the lease hold mortgage and exclusivity. Another concern is if the venture is unsuccessful and the Players have a 30-year mortgage on this township property that the township owns and is responsible for. He also said with regard to working with Park and Recreation on the *Concerts Under the Stars* program what if the Players have a play and there is a schedule conflict with *Concerts Under the Stars*. Mr. Philips also does not favor subletting to other productions. The question is who controls what is being produced. Mr. Philips also had liability concerns with regard to weddings and catering and noted the township now has a prescription on alcohol in township parks.

Mr. Jenaway commented he is not aware that an environmental study was ever done on that site to determine if it is viable or not and it might be a barrier to this project in moving forward. It is not known what the cost would be to remove any asbestos that might be there. Parking is also another issue of concern. There could be a major challenge accommodating significant group functions. Mr. Jenaway emphasized a lot of time over the last few years has been spent developing the concept for the Community Center and some of the issues raised in this agreement are in conflict with the goals envisioned for the Community Center. He said this needs to be clarified or the agreement will not be very functional. It would be important for the Players to meet with Dan Russell and find out what is planned for the Community Center as several items mentioned by the Players have either been built in or ruled out as non-doable. For example, the whole issue of weddings and functions has been ruled out at the Community Center for many reasons as not being viable.

Mr. McGrory stated it would be easy in cooperation with Mr. Ozorski for a lease to be drafted memorializing any business transaction, but there needs to be an understanding of the underlining business transaction. He noted the Memorandum of Understanding never contemplated any of the issues that have been brought up and there is a need to come up with a "game plan" on how to address these issues.

Mr. Waks stated there is a need to look into the asbestos issue.

Mr. Ozorowski said he is struggling on how to proceed from here. He asked if the asbestos issue should be explored and then return for additional discussions.

Mr. Waks agreed that would be the way to go.

Mr. Jenaway suggested doing two things simultaneously (1) looking at the asbestos issue and if it is determined there is no asbestos on site then meet with Mr. Russell and discuss what the Players vision is for the facility and what the concept for the Community Center is going to be and see if there are any

conflicts or matches. It might be possible to complement each other with different functions or activities that are envisioned to make it work, but that meeting has to occur.

Hypothetically speaking Mr. McGrory commented if the township were ever to entertain a long term lease hold mortgage, there would first have to be evidence of financial viability for a renovation project of \$5-7 million.

Mr. Ozorowski stated it has always been the Players' understanding this could be phased in with the first phase to take down portions of the House that are not stable. The second phase would be an amphitheater at some point in the future.

Mr. McGrory said if there is a long term lease it must be known that it will be a use that will be viable and financially funded. Mr. Ozorski indicated he understood and would get that information to Mr. McGrory.

Mrs. Kenney commented parking is a critical issue. Mr. Anderson mentioned when the Moore-Irwin House was a cultural center there was an agreement with the surrounding companies so that parking was available there for the township in the off hours. Much of the cultural center activities were on weekends and the township activities were in the evenings. Mr. Anderson said he could not do any negotiating for parking without a lease. He indicated he originally thought a Memo of Understanding would open doors for fundraising and agreements, but the first question was where is the lease.

Mrs. Kenney said she would like to see a venue for music.

Mr. Dan Russell, Park and Recreation Director, stated Department of Conservation and Natural Resources (DCNR) funds were used to purchase this parcel of land and it is considered a park. During the tenure of the previous Park and Recreation Director, David Broida, an environmental analysis and a structure analysis was done. Mr. Russell said he would provide that documentation to the Solicitor and Board of Supervisors.

Mr. Philips pointed out if Phase 1 is to take down portions of the dilapidated building, the question remains how to preserve the rest of the structure while demolition is occurring and the building is open. Mr. Anderson responded there was a definite stone wall separating the additions that were built.

Spott commented while she would like to see an amphitheater for the arts, she would like to know if the Players have a financial advisor to provide a business model for how the facility would be run. She expressed surprise that that funding sources are not asking for such a document and are only interested in seeing a lease. Mrs. Spott pointed out a business plan would help in moving

ahead in understanding some of the differences, and if the model is for The Players to run the facility exclusively which was not contemplated in the Memorandum of Understanding that would have been clarified very early in the business model.

PRESENTATION BY THE PIAZZA GROUP OF POSSIBLE DEVELOPMENT OF THEIR MANCILL MILL ROAD PROPERTY

Mr. Michael Gill, Esq., Buckley Brion, West Chester, representing the Piazza Group, discussed the early conceptual stage in the development of the 23-acre Mancill Mill Road property with an access along Mancill Mill Road. The property is currently zoned SM and SM-1. The parcel is bounded by the Schuylkill River, The Trout Run sewage treatment plan and Valley Forge Road. The proposal is to build a multi-family apartment development.

Mr. Gill indicated that officials from the Piazza Group met informally with some members of the Upper Merion Municipal Utility Authority (UMMUA) to discuss purchasing two acres of land from the Authority to incorporate into the site to improve access to the housing project.

Mr. Gill stated his client would have to get a zoning change from the SM and SM-1 zoning for the parcel to allow apartments. The current zoning allows warehouses and they would like to present a proposal that meets with the Board's approval. They would also like to start receiving feedback not only from the Board of Supervisors but also the public, township staff, and township consultants.

Mr. Waks commented since this proposed development would be near another preexisting residential community, he asked if anyone from the Piazza Group has met with any of the stakeholders in the adjacent area as yet. Mr. Gill indicated they met with the UMMUA, but until they receive the Board's general feedback a meeting with the residential neighbors would be premature. He said as part of any development of the site Piazza will be engaging with the neighbors and stakeholders.

Mr. Waks stated the Board of Supervisors would want to hear from the neighbors and stakeholders before any final decision is made.

Mr. Waks asked for clarification about the ingress and egress issue with regard to Mancill Mill Road and the proposed 800 apartment units. Mr. Gill responded that would be the ultimate build out of the site. He indicated there would be about 45-50 dwelling units per acre. Mr. Gill said access becomes a significant issue since currently their access is limited to the panhandle of the site and is one of the reasons his client is moving forward with discussions with the UMMUA. Mr. Gill mentioned ultimately his client would like to have this property owner participate in potential improvements to Route 23 and potentially tie in

directly to Route 23 without having to use the access onto Mancill Mill. He suggested that Act 209 transportation contributions from the developer could be used to partially finance a previous plan to move the location of Route 23 closer to the parcel. Mr. Gill was unable to say what those improvements would be since their traffic engineer was not present; however, he stated making the ingress and egress work is integral to the number of units proposed at the site.

Mr. Waks followed up and said Piazza potentially wants approval to build what may be up to 800 units on the site, but the funds to improve Route 23 would not arrive until subsequent to that time with the assumption that perhaps one day Route 23 does get moved or extended meanwhile there is a potential 800 units on this site with just one method of ingress and egress.

Mr. Gill commented any build-out of this site would happen in phases and there would only be a certain amount of build out that can be tolerated at certain levels of improvements. He said the project would generate the type of Act 209 contributions that are necessary to move the project forward.

Mr. Philips said Act 209 funds are applied to the entire township and not typically concentrated in a single area of the township.

Mr. Philips asked what parcels Piazza is interested in purchasing from UMMUA. Mr. Gill asked Mr. Joe Orsatti, Orsatti and Associates, to respond. Mr. Orsatti did not respond to the question directly. After Mr. Philips followed up several times for a response, Mr. Gill stated he believes the question is impossible to answer right now. He said when he indicated they were in discussions with UMMUA he did not mean for his comment to suggest that they have a legal description of the property they would like to have from UMMUA. Mr. Gill indicated the discussion with UMMUA concerned whether or not it makes sense for UMMUA to convey property to his client that would be surplus property for UMMUA but could come into the Mancill Mill Group to allow them to do a better access to the site. Mr. Orsatti indicated Piazza has obtained information on the land UMMUA owns, the contours and the location of the proposed expansion of the two tanks.

Mrs. Kenney asked for more information on when Piazza's meetings were held. Mr. Orsatti responded the meetings were informal, and arranged by the former Township Manager and were not held at a regular Authority meeting.

Mrs. Kenney asked for additional clarification. Mr. Orsatti responded the meetings were held at the township.

Mr. Waks asked approximately when the meeting was held. Mr. Orsatti responded about one to one and a half years ago.

Mr. Gill stated Piazza intended to go to the first full UMMUA meeting this year, but the meeting was postponed because of inclement weather. He stated there has not been any formal meeting with the UMMUA with regard to this while there have been some discussions about the concept on the sidelines.

Mrs. Kenney recalled at one of the meetings towards the end of last year the Piazza Group was mentioned in a very general way at one of the meetings by one of the Authority members and it was indicated that the amount of land was two acres. Stan Channick, former Chair and a current member of the UMMUA, verified that amount.

Mr. Gill stated the purpose of this presentation is to discuss whether or not it makes sense to be looking at this property for multi-family use. He said the purpose of this conversation is not whether or not there is going to be development of this site or whether or not there are going to be traffic improvements associated with that development.

Mr. Waks followed up and asked how can there be a discussion about whether or not the site is appropriate for multi-family development without talking about transportation or space issues.

Mr. Gill stated currently it is a 22.85 acre site with the current access. He said there may be comments from the public about why multi-family are just wrong or right for this site so his client can know what type of plan should be submitted to the township, whether they should be pursuing a text amendment or land development plan based on an existing ordinance. Mr. Gill stated he understands the township is in the process of rezoning and how his client can move forward with their property based on that process.

Mr. Philips asked if Piazza is considering two, three or four bedroom apartments and what type of height. Mr. Gill responded the typical apartment complex would be primarily one, and two bedrooms with possibly some three bedrooms mixed in. With regard to height, inaudible comments were made off microphone indicating a height of 55 feet. Mr. Philips noted that would be five stories.

Mr. Jenaway stated this is clearly a site that has had environmental challenges over the years which need to be addressed and until he knows what the environmental impacts are there is no insight as to what is acceptable or not.

Mr. Gill responded by saying any development of the site would be pursuant to the Act 2 process and as with any Act 2 process the township would be part of that process. .

Mr. Jenaway commented when the site was C&E Refractories he was in charge of several fires that occurred there and he is familiar with the challenges

that existed afterwards. He stated he wants to be confident this site will be managed properly before he considers anything.

Mrs. Spott mentioned a couple of years ago this development was before the Board and at that point in time there were some environmental studies that had been done for a proposal for some type of senior living multi-level structures. The issue was how far down could the development go since there were certain chemicals or environmental impacts that would not allow going to a certain point. Mrs. Spott asked Mr. Gill if the Board could get more information about what his client knew about what is there and what assurance there is that the site is safe for a multi-family development with children.

Mr. Gill stated the site is the subject of an Act 2 Notice of Intent to Remediate. He said it is his understanding the Department approved the remedial action plan for the property and implementation of that plan is an absolute necessary precursor to use of the site for residential purposes. The Department is not going to approve anything without the Act 2 plan being implemented.

From the Public:

Ms. Sharon Clauson, Valley Forge Towers, expressed her concern over the environmental issues associated with this proposal since her balcony and windows overlook this property.

Lynn Lector, Valley Forge Towers, commented the environmental question should be addressed first and not ingress and egress from Mancill Mill Road. She asked that information of what remediation has already been done be obtained.

Kathy Neary, Valley Forge Towers, expressed concern about the additional traffic that would be generated with 800 additional families. She also raised the issue of water, sewer capacity and environmental issues.

Mike Gresson, Valley Forge Towers, commented the Piazza Group presented a proposal for 55 plus housing in 2006 and were anticipating using 513 units and stated trying to do 800 units would not be any better. He outlined some of the environmental issues, pointed out the site is in a flood plain, noted the train noise factor for those residents living on the north side, and expressed concern over the traffic.

Kevin Kolka, Valley Forge Towers, expressed concern over the additional traffic with 800 units and environmental issues.

Pamela Wolf, Valley Forge Towers, expressed environmental concerns.

Scott Sibley, King of Prussia, stated the property owner suggested 40 or 50 units per acre and asked for comparison about the density of other developments in the township. He asked if there is any plan to have a second access out of this proposed 800 unit property and also wanted to make sure the property owner is willing and currently working with the township with regard to approvals for the trail from Heuser Park to Valley Forge National Historical Park. Mr. Loeper responded the general density at Valley Forge Towers and the Lafayette are approximately 20 dwelling units per acre; however, since they were built codes may have changed and he would have to research the actual density.

Mr. Jenaway commented on Mr. Sibley's question about a second access and said there would have to be a second access for this project. He indicated one of his major concerns is that even as a secondary access it will be necessary to go through the "pinch point" in traffic at Valley Forge and Mancill Mill Roads. He also expressed concern about fire and EMS response time delays as a result of the access inadequacy.

Mr. Waks commented it would be necessary to find a way to get police, fire trucks and EMS in and out of that site or any other site.

Mr. Gill stated with regard to the trail, his client was approached about the trail and a meeting was held at the end of December and within a number of weeks his partner who is handling the matter responded to a draft easement and it is very close to having an easement agreement wrapped up. He indicated his client is very much eager to work with the township to make the trail a reality.

Mr. Jenaway emphasized that the population density is the driver of service demand not only for fire and EMS, but the transportation services, highway services, sewer, etc.

Mr. McGrory stated he wants to make it known when staff met with Mr. Gill it was made very clear that this potential rezoning has nothing to do with negotiations for the trail easement and since that meeting his office has had several contacts with Mr. Gill's office and they have successfully completed wording of the easement. Mr. McGrory also mentioned the owner has been cooperative in conveying an easement that is useable for the township.

Herb Vichnin, Valley Forge Towers, spoke in opposition to the proposed 800 unit development, and specifically mentioned the current traffic issues.

Norman DeSouza, Valley Forge Towers, commented even with extra exits out of that property, Valley Forge Road cannot handle more traffic. He indicated this property should not be developed for many reasons.

Mr. Waks recessed the meeting at 8:35 p.m. and reconvened the meeting at 8:45 p.m.

COMMUNITY CENTER LAND DEVELOPMENT PLAN PRESENTATION, 431 W. VALLEY FORGE ROAD

Mr. Joe Powell, Buell Kratzer Powell, offered introductory remarks about the progress made on the Community Center development since the last meeting. The team was directed to look at additional parking on the site as well as pursuing changes to the entrance and opening up General Maxwell. Mr. Powell indicated that most of the presentation will be done by two members of the team: Tavis Dockwiler, Meridian landscape Studio and Michelle Adams, Meliora Environmental Design, who have been working together and individually for 28 years and are both nationally recognized for their efforts to develop and implement sustainable site design techniques.

Utilizing the aerial, Tavis Dockwiler discussed how the parking needs have been addressed, what the new site will look like and the synergy between the landscape and stormwater management utilizing Best Management Practices (BMPs), porous pavement areas, rain gardens, infiltration swales. With a sunken parking lot, the houses at the top level will look over and see vegetated buffers.

Ms. Dockwiler provided a rendering and discussed the terrace plan which includes a gardening area outside the great room for the Senior Center. She indicated that all the proposed plants for the site are native and elaborated on the general landscaping plan step by step.

Ms. Michelle Adams, Meliora Environmental Design, stated that the team was encouraged to be forward thinking in stormwater so that it would not only be managed well, but would also create a beautiful place. Currently there is no stormwater management at the site. A series of porous pavement parking lots are proposed for the site which will provide a 55% reduction in the impervious. A series of beds underneath the parking lot will hold the stormwater and let the water soak in. There will also be two beds for flood control. A diagram illustrated how the water would move through the site from the upper beds to the lower beds and catch some of the existing roof runoff into those beds so that by the time there is a discharge down to the creek it will be significantly reduced in volume and rate. There is a significant amount of water coming down from "the Generals" and upstream properties onto the site and it is proposed taking the water coming down the road into the stormwater system so both the site and runoff from offsite will be managed.

Mr. Smyth stated during the workshop meeting last May of major concern were the lefts in and out onto Valley Forge Road. He discussed roadway improvements that are being advanced for ingress and egress from the Community Center. Left turn in and left turns out will be restricted. Lefts in and

lefts out will be made from a back access at General Maxwell. Right turns in and right turns out onto Valley Forge Road will be permitted.

Mr. Smyth discussed the proposed signal at the intersection with Valley Forge and Caley/General Knox Road. A speed study on Valley Forge Road indicated the 85th percentile speed is above 40 miles per hour. Traffic counts were done for 8 hours which is part of the signal warrant analysis. In looking at the speeds and volumes one of the warrants has been met with the existing volumes and not with any proposed development taken into account. That one warrant will be sent to PennDOT for review and approval. Utilizing the aerial other road improvements and adjustments were discussed as well as sidewalk connections in detail.

It was noted that the primary trail would be from the Middle School on Keebler Road (where overflow parking is proposed in the parking management plan) through the township park and through township land over Crow Creek and into the back parking lot of the Community Center. This would not only link the overflow parking with the Community Center, it would also encourage other modes of transportation to get to the Community Center. The secondary trail would be coming off General Armstrong staying on the top of the ridge and coming into the top parking lot where General Maxwell meets with the back entrance. Grant opportunities are being pursued.

Mr. Waks stated this is no longer just a community center project. It is a transportation project as well as a public safety project because the signal at Caley and Valley Forge as well as sidewalks will provide tremendous public safety benefits. Mr. Waks mentioned he is pleased to see the porous pavement and it is something the Board of Supervisors have been encouraging for quite some time to assist with stormwater management. He also noted another side benefit to the Community Center which was brought to mind as thousands of Upper Merion residents are without power as a result of the recent ice storm. In this type of emergency a 1,000 plus square foot Community Center might be able, under these circumstances, provide a tremendous public benefit as a warming/charging center.

Mr. Philips commented Upper Merion is a "World Class" place as evidenced by recent recognitions as one of the best places to live and work. He noted the Community Center will introduce "World Class" architecture into the township. Mr. Philips was also pleased to see all the Best Management Practices in the plan and the great thought that has gone into the design from a stormwater perspective as well as the trails.

Mrs. Spott asked about traffic flow and if the opening of General Maxwell, which is now a dead end, will significantly impact the residents on that street. Mr. Smyth responded one of the options they looked at was not providing access to and from Valley Forge Road at all. One of the reasons that option was not

advanced was because it would put that much more traffic onto the Generals. The left in and left out was the problem so they isolated the amount of traffic to go onto the Generals and through that area as a way to mitigate the amount of traffic on the Generals. There are 191 parking spaces and the uses will dictate how much traffic there is on any given day. The fitness center will be open from 5 a.m. until 10 or 11 p.m. in the evening. The Senior Center is open from 9 a.m. until 3 p.m. The timing of everything going on in the Community Center is very important and something that has been taken into consideration. The seniors (about 30 people a day) will get there just after the morning rush and leave just before the afternoon rush and the fitness center patrons will come back during the evening rush. Mr. Smyth said the fitness center depends on the square footage and he will work with the Township Planner to get better numbers shortly.

Mrs. Kenney stated a resident who lives on General Knox wrote to her and asked a very specific question about the traffic and the changing traffic patterns that are being addressed. Specifically the speed limit is 25 miles an hour on General Knox and the resident did not say when, but a few years ago a traffic study was done and they were 5 cars short of what was required for speed hump. Mrs. Kenney asked if people will be using General Maxwell since the only way to get into Maxwell is from General Knox. She requested an updated study be done, if not now, then shortly after the center opens. She would like this to be reviewed from a safety point of view since there will be increased traffic on Knox. Mr. Smyth responded the site is no longer privately owned. It is township owned and most of the people who will be using it are township residents which should help from a cut through perspective. Mr. Smyth indicated the speed issue is an existing problem and they will look at different options to ameliorate the situation.

Mr. Jenaway commented he appreciates the idea of a terrace and what is planned for the vegetation and gardens will make it "top notch." He asked if there is a wall at the lower end by the creek that would help with flood control or water management. Ms. Dockwiler responded there is no wall down by the creek as they cannot put a wall in that flood plain and it is not something DEP would approve to contain floods. There have been adjustments made to the building to address the one corner where the flood plain clips the building.

Mr. Jenaway stated that is where he was heading. He said he knew the flood plain issue in that corner and wanted to make sure it was addressed and he did not remember if there was a wall there or not. Mr. Powell commented they will be raising that floor on the lower level a couple of steps up. Right now the demolition contractor is working on getting rid of the existing floor that and they will raise it 14/15 inches which will take care of any of the flooding issues and be out of the flood plain on the ground floor.

Mr. Jenaway stated he concurs with the whole issue about the traffic and speed management up and down General Knox. He is aware there is coordination with the Police Department on some options and he encouraged pursuing the options to find a right method to manage that speed.

Ray Shire, General Maxwell Road, expressed concern about parking and wanted to know if there will be a two-way in and out [of General Maxwell]. Mr. Smyth responded in the affirmative and said it is an in and out on the back driveway because the lefts in and lefts out from Valley Forge Road are restricted. There is a right in and right out from Valley Forge Road. With regard to overflow parking, there will be a parking management plan in effect. The Middle School will also come into play here and since the Community Center will be township driven there will be an opportunity to monitor those types of activities and parking impacts better. Mr. Russell stated anything that is done with the Community Center with planning for events and activities will be reviewed by the new staff that will be hired to manage the operational parking plan as key to the success of the building. With regard to the overflow parking at the Middle School discussions are ongoing with the School District.

Mr. Waks noted one of the other benefits not mentioned so far is that he has heard from one of the science teachers at the high school who is anxious to be able to use the trails to take her clubs back to the creek to do basic biology and life science.

Mr. Philips asked if General Maxwell is wide enough for ingress and egress to allow for parking on both sides. Mr. Smyth responded the width is approximately 28 feet, and because it is such a local road the minimum you could get is 10 feet for each lane with 8 feet for parking which could possibly work on one side, but not both.

Mr. Philips asked Mr. Shire if it would be acceptable to him if there was no parking on the street as it is now. Mr. Shire responded he has numerous friends who come over and there is no parking on the street as it is now and he has the family's two cars in the driveway. Mr. Shire asked if there would be restricted parking for residents only.

Mr. Philips asked if it would be acceptable if "permit only" parking were available for residents. Mr. Shire responded with a few comments off microphone and then said he does not want to agree on anything at this meeting.

Dr. Ted Casander, W. Valley Forge Road, expressed concern over traffic, offered some comments about the proposed trails, overflow parking at the Middle School and timing of certain activities.

Mr. Philips asked if the trails need to be ADA compliant. Mr. Smyth responded they would be ADA compliant, but they are subject to different standards than a sidewalk.

Howard Lurie, King of Prussia, supports the trails and connections, had suggestions about a certain gap in the sidewalk connections, and offered comments about the proposed traffic signal during snow events. Mr. Smyth responded the plan with regard to the gap in the sidewalk is evolving. With regard to traffic coming up the hill, especially in the snow, Mr. Smyth indicated a couple of things can be done to help. A pavement surface that has a different skid resistance level can be applied which grabs the tires more. Also, the township has the ability through their traffic operations center to turn the light into a flashing mode which return the road to the condition that exists now in an almost stop sign mode.

Paul Muse, King of Prussia, asked about the timing of the installation of the signal and if the Community Center would have its own power source for use as a warming location. Mr. Smyth explained the traffic signal warrant process and Mr. Russell indicated the Community will have its own power source.

Ed Freudenberg, Upper Merion Senior Center, asked about parking accommodations when the swim club is open. Mr. Waks noted the swim club's busiest days are Saturdays and Sundays when the Senior Center is closed.

Mr. Jenaway commented the majority of parking challenges that have existed with the pool occur on days when there are swim meets. He said the swim meets generally start in the late afternoon and should not pose a problem. The times when there are swim activities during the day are early morning and there may be some movement in and out. Mr. Jenaway noted the seniors ability to park down at the lower end should not be impeded. Mr. Jenaway indicated he has asked Mr. Russell to schedule a meeting with Mr. Fry who manages the pool to make sure he is fully aware of the scheduling issues for the summer. Mr. Russell stated swimming is at its heaviest on the weekends in the summer and the Park and Recreation activities in the summer on the weekends are minimal and that will help with parking.

Mrs. Kenney asked for clarification about the handicapped spaces at the Community Center. Mr. Russell responded there would be a total of 191 spaces with 9 handicapped spaces.

Mrs. Kenney indicated there were preliminary conversations with TMA and there will be a Rambler stop at the Community Center.

VILLAGE AT VALLEY FORGE/BOZZUTO DEVELOPMENT PLAN, 4-STORY,
365 UNIT APARTMENT BUILDING WITH DECK PARKING, 6.94 ACRES

Utilizing the aerial, Mr. Loeper provided an overview of the third significant development at the Village at Valley Forge comprising 6.9 acres at the opposite end from the existing Wegman's. The 365-unit residential development is a 4-story wrap around and a 4-story parking garage to be located at Swedesford and Guthrie Road. The building also includes several courtyards. The plan has been submitted to Remington Vernick and Beach and they have already issued several review letters with regard to this plan.

Dennis Maloomian, President of Realen, supplemented Mr. Loeper's introductory remarks and discussed various features of the development plan. He indicated it is urbanized with structured parking and is intended to encourage walkability with sidewalks. The 363 apartments are made up of one bedroom, one bedroom dens, two bedrooms and three bedrooms. The three courtyards will include amenities such as gardens and swimming pools. Mr. Maloomian provided some renderings and indicated the engineering review comments have been addressed.

Mr. Maloomian noted the next offering will be a "for sale" product of townhomes which will be located on the other side of CHOP which is currently underway.

Mr. Waks stated the reason he wanted this presentation at a workshop meeting is there are renderings provided and more specificity on details.

Mr. Waks asked the Solicitor if there is anything at this stage of development that is incongruous with the settlement agreement. Mr. McGrory responded the Township Engineer provided a review in conformance with the settlement agreement and the Resolution for these approvals (because of the settlement agreement) says, "to comply with the engineer's review letter."

Mrs. Kenney stated she has been getting a lot of questions from residents about the need for over 55 housing, independent living, assisted living. She asked a general question of Mr. Maloomian whether this would be something a developer might find worthwhile pursuing. Mr. Maloomian responded he also receives inquiries from Upper Merion residents who would like something that caters to the more senior environment, not necessarily the services of assisted living or continuing care, but independent living in an environment where someone can still be near their church, friends, and shops they have been used to and yet live in a walkable, self-contained environment. He said all of the units Realen has yet to build while not necessarily "over 55" are designed to encourage older individuals.

Mr. Philips asked about building security and how visitors would get into the complex and get around the building. Utilizing the aerial, Mr. Maloomian pointed to the driveway into a front entrance and indicated once into that entrance there is a main lobby with elevators and the building is broken up into

segments. If you are coming in from the parking garage on each level there is a hallway that takes you to your unit. Guests would come in through the front door and find their hosts for security purposes.

Mr. Philips noted generally in the city these types of complexes are all key carded to get in. Mr. Maloomian responded you will not be able to get in without a fob or key.

Mr. Waks stated he would like the public to be able to see this presentation on UMGA-TV at the next Business Meeting and he discussed the scheduling logistics with Mr. Maloomian. Mr. McGrory indicated he would draft a Resolution and coordinate with the developer on the language.

357 ROSS ROAD SUBDIVISION PLAN, 2-LOT SUBDIVISION (NO IMPROVEMENTS), 2.8 ACRES, R-2/HI

Mr. Loeper stated this 2.8 acre property is unique and the subdivision plan goes back to 2007 which was never built. There is an existing single family dwelling on the property with half the property zoned HI Heavy Industrial and the front portion zoned R-2 Residential. The Board approved this plan in 2007 which not only included the subject parcel, but also the secondary parcel on Ross Road. That plan called for the creation of a private road coming back between the existing two dwellings creating a cul-de-sac with 9 single family lots.

The owner of the property decided instead of what was originally planned, they would like to do a 2-lot plan in which the existing dwelling would remain, a new lot would be created in front of it and then a small strip of land would be conveyed to another neighbor. The existing access would remain the same which would be the existing driveway. The applicant received relief from the Zoning Hearing Board in November of last year to allow the construction of the single family in the HI District. At this time there are no improvements proposed. Ultimately a building plan will have to be submitted along with a grading and stormwater plan for a new dwelling.

Mr. Greg Heleniak, Estock and Associates, stated the major issue with this subdivision is the existing access which is a 16-17-foot strip that runs between the two properties to the rear and he indicated the one lot would not have frontage along the right of way line. There would be a shared common access driveway with an easement overlay for lot 2 to access their property.

Mr. Waks asked if there have been any discussions with the neighbors. Ms. Laurie Bednar, property owner, spoke to the majority of the adjacent land owners and has obtained documentation they have no objections. One property owner wanted to make sure the driveway was improved and there was no change to the driveway that abuts his property. Other than that there were no concerns expressed by any individuals.

Al Rossi, stated he is the one who took the property through the subdivision originally and had issues with the storm drain out on the street and related stormwater issues.

Mr. McGrory recommended the verification of Mr. Rossi's comments, and Mr. Kraynik asked the Township Engineer to coordinate with the Township Planner and review the situation.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to adjourn the workshop meeting at 10:32 p.m.. None opposed. Motion approved 5-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: