

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
NOVEMBER 29, 2012

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, November 29, 2012, in the Township Building. The meeting was called to order at 7:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

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

DISCUSSIONS:

PLANNING MEETING - 620 W. DEKALB REDEVELOPMENT

Mr. Rob Loeper, Township Planner, stated the AT&T Wireless Phone Retail Store and Chipotle Grill Restaurant are the two businesses being proposed to replace the existing Exxon gas station at Allendale and DeKalb Pike in the Commercial Office (CO) Planning District.

Mr. Loeper explained one of the problems with the CO District are the many restrictions that would involve a substantial amount of zoning relief. He noted the Business Improvement District (BID) is looking to create a more pedestrian-friendly environment by moving the buildings closer to the street. At a previous meeting, one of the supervisors suggested the possibility of rezoning the property to Shopping Center since the Shopping Center District has zero setbacks.

Mrs. Spott asked for clarification on what the rezoning would entail. Mr. Loeper responded it would just be a simple map amendment to make that parcel consistent with what surrounds it on three sides.

Mr. Andrew Gowa, representing the developer, General Realty, stated the CO District would involve going before the Zoning Hearing Board for a fairly large number of variances. However, under a Shopping Center District, the applicant would comply with all the zoning, including parking. There is no front yard setback and the building is close to the curb. The BID indicated their interest in having the streetscape changed this way, with parking in the rear.

Mr. Gowa demonstrated where there are currently two large driveway curb cuts along Route 202. He pointed out one driveway the applicant proposes [along Route 202] and the existing curb cut on Allendale Road would be moved

back from the corner to provide for a safer exit and entry.

The entire footprint of the building is approximately 6,800 square feet, allowing for 4,200 square feet for the AT&T Store and 2,500 square feet for the Chipotle Restaurant. The applicant would comply under Shopping Center zoning and would be in compliance in terms of impervious and building coverage requirements. The entire parcel would be more heavily landscaped than currently exists with the gas station.

Mrs. Spott expressed concern about the frequent back up at the left turn off of DeKalb Pike onto Allendale Road caused by drivers turning left into the property [gas station] at that point. She noted there is easier ingress for drivers going south turning into the property from DeKalb Pike. In view of the proposed container store development next door and the nearby mall entrance, Mrs. Spott asked if the applicant would consider working out a plan that would allow connectivity to preclude the need for the entrance on Allendale Road. Mr. Gowa responded one of the advantages of the applicant's plan over the Exxon station is moving the driveway back which would eliminate some of the backup on Allendale Road. He said the applicant would consider it if it were physically feasible; however, there is a huge drop off in elevation to the back of the property and the container store plans showing their building sits pretty much along that entire property line and would limit a connection. In Mr. Gowa's view, the steep slope off the back of the property would be prohibitive.

Mrs. Spott followed up and stated Chipotle will generate a lot of traffic at lunch time and indicated it would be best to see if this could be worked out a little differently to improve the traffic flow.

Mr. Philips asked if parking is adequate. Mr. Gowa responded it would be adequate for the Shopping Center District, but not even close under CO.

Mr. Philips suggested having a right turn in and right turn out on Allendale Road as opposed to allowing the left in at that point. Mr. Gowa responded he will see if that can be done.

Mr. Waks concurred with Mr. Philips and Mrs. Spotts' comments about the Allendale ingress/egress. He noted he has seen people making left turns in and left turns out of the Exxon onto Allendale, and he would like to see this addressed. Mr. Gowa responded as the applicant prepares the plan they will see if this can be made right out and right in.

Mr. McGrory stated consideration should be given to eliminating the CO District entirely. Mr. Loeper indicated there are many problems associated with the CO District.

Mr. McGrory commented the history of the CO District was brought about by isolated parcels and whether it is rezoned to Shopping Center or something else is a matter of discussion, but that district itself in its current configuration

should be eliminated as part of comprehensive rezoning.

Mr. Gowa commented the only request the applicant has as part of the comprehensive rezoning is the time period to do that will not provide the applicant relief to go through the planning process. The applicant plans to be in a position to submit the full set of development plans to the township by the end of next week.

Mr. McGrory stated he could do a map change for this particular parcel concurrent with the preliminary plan approval, but before he does that he wants to make sure all the traffic and planning issues are resolved to the satisfaction of the Board of Supervisors and receive their specific approval to proceed with that direction.

Mr. Philips commented if it is decided to do a map change, he would want to make sure that it is done the entire way down Route 202, including the Container Store. Mr. Loeper commented Buckman's is in the Shopping Center District, but the Wells Fargo bank is not.

Mr. McGrory asked if a map change to eliminate CO is now is being proposed. Mr. Philips responded, "on that side of Route 202" [mall side].

Mr. McGrory stated if that is the direction of the Board, staff should be asked to seriously entertain this rezoning, and then he and Mr. Loeper can start planning accordingly to develop a logical geographic area to rezone concurrent with preliminary plan approval.

Mrs. Spott asked that the Record show a full Board of Supervisors is present. She asked if Mr. Jenaway who just arrived had any additional thoughts.

Since this is going from a gas station to a commercial property, Mr. Jenaway asked if all the environmental issues have been managed, checked and, if necessary, capped. Mr. Gowa responded that the applicant as purchaser has provided for that in terms of the sale and the seller satisfies all provisions. If any cleanup is necessary the applicant is not going forward until it is taken care of properly.

Mr. McGrory asked this will need Act 2 Approval. Mr. Gowa responded in the negative.

Mrs. Spott reiterated her comments about connectivity. She noted the availability of parking at the mall. Notwithstanding the grading issue, she pointed out she was not necessarily referring to vehicular traffic, but people could potentially park behind the subject property and walk up to the Chipotle if parking gets tight there at lunch. It would be desirable for walkability to have signage there and a connector between the mall. Mr. Gowa responded the applicant will incorporate those comments in the plan that is submitted. He said there is a set

of stairs there now that may need to be refined and enhanced.

With regard to the left hand turn into the entrance on Allendale, Mrs. Kenney asked if drivers coming north on Route 202 would be allowed to make a U-turn at that corner in order to get into the property. Mr. Wagenmann responded that is a dual left turn lane situation from Route 202 onto Allendale and this should be reviewed closely.

Mr. McGrory stated the direction that he and the Township Planner would need from the Board is if this plan should be reviewed as part of the Shopping Center District, holding off on the result until all the issues are settled, but should it be reviewed that way.

Mrs. Spott asked if the other supervisors, from a directional standpoint, are comfortable with that proposal as set forth by the Solicitor, and the Board was in agreement.

Mrs. Kenney asked if sidewalks are planned along Route 202 and Allendale Road. Mr. Gowa responded in the affirmative.

Mr. Jenaway asked when this proposal will be before the Planning Commission. Mr. Loeper responded, "probably in January."

EAC PRESENTATION - SINGLE TRASH HAULER

Chris Kaasman and Dan Yarnall of the Environmental Advisory Committee discussed options for trash/recycling services as well as the pros and cons of municipal collection versus single hauler. One EAC representative indicated if you want a great program, municipal hauler is the way to go, but if you want a program that is cost effective, a single hauler would be the best option for the Township. Highlights of the presentation follow:

- The purpose of this presentation is to offer what the EAC believes as the best option for providing cost effective and environmentally friendly trash and recycling pick up options going forward
- Township Code, Chapter 91-4 and also state law requires that all residents in the township have trash and recycling service curbside at their home. While multi-family dwellings have to as well, this discussion covers single family units.
- With the exception of leaf waste, Upper Merion Township places the responsibility of contracting for municipal waste collection and recycling on the homeowner.
- This type of system is commonly called "private subscription" - at the current time there are approximately seven haulers in the township collecting trash and recycling from homes with prices ranging from \$20 to \$40 a month.
- Republic Services-BFI- Allied Waste all the same company, have collected 71% of the recycling tons in the township.

- Upper Merion is the largest municipality with a private subscription service in Montgomery County and one of four municipalities within the Waste System Authority that have a private subscription service

Highlights of Private Subscription:

Pros

- Natural competition among all the haulers
- Minimal municipal oversight
- Homeowners are free to choose and change

Cons

- 20% to 30% increased cost per household compared to other systems
- different size recycling bins
- residents with small 20 gallon containers are not encouraged to break down their cardboard recycling
- smaller recycling containers discourage recycling
- Increased confusion for new homeowners unaware of who or how to contract for waste collection
- Increased confusion on schedules of waste pick up, how it should be curbed, what can be recycled, what additional services provided, and variety of pricing
- aesthetically unpleasing to see varying trash and recycling containers on township streets every day of the week
- increased noise
- unsolicited mail and door to door sales of waste services
- increased damage to township roads.
- increased emissions due to multiple waste vehicles on township roadways.
- Seven out of seven hauling companies on the township operate diesel trash trucks which typically get three to six miles per gallon and produce significant amounts of particulate matter
- Lack of residential customer accountability
- Typically in private subscription communities as much as 10% of residents share services with their neighbor (theft of services) or do not contract for service despite violations against local and state law. This practice also hinders accurate recycling performance reporting.

Mr. Kaasman discussed alternatives to the private subscription model as follows:

- One alternative is municipal collection where the township operates, staffs and owns their own trash trucks.
- The other alternative is municipal contract where a township or municipality contracts with one company to do the service on behalf of the township.

Mr. Kaasman stated 56% of municipalities in Montgomery County have one entity collecting residential trash and recycling. Mr. Yarnall discussed the pro's and con's of municipal collection. Highlights are as follows for the pro's:

- direct municipal oversight, planning and information of waste services
- ability to cater programs specifically for residents
- municipality has direct incentive to reduce trash costs which can have immediate impact on future cost and a present relationship with the service workers
- Cost depends on service offered, for example, in Radnor and Lower Merion, residents have the option for back door service, but pay more for that amenity.
- All residents are "on the same page" with regard to what goes in, how much goes in and when to put it out
- It creates additional jobs for municipal workers
- ability to work with a Consortium of municipalities for recyclable material.

Mr. Yarnall discussed the con's of municipal collection. Highlights follow:

- direct municipal responsibility over programming could be seen as a burden to oversee -- education, missed pickups, complaints, billing, etc.
- municipality is responsible for equipment including purchase and vehicle maintenance.
- municipality is responsible for workers compensation for job-related injuries.
- residents could pay more for waste services than is necessary
- residents do not have a choice to change or hire a different hauler if they do not like their municipal service.
- municipality would have to increase or reallocate staff in order to accommodate this type of service.

Mr. Kaasman discussed municipal contract where the municipality goes out with an RFP for service (single hauler). Highlights are as follows:

- most are once a week trash pickup and 64 gallon recycling containers are offered which encourage more recycling.
- when municipalities go out for contract they negotiate whether the hauler is providing containers for both trash and recycling.

Mr. Yarnall discussed pro's and con's of single hauler. Highlights of pro's as follows:

- municipality typically reduces cost to each homeowner 20-30%
- contract locks residents into guaranteed low price over the course of a contract.
- reduced confusion for new homeowners unaware of who or how to contract for waste collection

- reduced confusion on schedules of waste pickup, how the waste should be curbed, what can be recycled, and what additional services are provided for such things as bulk items
- municipality does not have a variety of trash or recycling containers from various companies on all streets every day of the week
- increased truck traffic equals increased noise and pollution
- municipality can set minimum insurance coverages that are typically not controlled through a private subscription system
- potential for a municipality to work in a consortium with surrounding municipalities on a joint RFP
- allows the municipality to accommodate the program to their liking and ability to add trash and recycling pickup at parks, public spaces, and community events
- ability to add trash or recycling to existing tax bills which decreases work for residents, decreases the likelihood of missed payments, and increases compliance of proper payment in a timely manner.
- municipality has the option of designating responsibility of billing customer, customer inquiry, customer complaints and services to chosen hauler.

Mr. Philips asked how many municipalities on the color-coded map handout have entered into a Consortium for an RFP. Mr. Kaasman responded, “none.” He indicated while it is rare, it is possible and pointed out it might be worth having a conversation with the elected officials in some nearby municipalities to see what can be worked out. He noted economies of scale would be beneficial. As an aside Mr. Kaasman mentioned that Bridgeport is not mandated to have a recycling program and, in his opinion, it would benefit both Upper Merion and Bridgeport to join together.

Mr. Yarnall continued with the pro’s for single hauler as follows:

- reduced damage to township roads
- decrease in emissions due to the minimum number of trucks servicing the town on the most efficient routes possible
- ability to contract for haulers using only compressed natural gas vehicles which reduces emissions and noise
- increased residential customer accountability and compliance with laws for trash and recycling
- route servicing all residents leads to less missed pickups
- Increased municipal oversight which allows for accurate data collection for 904 Recycling Performance Grant reporting
- consistent and seamless education to all residents
- ability to maximize recycling tonnage collected and waste diverted
- hauler enforcement facilitated.
- selected hauler will be legally bound by a contract to provide the services in accordance with the executive agreement and penalties can be put in place if service is not carried out properly
- the contract hauler could be required to participate in the education process thus assuring both the hauler and municipality disseminate consistent programming information.

- Bid or RFP's specifications can adjust the senior citizen discount
- Low volume discounts can be included within the RFP for households generating small quantities of trash such as one bag per week.

Mr. Yarnall discussed some of the cons of municipal contract as follows:

- Public resistance
- haulers can send letters to customers and take other negative and aggressive public action with arguments such as freedom of choice, unwanted government control, etc.

Mr. Kaasman stated there are other considerations such as an opt out or opt in. The way this option typically works is the municipality goes out with an RFP indicating a minimum number of households opting into the single hauler program will be guaranteed. This allows the hauler to base his proposal on somewhat of a real number. All homeowners wishing to opt out with contracted municipal hauler must do so within a certain time frame and those who do not opt out, are in. If new people move into the township they would not have a choice; they would be in the system. The more people opting in will provide better pricing and a more efficient program. By doing it that way, over time everyone will eventually opt in either through rising costs from other private haulers or household turnover.

Mr. Kaasman cited a case study for a neighboring township that went out to RFP for this service. According to a newspaper article, one company submitted a proposal and when questioned why other haulers did not bid it was because an "opt out" was included and did not have a solid number of participating households. The residents of that community were opposed not so much against the single hauler concept, but more so that there was only one company replying to a bid. Mr. Kaasman pointed out this is the best example of why "opt out" may not be the best idea.

Mr. Kaasman indicated right now there is a cost to the township for leaf collection and composting operations. In the single hauler contracts available in the municipal collection systems, quoted prices encompass trash, recycling, leaf collection and composting.

Mrs. Kenney asked if leaf collection would be the same as the current system. Mr. Kaasman responded it would be different in that it would be a bagged system with set days during the busy seasons of fall and spring when there is leaf and yard waste. With privatization there would be less cost to the township.

Mr. Philips asked if it is correct that residents would then not have the ability to go to the compost site and get compost. Mr. Kaasman responded, "correct."

A discussion ensued about costs involved in leaf collection and

composting, the benefits of the services currently provided, and the capital investment of trucks, new chipper.

Mr. Kaasman stated the EAC believes private subscription service increases noise pollution and roadway damage. He noted that municipalities that do a really good job with trash and recycling do it “in house.”

Mr. Jenaway commented there are housing developments that have already gone to a single collection route system and have negotiated their own multi-year contracts. A brief discussion followed about whether they could be factored in or not.

Since a larger recycling can encourages more recycling, Mr. Philips asked from the Solicitor’s standpoint if there is an ordinance or resolution requiring the largest can possible must be provided for recycling. Mr. Kaasman responded in the affirmative.

Mrs. Kenney asked if an ordinance would be required.

Mr. McGrory stated he would make it an ordinance, but that was on the premise that it was for private haulers.

Mr. Kaasman commented along those same lines if it was decided to keep the same system, the township could prescribe that haulers can only offer once a week trash pick up which would encourage recycling.

Mr. Kaasman stated EAC’s three recommendations would be:

1. explore the option of municipal collection and trash recycling services
2. issue an RFP to obtain pricing for a municipal contract as mentioned
3. look at privatizing the municipal leaf collection and compost operations.

Mr. Kaasman pointed out it is possible for the township to meet its minimum requirements at a lower cost and still have a sufficient program.

A discussion followed about the number of people sharing services in Upper Merion.

Mr. Kaasman commented if the township went out with an RFP a good rate could be locked in for three to five years.

A discussion followed about the pro’s and con’s of an ordinance to mandate larger cans.

Mrs. Kenney commented compressed natural gas for trucks as well as fewer companies making daily pickups would be much better for the environment; however, she cited hard numbers are needed to provide an incentive for residents who are not inclined to switch.

Mr. Waks commented he would like to see the township proceed to the next step to explore options that would: (1) save residents money (2) save the township money (3) make the township more environmentally conscious and efficient (4) beautify the township and improve traffic by getting trucks off the road.

Mr. Waks favored exploring an RFP and Mr. Philips favored exploring municipal hauler, in view of Cheltenham's experience buying trucks that would have minimal personnel.

Mrs. Spott asked about Cheltenham's experience. Mr. Kraynik responded Cheltenham is converting on April 1 to municipal automated trash and recycling with one driver.

Mrs. Kenney asked about bulk item pick up. Mr. Kraynik responded in Cheltenham if it exceeds a certain size, it is necessary to schedule a special pick up. With the automated system, if it fits in that container, they will pick it up, and if not, a special pick up needs to be scheduled.

Mr. Waks asked how many trucks and personnel would be needed for the automated system. Mr. Kraynik responded for the automated system there will be approximately two to three recycling trucks and two to three automated trash trucks each day in one route with only one driver. Money will be saved in labor and Workers Compensation.

Mr. Philips commented what he liked most about the presentation is that those recycling the most are the ones controlling it within their own sphere. He does not favor the idea of privatization.

Mr. Kraynik commented in municipally collective communities like Cheltenham it is the Highway Department that picks up loose leaves. The refuse personnel do not pick up loose leaves because they are picking up trash the same days the Highway Department is picking up loose leaves. However, the refuse department in municipally run programs will pick up bag leaves and that is how it works in Cheltenham. Mr. Kraynik asked how the leaf pick up number would be calculated for municipal. Mr. Kaasman responded other townships do not set aside the cost and differentiate in their line items.

Mr. Kraynik said Upper Merion picks up loose leaves now with highway personnel and he does not see that changing if we ever do a municipal collection because the refuse personnel will be picking up refuse the same days as personnel who are picking up loose leaves.

Mr. Kaasman commented about municipal collection and the camaraderie that develops with residents.

Mr. McGrory pointed out with a municipal collection, the municipality is

able to choose the level of service they wish to provide for their residents.

Mr. McGrory commented his legal experience indicates the single hauler system has problems that are not anticipated as well as increased costs that are hidden - "soft" costs.

Mr. Kraynik commented people are very protective about their trash collection, especially if they are used to something that they have been working with for a long time. People are going to be very loathe to change. He also agreed that people like their trash collectors and get to know them. His belief is it will go somewhere by the wayside as automated collection comes in because they will no longer see two people on the back of the truck as they do now.

Mrs. Spott asked for the consensus on this subject and whether it should be investigated more to check out what the options are.

Mr. Jenaway agreed it is worth a second look, and said it needs to be segregated so that leaf collection can be looked at differently than trash collection and recycling.

Mr. Waks concurred as well with this course of action.

Mr. Kraynik asked if staff should review one or both municipal and single hauler.

Mr. Jenaway said he would be interested in the management and overhead requirements involved in municipal hauling.

Mrs. Kenney asked overall in terms of true cost to the consumer which option is cheaper when looking at "apples and apples", municipal versus single hauler. Mr. Kaasman responded he believes the single hauler contract would be less, but residents would be getting less of a service. That is typically what he sees in a municipal collection program. He said contracts are cheapest because they provide the minimum baseline requirement to satisfy the program.

Mr. McGrory commented this cannot necessarily be measured. If personnel are not on a trash truck and if it snows they are getting on a snow plow so there are cross services.

Mr. Philips asked if the focus of the presentation was municipal. Mr. Kaasman responded if you want to have a great program, municipal collection is the way to go. If you want a cost effective program and maybe meet the minimum requirements, then single hauler is the way to go. He pointed out, "you are never going to know until you go out and compare apples to apples and go out and do the research."

Mrs. Spott asked staff to provide an analysis of both options.

CLEAR CHANNEL AGREEMENT

Matt Bradley, Clear Channel, stated before the economic downturn at the height of that contract Upper Merion was receiving \$190 per shelter. The economic downturn has caused a 60% drop in revenue and the company is asking the township to consider a five-year contract taking the revenue from \$190 to \$76 per shelter. Annually this will equate to a loss of \$58,000 a year. Clear Channel is asking that the township honor this new contract which is consistent with what they are asking other township's to consider. Mr. Bradley indicated there would be no further reduction, but there would be no opportunity for an increase.

Considering the \$58,000 loss in revenue, Mrs. Spott asked how much is left for a total revenue with the proposed new contract. Mr. Kraynik responded the township would receive approximately \$63,000 in revenue. Upper Merion has almost 70 shelters which is the most of any community with a Clear Channel agreement. He pointed out these shelters are very much a key part of the community in view of the transportation system and people coming in and out of the business parks.

There was a discussion about the importance of bus shelters to the traveling public in this community.

Mrs. Spott mentioned the Tricentennial celebration, and an open issue is Clear Channel's involvement helping to publicize in some way.

Since the contract expires at the end of the year, Mr. Kraynik noted at the meeting with Dan Murphy on November 7th it was agreed to hold the current terms until January at which time the revenue would be adjusted.

After review by the Solicitor, this matter will be on the Board's agenda for consideration in January of next year.

ANNUAL RENT FOR TAX OFFICE SPACE

Mrs. Spott stated this issue is on the agenda for a couple different reasons. Under the current statute any changes to the remuneration for the elected Tax Collector must be done prior to February 15 which is when petitions are due for candidates running for that office. This is done so that anyone interested in running for that office has sufficient notice and an understanding of the economics involved. The other reason is the Tax Collector is an independent contractor, a third party, using space in township facilities and, as such, is no different than any other third party leasing space from the township. It is timely to address handling charges for third parties as the township moves forward with the Community Center.

Mrs. Spott emphasized that whatever is ultimately decided going forward does not affect the current Tax Collector as this will go into effect in 2014 for the

incumbent at that time which may or may not be the current Tax Collector.

Mr. Wagenmann noted that an evaluation was obtained indicating that the 540 square-foot Tax Collector office consisting of two rooms should garner \$19 per square foot per year in the market which represents a gross rent including utilities. The current square footage of the tax office space would rent out at \$10,260 a year or \$855 a month. In moving to another space such as the old Park and Recreation Office, the square footage would drop by 100 square feet and these numbers would be adjusted and used in computing the rent.

Mrs. Spott stated there has been a longstanding need for that office space for the township's own administrative uses and there could be an option to offer less space for the tax office. She suggested the correct process in going about this is to obtain an expert opinion in the field to set rental rates going forward for the tax office space as well as Community Center third parties.

Mr. McGrory provided the case law with regard to a tax collector's compensation and a discussion ensued about the various related issues, including space needs. The issue of collection of interim bills was raised and discussed. Input was also provided the Solicitor as to what should be included in the compensation resolution.

WAIVER OF FEES FOR HARDSHIPS

Mrs. Spott stated this issue arose because of an HOP permit waiver request for a resident on Prince Frederick for a second driveway on the other side of their house. She indicated the request did not fit into any of the waiver requests that are currently allowed which are basically for charitable organizations organizations. The request was made because an occupant has a physical limitation, and it became a subject of discussion at the Chair meeting as to where the line should be drawn on what is allowed and disallowed and at what level of hardship.

A discussion ensued whether to expand waiver considerations to these types of claims, and if so, how they are defined, would economic criteria be considered, or is this not an area the supervisors will get involved in.

With regard to economic criteria, Mr. Waks pointed out the reason why the Community Fund is not going to hand out individual checks to people who have medical issues or individual checks to people with financial issues because the Board does not want to be reviewing medical or financial issues and records.

Mr. Jenaway noted the township was already very accommodating to the residents with the approval of the second driveway, but the township did not agree to pay all associated fees.

The Board was in agreement to deny the request.

BOARD POLICY - FLEET VEHICLES

Mr. Jenaway stated while all the conceptual issues have been dealt with in regard to township vehicles, a thorough reading provided another area for clarification. He referred to page 7 where it indicates, "the assigned fire company vehicles are not to be used for commuting to/from work outside of Upper Merion Township." He noted there are four members who actually are involved in Bridgeport and due to the fact that Upper Merion surrounds Bridgeport it might be reasonable to say, "...to/from work outside of Upper Merion Township/Bridgeport Borough." Mr. Jenaway explained there are many members of Bridgeport Fire Company who are also members of the King of Prussia Fire Company and vice versa and they are starting to live in both communities.

Mr. Philips commented if someone damages a township vehicle under the influence of drugs or alcohol, there should be a higher penalty if they test positive.

Mrs. Spott asked about the HR policy if an accident occurs at work or operating a township vehicle or machinery, and if a drug and alcohol test is administered. Mr. Wagenmann responded as a standard policy, drug and alcohol tests are done after vehicle accidents, including heavy machinery.

After a discussion with regard to drug/ alcohol testing and disciplinary measures, Mr. Jenaway commented disciplinary actions will be up to the discretion of the Township Manager and department heads, consistent with the township's drug and alcohol policy.

With regard to the issue of markings on township vehicles, Mr. Jenaway checked with several major communities similar to Upper Merion in size around the region. The policy which is most adhered to is that the employee residing outside the municipality takes the marked vehicle to a municipal facility closest to the municipality's border where the vehicle is left.

A discussion followed about non-police take home vehicles. The supervisors questioned the need for a Park and Shade Tree employee to take a pick up vehicle home on a daily basis. Mr. Kraynik will reevaluate and determine why it is being done now and if it should continue.

The discussion then focused on the pro's and con's of the need for the Fire Marshal and Fire Inspector to take township vehicles to their homes outside the township.

There was agreement with the draft policy changes marked in red and the policy will be finalized and scheduled for consideration by the Board of Supervisors.

Mrs. Spott noted that a broader discussion at some point in the new year will be held about vehicles in general and the positions requiring assigned

vehicles.

COMCAST FRANCHISE AGREEMENT

The issue was tabled for further discussion. Mr. Wagenmann indicated a number of questions still need to be addressed.

HIGHWAY PROJECTS

Mr. Wagenmann provided an overview and status reports on all the active highway projects. Highlights as follows:

- Church Road Bridge Replacement - in final design and project should go out to bid next year.
- River Crossings Complex -
 - bicycle pedestrian trail which replaces the old Singing Bridge in final design and agreements were approved with the National Park Service (NPS). NPS will take the bridge back once it is constructed and will own and maintain it. Construction money is available and should go out to bid in first quarter of next year.
 - Trooper Road Interchange will be a full directional interchange. It is in final design and should go out to bid next year.
 - 422 corridor project has design money, but there is no money for construction. The funding logjam with regard to funding at the state level may be changing and follow up is needed to push for funding. The cost estimate of this project has climbed from \$150 million to \$180 million.
 - Realignment of North Gulph Road to improve the capacity of the intersection at the entrance to the Valley Forge National Historical Park and also the interchange itself, but that can only happen if the ramp is relocated because they need the right-of-way.
- Trout Creek Bridge - If the funding logjam breaks free this is one of the projects to push for funding.
- South Henderson Road Widening - making good progress - finished right turn lane for east Church road coming westbound to get onto Henderson Road. New signal equipment and poles to be delivered December 5th. Wearing surface and actual final line marking will not take place until spring.
- South Henderson Road (up the hill to the new interchange)- preliminary design; however, no construction money available. Some rights-of-way need to be obtained.
- South Gulph Widening - in final design - rights of ways were obtained from the cemetery. This is a PIB loan - Home Depot provided \$400,000 plus toward the cost of this project.

Mrs. Spott asked if there is any public comment. Hearing none, she asked for a motion to adjourn. Mrs. Spott reported an Executive Session will be held

following this workshop to discuss personnel issues.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the workshop meeting at 11:05 p.m. None opposed. Motion approved 5-0.

RONALD G. WAGENMANN
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: