

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
MARCH 25, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, March 25, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:37 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. McBride, seconded by Mr. Waks, all voting "Aye" to approve the March 4, 2010 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

Board Comment:

Mrs. Spott indicated that while her recusal on both matters [minor plan UGI and Gulph Mills Racket Club] before the Board of Supervisors on March 4, 2010 is noted in the minutes, it was requested that the written memorandum filed in this regard be attached to the minutes. [written memorandum has been attached as requested].

CHAIRMAN'S COMMENTS:

Chairman Bartlett commented on an executive session dealing with litigation and personnel.

NEW BUSINESS

UPPER MERION AREA SCHOOL DISTRICT BOARD UPDATE

A member of the Upper Merion Area School District Board, vice chair Marie Knox reported on recent activities at the school district in the areas of music and science.

PRESENTATION OF WASTE WATCHER AWARD TO UPPER MERION TOWNSHIP

Chris Kaasmann, Montgomery County Recycling Coordinator, presented the Board of Supervisors with the 2009 Waste Watcher award from the Professional Recyclers of Pennsylvania (PROP). Upper Merion Township is receiving this award for the 10th consecutive year for community outreach, public education and continued excellence in recycling. Specifically mentioned was UMGA-TV's Upper Merion's Good Neighbor Program hosted by Carla Showell-Lee wherein residents and businesses are recognized for providing a positive example of environmental awareness.

RECOMMENDATION RE: NAME FOOTBALL FIELD AT HEUSER PARK IN
MEMORY OF DAVE AND MARY VANICELLI

Dan Russell, Park and Recreation Director, stated that at the March 9, 2010 meeting the Park and Recreation Board unanimously voted to recommend that the football field at Heuser Park be named in memory of Dave and Mary Vanicelli. The Vanicelli's were not only residents of Upper Merion Township but were the founding members of the King of Prussia Indians Football Association. Their legacy and contributions will remain with the countless children and coaches who have had the benefit of their combined one hundred years of volunteer service to the township.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to approve the name of the football field at Heuser Park in memory of Dave and Mary Vanicelli. None opposed. Motion passed 4-0.

Board Comment:

Prior to the vote on the Consent Agenda, Mr. McBride asked for approval to remove item #4 for a separate vote in order to clarify the wording.

CONSENT AGENDA:

1. Permission to Advertise Hearing re: Ordinance to Establish the King of Prussia Business Improvement District. *Special Meeting Date – May 13, 2010 at 5:30 p.m.*
2. Resolution 2010-6 re: Fishing Rodeo. *This will be held on April 3, 2010, sponsored by the Optimists Club and is limited to individuals 15 years of age and younger.*
3. Authorization to Proceed re: RFP – Engineering Firm – Subdivision/Development Plan Applications.
4. GVF – GIS Services Proposal. *Ms. Vicchio explained that the Greater Valley Forge Transportation Management Association will temporarily provide geographic information system (GIS) services for the township in lieu of Brody Bovero [who has assumed a position as Township Manager, Thornbury Township, Chester County]. Based on 30 hours of service the monthly fee would not exceed \$750. The rate for special projects would be \$25 per hour plus cost of any additional materials. The agreement would be for four months at which time a recommendation would be made by the Township Manager for a more permanent solution.*
5. Purchase Recommendation re: Replace Lafayette Ambulance 317-2 VCI Emergency Specialists Inc. - \$95,804.00 Department of General Services Costars Contract Account #18411-07431 – Fire Apparatus Fund. *Mr. Bartlett noted that this has already been budgeted and planned for.*
6. Acceptance of Resignation re:
 - a. Jessica Etezady – Economic & Community Development Committee
 - b. Catherine McBride – Police Citizen Advisory Board
7. Approval re: Farmers Market Budget. *Mr. Bartlett explained that this is a temporary loan for start up.*

Board Action:

It was moved by Mr. McBride, seconded by Mrs. Spott, all voting “Aye” to approve the Consent Agenda items #1, #2, #3, #5, #6 and #7 as submitted. None opposed. Motion approved 4-0.

Board Discussion following the vote:

Mr. Joseph Pizonka, Township Solicitor, commented that the dollar amount for the Farmers Market should be specified [Consent Agenda item #7].

Mrs. Spott stated that the Farmers Market Committee is confirmed with \$3,156 in vendor fees and as additional vendors join that amount could be higher. Mrs. Spott also noted receipt of individual donations as well as a corporate donation drive that is underway. Total revenues to date amount to \$3,571. Purchases anticipated during this initial phase total \$1,610 with a net balance of \$1,961. Mrs. Spott pointed out that the \$1,961 is a plus amount for the township and it is hoped would be left over at the end of the year, if not more.

Mr. McBride asked for additional clarification. Mrs. Spott explained that the Director of Finance would set up an account and it is anticipated that by the end of the year expenses would total approximately \$1,600-\$1,700, with revenues in the range of \$3,500, leaving a positive balance for the township close to \$2,000. Mrs. Spott wanted to make it clear that the intent of the Farmers Market Committee has always been to be a self sustaining and positive enhancement to the township in many ways, not just monetarily.

Mr. Bartlett commented that there is a lot of interest in the farmers market and this is simply up front start up and he did not anticipate any problem.

Board Comment with regard to Consent Agenda item #4

Mr. McBride clarified that the proposal in Consent Agenda item #4 should read “up to 30 hours per month not to exceed a total of \$750 on a month to month basis.” He explained that the township would not be billed for 30 hours every month, but rather it would be up to that amount.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Waks, all voting “Aye” to approve Consent Agenda item #4, as modified. None opposed. Motion approved 4-0.

HEARING RE: ORDINANCE AMENDING CHAPTER 137, REMOVAL OF SNOW AND ICE, OF THE UPPER MERION TOWNSHIP CODE, ARTICLE I, AS IT PERTAINS TO THROWING, SHOVELING, PUSHING OR PLOWING SNOW ONTO ROADS, STREETS OR SIDEWALKS

Mr. Joseph Pizonka, Township Solicitor, stated that notice of this hearing was published in the Times Herald on March 17, 2010.

Ms. Judy Vicchio, Assistant Township Manager, was sworn in and stated that this amendment to Chapter 137, Removal of Snow and Ice of the Upper Merion Township Code at Subsection 137-1 is being deleted in its entirety. She explained that a phrase in the original printing made it very difficult to enforce. The problematic phrase indicated, “with the intent of allowing such snow to remain on such roads, streets and sidewalks or right of ways.” With this wording when the officer approached the offender they could say they intended to move it. The Police Department recommended that the amended ordinance now read,

“it shall be unlawful to throw, shovel, push or plow snow into, across or upon any roads, streets or sidewalks or Township rights-of-way within the Township.”

Mr. Waks inquired about the penalty for violation of the ordinance. Mr. Pizonka indicated that he would have to check.

BOARD ACTION:

It was moved by Mrs. Spott, seconded by Mr. Waks, all voting “Aye” to approve the ordinance amendment as presented (Ordinance No. 2010-789). None opposed. Motion passed 4-0. Ordinance No. 2010-789 was adopted and will be filed in Ordinance Book 15.

PHASE I DEVELOPMENT/SUBDIVISION PLANS RE: YSC REAL ESTATE, LP. DEVELOPMENT PLAN. 224 COUNTY LINE ROAD DEMOLITION/RENOVATION & EXPANSION OF EXISTING INDOOR SPORTS FACILITY. EXISTING: 26,853 SQ. FT. NEW CONSTRUCTION: 59,846 SQ. FT. TOTAL: 81,861 SQ. FT. AG – AGRICULTURAL DISTRICT, 7.47 ACRES. Plan expiration: June 8, 2010

Mr. Rob Loeper, Township Planner, stated that the subject property is approximately 7 acres in an AG – Agricultural District. He indicated that it has always been used as a recreation facility. It was originally the Delaware Valley Swim and Tennis Club, more recently Rocket Sports, and is now a YSC facility which focuses on youth sports activities.

Utilizing the aerial, Mr. Loeper pointed out the features of the property as it is currently configured. He indicated that the applicant is proposing to demolish the small buildings and construct a large building comprising 81,000 square feet under roof. In order to achieve this the applicant received a variance from the Zoning Hearing Board to exceed the allowable building coverage. The building coverage is approximately 26% and the Agricultural District allows 10%.

Mr. Loeper pointed out that the current applicant has made a very concerted effort to talk to and work with the neighbors to address issues and concerns that they have. This was addressed last night at the Planning Commission by a few residents of the neighborhood who were in attendance.

Because of the configuration of the site, the applicant is requesting several waivers, most of which relate to landscaping. Mr. Loeper pointed out that the area to the east is owned by the Township and is largely wooded. The waivers deal primarily with buffer plantings. Since a lot of the plant material cannot fit on the YSC site, the applicant is proposing to plant these on the neighbors’ properties which are on the other side of the railroad. Mr. Loeper highlighted the neighboring properties on the aerial where there is dense vegetation.

Mr. Loeper stated that the Upper Merion Planning Commission provided a favorable review. Plans have been submitted to the Township Engineer for review as well as the Montgomery County Planning Commission.

Referred back to staff.

PHASE III DEVELOPMENT/SUBDIVISION PLAN RE: SCOTT ALEXAKI (ROYAL OAKS – AMENDED PLAN). SUBDIVISION PLAN. 340 ROSS ROAD. 3 LOT/5 UNIT SUBDIVISION (ONE EXISTING TRIPLEX HOME TO REMAIN, TWO SINGLE FAMILY HOMES PROPOSED). 1.92 ACRES, R-2. Plan expiration: Indefinite

Mr. Loeper stated that this plan has been reviewed several times recently. Utilizing the aerial he pointed out the location of the triplex which dates back to

the 1920's and was rebuilt over the last several years. The proposed subdivision includes two new single-family homes in the front area of the property. The key issue has been the sight distance for the existing driveway for the triplex and not for the proposed driveways. Mr. Loeper pointed out that the proposed driveways for the new lots meet all the sight distance requirements. In response to additional concerns about the sight distance from the existing driveway meetings were conducted with township staff, engineers and the applicant to determine the best way to alleviate the issue. The applicant has agreed to do additional grading within the right of way to the east of the site. Plans were reworked and submitted to the Township Engineer and Township Traffic Engineer for further review and based on that they both came back and indicated that they were satisfied that the minimum sight distance requirements were met.

Mr. Loeper provided some highlights of the three-lot subdivision plan. He indicated that Lot 1 contains the existing triplex and Lots 2 and 3 are for new single family homes each with their own driveway. The applicant will be meeting all of the requirements for parking and circulation. Sidewalks are proposed along their portion of Ross Road.

The significant changes that were made since the beginning of the plan were the overall layout and the grading on Ross Road to raise the low point of the road for better sight distances as well as for better operation of the stormwater management system.

Mr. Loeper explained that presently this property carries a large volume of stormwater runoff from Valley Forge Road and eventually discharges into a natural drainage. Improvements on the upper portion of the property include the regrading of the existing stormwater swale and installation of a new inlet and pipe to ensure that the stormwater will be conveyed to the system in Ross Road.

Stormwater for the two new lots will be conveyed to underground basins and discharged to the Ross Road system.

The site contains a number of large trees. Mr. Loeper pointed out that the applicant asked the Township Engineer to look at some possible changes to grading in order to save some additional trees including a very large sycamore on the site. The applicant will also be providing a fair number of additional plantings.

The applicant will be required to pay the fee in lieu of dedication of open space for the two new single family homes.

There is a waiver from Section 140-10.A(2) to allow grading within five feet of the property line which is primarily along the western property line to reestablish a swale that has become eroded and overgrown over the years.

Staff requests the Board of Supervisors consider the following conditions:

1. The applicant shall address all comments in the November 3, 2009 CMX review letter to the satisfaction of the Township Engineer prior to final plan approval. *Mr. Loeper noted that would also extend to subsequent review letters.*
2. No building permit shall be issued until the owner has executed a Highway Traffic Capital Improvement Assessment Agreement with the Upper Merion Township Transportation Authority. *This applies to the two new dwellings.*
3. The applicant shall provide a fee in lieu of dedication of parkland and open space. *This applies to the two new dwellings.*

4. The applicant shall certify that the stormwater management system has been built as approved by the Board of Supervisors and Township Engineer.
5. The applicant shall conduct a post construction measurement to assure the proposed sight distance for the existing driveway meets minimum requirements.
6. The plans shall be recorded in accordance with the Pennsylvania Municipalities Planning Code.

Mr. McBride commended the applicant on addressing the issues that came up at Phase II.

Mrs. Spott commented that Ross Road is a heavily traveled road where the speed limit is often exceeded. She questioned the sight distance and asked if this has been taken into consideration in reviewing sight distances. Mr. Mike Rufo (principal) responded that the speed was increased to 36 miles per hour which is the average speed along Ross Road.

Mrs. Spott asked if the Township Traffic Engineer is in agreement with that assessment. Brian Keaveney responded that the 36 mile per hour that Mr. Rufo referenced is actually the 85th percentile speed which was studied by the police department. He explained that study revealed that 85 percent of the traffic on Ross Road is traveling at 36 miles per hour or below. That is generally the basis for establishing what the required sight line would be and that is what the applicant has shown can be accomplished with the plan.

Mrs. Spott commented that the effort of the applicant to save existing trees on the site is appreciated.

Mr. Bartlett stated that the sight distance issue on Ross Road has been of concern and he asked the Township Traffic Engineer for his professional opinion if this is the best way to alleviate the situation. Mr. Keaveney responded that he is comfortable with the sight distance from the standpoint that the improvement that the applicant has made is a significant improvement over the existing sight distance.

Mr. Bartlett asked if this means the situation is okay now. Mr. Keaveney responded, "once the embankment is graded back."

Board Action:

It was moved by Mr. McBride, seconded by Mr. Waks, all voting "Aye" to approve the Phase III subdivision plan, with six conditions. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable [for invoices processed from February 9, 2010 to March 13, 2010, in the amount of \$1,033,562.70] and the Payroll [for February 5 and February 19, 2010 in the amount of \$1,186,406.68 for a total of \$2,219,969.38]. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

TOWNSHIP ENGINEERING SERVICES

Mr. McBride stated that under the Consent Agenda the Board of Supervisors approved the authorization to proceed with an RFP for an engineering firm to review subdivision and development plan applications on behalf of the township. He explained that the engineering firm currently serving the Township known as CMX and represented by Russ Benner will no longer do business after May 11, 2010. In the interim, Mr. McBride proposed that the Township reappoint Russ Benner as the Township Engineer with his new corporate affiliation, T&M Associates. The entire staff that currently serves the Township will be employed by T&M and the 2010 rate schedule will be maintained. Mr. McBride proposes that this be done on a month to month basis while the RFP process goes forward.

Board Action:

It was moved by Mr. McBride, seconded by Mr. Bartlett, all voting "Aye" to approve the retention of T&M Associates; reappoint Russ Benner as the Township Engineer with his supporting staff to continue the relationship with the Township on a month to month basis at the same rates. None opposed. Motion passed 4-0.

E-NEWSLETTER

Mr. McBride stated that the Media Communications and Advisory Board project to expand the subscriber list of the E-Newsletter has doubled the readership to over 1,300 participants. He encouraged the public to sign up for the E-Newsletter and take advantage of the ongoing raffle opportunity for new participants. Prizes will be awarded sometime in April.

MARQUIS APARTMENTS

Mr. McBride commented on the failure of Marquis Apartments to fix code violations. He encouraged a more proactive approach to these problems and asked for their cooperation in making the necessary repairs.

From the Public:

Gene Lonchar, Swedeland, commended the township snow removal staff. *Mr. Waks added comments that he had an opportunity to go to the snow removal emergency center during the snow storm and commended the work of the public works staff and township employees staffing the snow emergency desk.*

Mr. Roland Urbano, King of Prussia, commented on the Farmers Market location and asked questions about the operation of the market. *Mr. Bartlett and Mrs. Spott responded to these issues.*

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:36 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered:

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