

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
AUGUST 18, 2011

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, August 18, 2011, 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, Bill Jenaway, and Erika Spott (arrived late). Also present were: Ron Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner; Russ Benner, Township Engineer; Judith A. Vicchio, Assistant Township Manager.

CHAIRMAN'S COMMENTS:

Chairman McBride reported on an executive session dealing with litigation.

NEW BUSINESS

PROCLAMATION RE: EAGLE SCOUT – MATTHEW K. MATCOVICH

On behalf of the Board of Supervisors, Chairman McBride read a proclamation in recognition of the efforts and dedication of Eagle Scout Matthew K. Matcovich. Matthew rehabilitated the trail between Heuser Park and Bob Case Park which had become hazardous due to ravines created by flooding along the pathway. His Eagle Scout project consisted of filling in the ravines and leveling the ground on both sides of the pathway for a length of 400 yards. Grass seed was also added to help retain the soil for future conservation. Matthew was unable to attend the meeting and his mother accepted the proclamation on his behalf.

PROCLAMATION RE: SEPTEMBER – OVARIAN CANCER AWARENESS MONTH

On behalf of the Board of Supervisors, Mr. Ron Wagenmann, Township Manager, read and presented a proclamation to representatives of the Sandy Rollman Ovarian Cancer Foundation and declared September Ovarian Cancer Awareness Month. Mr. Wagenmann also urged women to get annual physicals that are necessary and a part of the early detection process for this disease.

RESOLUTION 2011-911 RE: 10TH ANNIVERSARY OF 9/11

On behalf of the Board of Supervisors, Vice-Chairman Bill Jenaway read and presented a proclamation, memorializing the events of September 11, 2001, to Mark Ross, Chief, King of Prussia Fire Company, Gerry Dolga, Chief, Swedesburg Fire Company, Chris Camarda, Chief, Swedeland Volunteer Fire Company, Lt. Tom Nolan, Upper Merion Police Department, and John Waters, Chief, Fire Marshal. The Resolution asks citizens to join in a moment of silence at this meeting as well as at 9:59 a.m. on September 11, 2011. Mr. Jenaway noted the loss and remembered the courage of two of his friends in this tragedy – Deputy Chief Tom Langone Roslyn Park Fire Department in Long Island who was also a police officer in New York and Chief Ray Downey who was Chief of Special Operations for the New York Fire Department. Mr. Jenaway recalled that on September 11, 2001, there was a call for a variety of resources for New York City. Upper Merion Township sent two pieces of equipment as part of a supply service team from Montgomery County that included one piece of fire apparatus from King of Prussia and an ambulance from Lafayette Ambulance. A moment of

silence followed.

PRESENTATION RE: KING OF PRUSSIA VOLUNTEER FIRE COMPANY – 9/11 MEMORIAL

Bob Smull reviewed the history of the 9/11 Memorial which is being constructed at the King of Prussia Volunteer Fire Company, 170 Allendale Road. The memorial will include two pieces of steel recovered from the World Trade Center. He also discussed fund raising efforts, showed architectural renderings of the Memorial, and noted the Memorial's dedication will be held on September 11, 2011 at 2:00 p.m. The public is invited to attend.

Mr. McBride commended the efforts of those involved in making this memorial a reality. He recalled that he was present when the steel was delivered and shared some personal reflections on the loss of a good friend. Mr. McBride encouraged residents to visit the 9/11 memorial this coming September 11 and become part of the effort by making a contribution.

For the benefit of those watching the meeting proceedings, Mr. Waks asked for information on making a donation to the project. Mr. Smull responded that contributions can be made to the KPVFC 9/11 Memorial Committee at 170 Allendale Road, King of Prussia, PA 19406 or at www.kpvfc.com where a link is provided for a printable form to order bricks.

Mr. McBride asked township staff to work with the King of Prussia Volunteer Fire Company to publicize the 9/11 Memorial project and event on the Government Access Channel, the township E-Newsletter and any materials that go out by U.S. mail. Mr. Smull responded that township staff have already been a great help in this regard.

Mr. McBride asked how the Township could participate in sponsorship in some way.

Mr. Bartlett stated he would like to make a motion that the township support this activity with a \$5,000 sponsorship with \$3,000 in cash funds and the remaining \$2,000 will be in service and other resources.

Mr. McBride commented that the second part of the motion would be to facilitate such items as informational signage around the township on state highways and the Township's resources with PennDOT.

Board Action:

It was moved by Mr. Bartlett, seconded by Mr. Waks, all voting "Aye" to approve the \$5,000 donation as stated above. None opposed. Motion approved 5-0.

CONSENT AGENDA:

1. Equipment Replacement Request re: Replace Snow Plow - \$10,000
2. Equipment Replacement Request re: Replace Toxic Gas Monitor - \$1,440

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Bartlett, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 5-0.

LIBERTY CELL TOWER AGREEMENT

Joseph Pizonka, Esq., Township Solicitor, stated that some time ago Liberty Towers approached the Township about constructing cell towers on two possible sites: one at Heuser Park and the other at the Township Building. He commented on the background of the cell tower agreement and stated that there are two possible lease structures available in these arrangements. The first is a basic rent lease and the second type is a gross revenue in which the Township would share in the revenue generated by the towers. Both options have their advantages and disadvantages. The Township Solicitor and Township Manager will negotiate the final terms and submit a recommendation to the Board of Supervisors for consideration at the September 8, 2011 Business Meeting.

Mr. Waks asked for clarification about the locations of the proposed towers. Mr. Pizonka responded that the Township has a lease proposal for one site at the Township Building and the second possible site at Heuser Park. He noted that a lease proposal has not yet been received for the Heuser site. Mr. Wagenmann provided more specifics and indicated that the site at the Township Building would be located toward the corner of Henderson and Valley Forge Road. The proposed site at Heuser Park would be located to the west of the park in the area of the Township's former composting operation. He pointed out that it would not be in the immediate vicinity of active area of the park.

Mrs. Spott asked for clarification about the type of tower proposed at the Township Building. Mr. Pizonka responded that a monopole is proposed at this location. Mr. Wagenmann noted that the tower at Heuser Park would probably be a monopole as well.

PLAN AMENDMENTS/MINOR PLANS RE: THE PLAZA AT KING OF PRUSSIA. SULLIVANS RESTAURANT. 700 W. DEKALB PIKE. RESTAURANT EXPANSION ±750 SF PRIVATE DINING ROOM AND PATIO, SC – SHOPPING CENTER, 127 ACRES

Mr. Rob Loeper, Township Planner, stated that Sullivan's Restaurant has submitted an amendment to the Land Development Plan, The Plaza at King of Prussia. The amended plan is for the expansion of the Sullivan's Steakhouse located at the corner of DeKalb Pike and Mall Boulevard.

The applicant is proposing to construct a ± 750 square foot addition for a private dining room in the front of the building and an adjacent dining patio. Utilizing the aerial, Mr. Loeper pointed out the entrance to the building, the area of the building containing the bar, restaurant, kitchen and service areas. He noted that the back of the building does not have any public entrance. There will be no changes to the roadway access; however, the driveway along the DeKalb Pike frontage will be eliminated. The removal of this internal driveway will result in an awkward access for the four parking places located at the rear of the restaurant. The management indicated that these spaces would be used either for staff or valet parking and the have indicated they would have no problem assigning them as such.

There is no increase in impervious. Additional landscaping will be provided that was not shown on the plan. Staff has reviewed the plans, found them to comply with township codes, and are prepared to issue approvals pending comment from the Board of Supervisors.

Without further comment from the Board of Supervisors, the minor plan is able to proceed.

REQUEST FOR PUBLIC HEARING RE: CONDITIONAL USE. INDEPENDENT MORTGAGE COMPANY. 338 ROSS ROAD, CLUSTER OVERLAY. CONVERT EXISTING 4-UNIT GARAGE INTO TWO DWELLING UNITS, SITE HAS EXISTING 3-UNIT STRUCTURE. R-2 RESIDENTIAL DISTRICT, 59,980 (HEARING DATE – SEPTEMBER 8, 2011)

Mr. Loeper stated a hearing is requested for conditional use to allow the cluster overlay to be applied to a subdivision located on Ross Road. He explained that the subdivision took several years to go through the process and involved a fairly large parcel containing an existing triplex. The subdivision created two additional lots with Ross Road frontage for single family dwellings which have not been constructed. The property was a victim of the financial downturn and has now been taken over by the bank. Mr. Loeper noted that the site contains a four-car garage with a finished floor above with electricity and all the services that was built on the back of the parcel adjacent to the triplex. The question became what would happen to the two-story garages. The current owner approached the township with their attorney to inquire about the possibility of converting the four-unit garage into one or two additional dwelling units. A meeting was held with the planning subcommittee and the reaction was to come back and do the cluster overlay. The density requirements would be met; however, it is still uncertain if one or two units would be requested because of other issues going on. A public hearing is requested in order for the Board of Supervisors to hear evidence to allow one or two additional units. Mr. Loeper pointed out that at the Upper Merion Planning Commission unanimously felt that this was a good solution to a potential issue and would probably fit in very well. Mr. Loeper asked the Board of Supervisors for authorization to advertise for a September 8, 2011 hearing.

Mr. Waks asked how residents who live on Ross Road would be informed about this matter. Mr. Loeper responded public hearing notices will be send in accordance with established procedures.

Mr. McBride commented that if the hearing is approved for September 8 the applicant should come in with definite plans so that the Board of Supervisors can ask specific and relevant questions.

Board Action:

It was moved by Mr. Bartlett, seconded by Mr. Jenaway, all voting "Aye" to approve the hearing date of September 8, 2011. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mr. Bartlett, all voting "Aye" to approve the Accounts Payable for invoices processed from July 7, 2011 to August 4, 2011, in the amount of \$805,379.97 and the Payroll for July 8, 2011 and July 22, 2011 in the amount of \$1,331,835.67 for a total of \$2,137,215.64. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

RESOLUTION 2011-21 – SEWAGE FACILITIES AND 537 PLAN REVISION

Mr. McBride asked the Board to readopt Resolution 2011-21 because the state requires a current date on the Resolution. .

Board Action:

It was moved by Mr. Bartlett, seconded by Mrs. Spott, all voting "Aye" to approve Resolution 2011-21. None opposed. Motion approved 5-0.

FARMERS MARKET, COMMUNITY AND CULTURAL FAIR, 9/11 MEMORIAL

Mrs. Spott commented on events at the Farmers' Market, the Community and Cultural Fair to be held on Saturday, September 10, 2011 as well as the 9/11 Memorial to be held on Sunday, September 11, 2011.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: