

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
WORKSHOP MEETING  
SEPTEMBER 13, 2012

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, September 13, 2012, in the Township Building. The meeting was called to order at 7:32 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: Ron Wagenmann, Township Manager; David Kraynik, Township Manager Designee; Joseph McGrory, Township Solicitor; Judith A. Vicchio, Assistant Township Manager; Dan Russell, Director, Park and Recreation; and Angela Caramenico. Supervisor Spott was absent.

VICE CHAIRPERSON'S COMMENTS:

Vice Chairperson Waks reported an Executive Session was held prior to this meeting to discuss legal matters.

DISCUSSIONS:

DRAFT ORDINANCE RE: GREEN INITIATIVES IN THE ZONING ORDINANCE

Mr. McGrory, Township Solicitor, presented an ordinance concept to the Board of Supervisors that promotes the utilization of optional sustainable building practices driven by bonus incentives to encourage conservation of energy and water by allowing for such things as increased percentage of building coverage, lot coverage, impervious or possibly setback density. A list of sustainable building practices was provided the supervisors, and Mr. McGrory explained the two-tier bonus system. He said the Township Planner is of the opinion that this concept will not work since the township already has generous dimensional criteria in the code and because of that there is no incentive to use sustainable building techniques. Mr. McGrory's position is to reduce the generous dimensional development criteria in the code to something more in line with other townships thereby providing an incentive to use sustainable building practices. Mr. McGrory recognized each argument has merit. Mr. McGrory pointed out in the long run, reducing criteria by about 5% would actually help stormwater management.

A discussion followed wherein questions were raised about whether or not the township is overly generous with such things as density, building and impervious coverage and in either case how incentives could still be provided to builders.

Mr. McGrory explained the ordinance was not tied into LEED's certification in order to obviate the need to monitor LEED's certifications.

Mr. Philips asked if there is a township registry of existing non-conforming buildings. Mr. Wagenmann responded in the negative.

Mr. Philips suggested it [the registry] may be something we need to do. Mr. Wagenmann stated it would be a good idea to have it since stormwater is an issue that will become more of a focus at the local government level because of federal and state regulations.

Mr. McGrory stated he wants the Green Initiatives to be voluntary for many reasons and he explained the zoning ordinance regulates zoning and use. It does not regulate development, development practices or building techniques. Mr. McGrory indicated he does not believe it is proper to have a zoning ordinance mandate building techniques as a requirement.

Mrs. Kenney asked for clarification about the bonus provisions and if it would include a reduction in permit fees. Mr. McGrory responded in the negative.

Mr. McGrory stated he is a proponent of sustainable construction and explained if there is a grass roof on a building stormwater is helped even though the building might be larger. He also explained an example of how he dealt with 65,000 square foot buildings or higher by conditional use and provided additional clarification about the two tier bonus system.

A discussion followed about the use of tax credits or fees as incentives and it was determined that it would not be feasible to do tax credit or fee incentives. Mr. McGrory pointed out this ordinance will be a start and a more eco-friendly approach to encourage this type of construction. It is proposed to use zoning and development criteria as the payback.

Mrs. Kenney asked if there is any municipality in Pennsylvania or other state that has adopted an ordinance like this. Mr. McGrory said he is not familiar with anyone in the area that has had it up and running long enough to measure its success. He said Upper Merion would be somewhat of a pioneer program that could be done by reducing some development criteria.

Mr. Philips commented Upper Merion's impervious coverage is more generous than some surrounding areas and there are some parts of the code that are more restrictive. Mr. Philips indicated his willingness to move ahead with this ordinance as is and make it an option.

Mrs. Kenney asked about the next step. Mr. McGrory responded once there is agreement on the philosophical direction, an ordinance will be drafted in consultation with the planning commission and presented for the Board's consideration.

Mrs. Kenney asked if the ordinance would be retroactive for a company

that might have received LEED certification. Mr. McGrory responded the ordinance would not be retroactive.

#### PRESENTATION BY T&M RE: MS4

Before beginning his MS4 presentation, Mr. Russ Benner, T&M Associates, offered comments about the “Green” ordinance. He indicated that last year a neighboring township adopted an overlay point system for sustainable design criteria. A developer came in with a proposal to change density. The township was not in favor of an outright change in density, but wanted a sustainable design criteria associated with it. T&M worked with a planner and came up with a LEED’s point system that was based sole on density.

Mr. McGrory indicated his familiarity with the project; however, he prefers tying the criteria into the zoning officer rather than LEED’s.

Mr. Benner addressed the Board on the status of the stormwater (Municipal Separate Storm Sewer System) MS4 program as the next permit cycle begins and provided a few key highlights. On August 30<sup>th</sup> the township submitted its Notice of Intent for the renewal of its general MS4 stormwater discharge permit. The township does have a number of impaired waters, a number of creeks that have been classified as impaired, but as of this date EPA has not associated any type of Total Maximum Daily Load (TMDL) with any of the waters or streams. It does; however, require the adoption in the ordinance of Best Management Practices (BMP’s) for any new discharges into the MS4’s in those particular creeks.

Mr. McGrory questioned whether BMP’s are already in the township ordinance. Mr. Benner responded there are some BMP’s, but more will have to be adopted. He said it will be necessary to start to focus on what the impaired requirement is. In these particular streams, the TMDL is urban runoff and sediment loading even though it has not been quantified as yet. Mr. Benner continued to explain it is not necessary to address anything as far as quantity goes. He said in some communities there are very specific reductions and very specific loading that have been specified. They have a certain poundage of sediment as a waste load allocation and then it has to be reduced by 20% to 30% depending on the specific requirement. Mr. Benner emphasized this is not the case in Upper Merion as yet.

Mr. Benner stated now that the township has impaired waters and it is recognized that there are no TMDL’s, he said he would be remiss in not saying there is a good chance in the next five or ten years the TMDL’s will be established for those impaired waterways which will place the township into new dimensional stormwater management.

As far as the current period, Mr. Benner said the good news is it will simply be necessary to require BMP’s in accordance with ordinance standards for new discharges. Under the stormwater management ordinance the Notice of

Intent (NOI) requires the enactment of the MS4 stormwater model ordinance that DEP has issued. Mr. Benner noted the model ordinance is not overly onerous and in moving forward it could just be adopted outright.

Following are points for consideration in adopting an ordinance:

- Does it make sense to adopt certain sections of the model ordinance in coming up with a new or modified township ordinance to start to refine the BMP requirements.
- How possible future TMDL requirements will affect the township ordinance if you want to start building things into the ordinance now.
- Credits are established for stormwater work done in the past that is over and above what is required by the ordinance or state regulations. These credits can go toward diminishing the amount of work that has to be done to meet the TMDL reductions.

Prompted by a question raised by Mr. Waks, Mr. Benner explained the TMDL process, the role BMP's play in the percentage of sediment reduction over a period of time and DEP's more active role in oversight.

Mr. Benner noted the NOI has been submitted and the next step is to compile an action list and prepare a proposal if T&M is to continue to work with township staff on these issues.

#### ANTI-DISCRIMINATION ORDINANCE

Mr. McGrory stated he used Lower Merion's ordinance as a model with a very simple amendment that states if it is a sexual orientation complaint, file here rather than get in the middle between the state Human Relations Commission and the complainant. The amendment just narrows the focus to cover a form of discrimination that is not currently covered under the Pennsylvania Human Relations Act in order to fill a void that currently exists under state law. This is a stop gap measure until the law adjusts for it.

Mr. Waks pointed out one of the differences between the Upper Merion and Lower Merion ordinance is that Lower Merion has a seven person Human Relations Commission and the Upper Merion proposed ordinance has five members. He also noted that religious organizations are exempt from this ordinance.

Mr. Waks stated the next step is to place it on the September 20<sup>th</sup> Board of Supervisors agenda for hearing advertisement for a hearing to be held on October 18, 2012.

Mr. McGrory asked if Mr. Waks is in agreement with five members, and Mr. Waks indicated that five is the right number.

Prompted by a question by Mr. Philips, there was a brief discussion about

service on more than one township board/commission. It was determined that the township already has a policy limiting service to one board at a time and the ordinance should match that policy.

Mr. Philips asked if a Solicitor will be required for the commission. Mr. Kraynik responded that the Solicitor will represent the Commission at hearings, but not at each meeting.

The ordinance allows up to \$10,000, and Mr. Wagenmann asked if guidance is given as to the level of the fine. Mr. McGrory responded it is purely discretionary and there are many layers before reaching actual fines. He explained the person is being given every conceivable way to remedy the situation before getting to that point.

Mr. Kraynik noted in his previous position a big point of discussion with their ordinance at the time was concern about giving citizens the ability to assess such a heavy penalty. He said while Lower Merion kept it in, most communities kept it out because of that concern. Mr. Kraynik asked if the Board is comfortable with citizens doing this.

Mr. Philips commented he is comfortable and pointed to jurors who take their job seriously and have the attitude if they are going to serve, they will be fair and do it correctly.

Mr. McGrory commented this ordinance has more “teeth” than he has seen in other ordinances, and it was modeled after Lower Merion partly for that reason.

Mr. Waks commented his initial concern was the enforcement arm and citizens fining businesses or land owners. However, he agreed with Mrs. Kenney’s position about the need for “teeth” in the ordinance and Mr. Philips’ comments that citizens currently as part of the jury system have the ability to fine people.

Mr. Wagenmann asked if appeals would be directed to the District Court or directly to Common Pleas. Mr. McGrory it would go directly to Common Pleas.

Mr. McGrory commented the only involvement he envisions for an attorney would be to make sure rules and procedures satisfy due process and represent the Commission at a hearing. The experience in Lower Merion is that there would not be a need to budget much for this as it was done by volunteers. Other than drafting and passing the ordinance there has not been any expense associated with it.

Mr. Jenaway said before the ordinance is enacted, it would be advantageous to have a discussion with the township insurance carrier to find out what types of claims they have had with Human Relations Commissions

throughout their operating network. Having the benefit of their experience in this area would be helpful.

A discussion ensued regarding the question of judicial immunity for the new commission. The point was made the statute is silent as to how this is handled since the ordinance fills a void in a statute and there is no case law.

Mr. Waks stated the Board will move forward in finalizing the ordinance.

#### UPDATE ON GOLD'S GYM - COMMUNITY CENTER

##### a. Stixx Agreement

Mr. Paul French, Partner, Stixx and a former member of the Philadelphia Wings American Indoor Professional Lacrosse Team, provided an overview of the Stixx indoor lacrosse experience as one of the fastest growing sports in the country and in this region where there is a real demand for indoor lacrosse. The problem is the lack of proper facilities to play indoor lacrosse.

Stixx management proposes to partner with the Philadelphia Wings and brand the Upper Merion Recreation Center as a "world class" recreational facility, but brand it to be a world class indoor lacrosse training center as well as field hockey. The demand for Indoor lacrosse is fall/ winter and indoor field hockey is winter/spring. Mr. French spoke about the advantages to the community and the various programs offered by high level instructors and coaches. Also discussed were the challenges to the site such as one full size rink which restricts tournaments. He proposed the best way to structure this agreement would be with a partnership between Stixx and Upper Merion with a percentage split to share in the upside of the camps, clinics, etc. that Stixx would bring to the facility.

Mr. French stated Stixx would bring lacrosse and field hockey to Upper Merion, an area that has not "jumped on the lacrosse scene yet." He said this partnership would increase the recreational programming for Upper Merion Township for people of all ages, even three and four years olds who would have a program called "First Steps."

Terms of the partnership/ license agreement/operating agreement are still being worked out.

Mr. Waks asked if field turf would be used. Mr. French responded in the affirmative. He said it would be like a hockey rink with turf which Stixx would construct.

Mr. Waks asked if the current bleachers could be retained. Mr. French responded the bleachers are concrete and cannot really be moved. Mr. Russell stated the architect would discuss that in more detail.

Mr. Philips asked if their ideal facility would have five of these rinks. Mr. French responded their ideal facility would probably be three to four full size rinks.

Mr. Philips asked if numerous games are going on at the same time. Mr. French said it is profitable when they have a tournament and get fifty teams that come in, stay at the local hotel, and have a game for an hour until the next team comes in each paying \$1,000 to participate. With five teams it would be \$50,000 over a three-day weekend. However, with one big rink and a smaller unofficial rink it does not have the same payback. Mr. French pointed out it is difficult to find availability of a building with 35 foot ceiling heights.

Mrs. Kenney asked about the location [in the community center] Mr. French was referring to. Mr. French responded the first floor surface area.

Mr. French stated the United States Training Center in West Chester has nine fields, five indoor rinks and has tournaments all day long. The only problem with that facility is it requires kids who want to play lacrosse to travel an hour in traffic after school to that location. He noted Upper Merion is a perfect, centralized location.

Mr. French indicated Stixx would have responsibility for building the rinks, putting down the field turf, maintenance, providing equipment, and staffing. Programming/scheduling would be coordinated with Dan Russell and the Park and Recreation staff. Mr. French pointed out while American Indoor Lacrosse would not be a partner, these professional players and coaches would be brought in to do training and clinics. The Philadelphia Wings would be a rental participant and practice here as well.

Other amenities Stixx favors about the site include the pool, summer camp, and parking. With only one rink, traffic would be limited. Challenges to the site include only room for one rink versus multiple rinks and limited room for expansion.

Mr. French outlined some future goals discussed with Dan Russell include expansion to an outdoor rink, outdoor lacrosse, and ability to do a three-day camp teaching indoor and outdoor skills.

Mr. Waks expressed concern that residents also have use of the facility and asked Stixx to coordinate with Park and Recreation and prepare a chart breaking down month of the year and day of the week when ideally Stixx would use the facility and when residents, e.g., Senior Center would have access to the facility and turf fields during reasonable hours. Mr. French responded it is difficult to put a time frame on Stixx use and township use and the scheduling still needs to be worked out.

Mr. Philips asked for additional clarification on scheduling. Mr. French responded scheduling would be done as a joint management structure working

with Dan Russell on a monthly basis going over the various sports schedules. Mr. French pointed out with a camp or a clinic the township would share in the profits.

Mr. Russell commented Stixx' groups would be almost the exclusive provider of lacrosse and field hockey. He said Park and Recreation already has a huge infrastructure with all of the other sports; there are a lot of voids in the township schedule which Stixx has staffing for that and there would be a percentage split.

Mr. Waks said he is fine with filling voids and fine with Stixx operating lacrosse and field hockey. He emphasized he wanted to make sure that the Park and Recreation Department is not outsourced to a third party.

Mrs. Kenney asked for clarification about the hours of operation. Mr. French responded their goal would be to start at 4 p.m. during the week day and later into the evening in the 9 p.m. to 10:30 p.m. for the men's leagues. He said it is difficult to know how big the demand will be.

Mrs. Kenney asked when the Wings practice. While too late for this season, Mr. French responded the Wings would have their training camp in November over two or three weekends. They would come in on a Friday; have a two hour session in the evening and a double session on a Saturday starting at 10 a.m. and 2 p.m. in the afternoon.

Mr. Philips asked about other facilities that have been used. Mr. French responded currently the Wings do not have a home base and have used different facilities in the past such as Buck's Mont in Hatfield, United Sports Training Center, and Marple Sports. Upper Merion would be their home base.

Mr. Philips asked if the lacrosse teams currently play at Heuser. Mr. Waks responded in the affirmative.

Mrs. Kenney asked if this has been discussed with the school district. Mr. French responded in the negative.

Mr. McGrory asked about legal documentation. Mr. French responded there is a letter of intent, but no other paperwork.

A brief discussion followed about the type of agreement required to satisfy the terms of the bond.

Mr. Russell commented he is satisfied with the terms of the letter of intent.

Mr. Wagenmann pointed out it [letter of intent] indicates percentages of time the township would have use at different seasons of the year which is specified on a chart.



Mrs. Kenney commented the feasibility study had a “wish list” of amenities the community decided were ideal as well as targets and goals for a community center. She asked to see how the architect’s plan fits together with the Stixx proposal before a final decision is made. Mr. French responded when these rinks are built one is going to be a full size rink (180 by 75) for the Wings’ practice. It would be a field turf which is acceptable for volley ball and field hockey, although not for basketball.

Mrs. Kenney asked if the basketball court would remain. Mr. French commented he has studied what sports generate revenue and lacrosse and field hockey generate revenue. Indoor soccer programming would be ideal as well.

Mr. McGrory asked if Stixx had an attorney. Mr. French responded they have not chosen one yet.

Mr. McGrory asked if Stixx has done this kind of a legal relationship elsewhere. Mr. French responded they have done license agreements, a joint venture partnership for a three-day camp with the City of Ridgewood, but nothing like a long term agreement.

Mr. French stated Stixx has worked with a consulting group in Columbus, Ohio and will ask if they have a “boiler plate” agreement.

Mr. Russell commented he has reached out to Ken Ballard since he has done these types of negotiations and partnerships and is awaiting a response.

Mr. McGrory stated final paperwork will be sent to the bond counsel for review.

Mr. Philips asked when the idea time would be for Stixx to begin. Mr. French responded anytime during the summer of next year.

Mr. Philips asked who the Stixx manager would be. Mr. French responded they have targeted a couple people, but nothing definite.

#### b. Architect - Design Project

Mr. Joseph Powell, AIA, Buell Kratzer Powell, stated he believes it will be possible to accommodate everything Mr. French discussed. He said a lot of time was spent in getting to know the building. Civil, structural, and mechanical engineers have reviewed and his firm is ready with recommendations.

With regard to parking it has been determined how restriping should be done to meet the requirements for the required space size. The flood plain is located at the ground floor door. Ways to mitigate water include barriers that could be placed on doors and the floor could be raised slightly. They would like to explore filling landscape berms to keep direct water away. Everyone likes this

idea; however, it would be necessary to get federal approval to do this.

Mr. Powell stated structurally the building is in pretty good shape. The upper level referred to as the north addition over the entrance which is accessed by the awkward stairs on the outside will be eliminated. Mechanical and plumbing systems will have to be redone. Two options are available for the oversize lockers. The lockers will be eliminated since space could be used for more effective uses. If money is tight, the lockers could be retained. In replacing the north addition, Mr. Powell pointed out the benefit of staying within the 5% addition. It was noted in the structural report only about 5% more can be added to the building before it will be necessary to go to the new code structurally. At that point an analysis of everything that is there would have to be done and upgraded to meet code. Mr. Powell recommended it would be best to use the area over the bleachers as real useable space.

Mr. Jenaway asked for clarification on Mr. Powell's last statement. Mr. Powell explained there are ways they can three dimensionally work with that bleacher area, but it is basically a 32 foot wide strip which matches the size of the east side of the building. He recommends taking that 32 foot wide strip all the way from the front of the building to the back of the building and uses it as a platform upon which to mix space.

Mr. Waks asked how long the space is. Mr. Powell responded it is about 270 feet long.

Mr. Powell stated in the structural report it indicates anything can be done inside the building except the walls, frames and stairs have to stay. He said, "everything else is fair game."

Mr. Powell reported there were several meetings with the seniors and the Park and Recreation group where everything needed in the center was discussed. He is recommending the upper deck to become the Upper Merion Senior Services Center since this area will permit an opportunity to enter on grade. It is suggested the north area be taken down and rebuilt to become the township offices where the same entrance would be provided as for the senior use. Mr. Powell stated the first floor would be all Upper Merion recreational programming including the Stixx uses. The whole program can be accommodated on one main floor level. The second floor would be for office use and the aerobics studio would become the banquet/party room. The lower level would be for the tenants and they can have their own entrance.

Mr. Powell stated the senior service center is about 8,500 square feet. Various kinds of windows have been cut in the exterior wall with the engineer's approval. Glazing in the inside wall will provide a visual connection between the senior center and the recreational facility. Both are autonomous with their own entrance.

Mrs. Kenney asked about the dimensions of the great room. Mr. Powell

responded it is about 2,500 square feet and includes the table area. The room can be divided for daily use and for big events the tables can be removed and the room opened up. They have their own kitchen as they do now. Mr. Powell stated so far everyone is satisfied.

There were some discussions about making some adjustments and compromises on space. Instead of six people in the office there will be four. Instead of a full size lacrosse court in front with a practice court in the back, Mr. Powell suggests the reverse with the full size lacrosse court in the back with the practice court up front to give a little relief to the entrance. This can be discussed and negotiated. This option also has the benefit for an Upper Merion Township program so that kids would not be in the back away from the door and away from supervision.

Mr. Powell discussed the space that is big enough for volley ball and practice for soccer, field hockey, and lacrosse. He noted boards were not placed around the practice court in order to provide more flexibility.

Mrs. Kenney asked about the fitness area. Mr. Russell responded it would be a fitness center with various machines, etc. He said it was the main item listed in the feasibility study as the number one revenue generator to drive membership for this facility.

Mr. Waks asked about the approximate square footage on smaller rooms. Mr. Powell responded the art studio was about 1,000 square feet, cooking about 800 square feet, music room about 100 square feet and the classrooms are about 200 square feet.

Mr. Philips asked to hear more about membership for the fitness center. Mr. Russell responded it would be similar to Plymouth Township and the YMCA with family memberships which provide access to the facility, to the fitness center, and severe discounts on all Park and Recreation programs. Stixx will do a lot of membership for lacrosse as well as promotion and marketing.

Mr. Jenaway commented during the community center committee visits to various facilities, it was unanimously agreed that a fitness center is needed to generate revenue.

Mr. Russell commented it is even more important in this facility because the two main drivers of revenue for community recreation center are the fitness component and the indoor pool. Without an indoor pool, it is more important to have a larger fitness amenity.

Mr. Powell pointed out the plan calls for the fitness area to be about 3,600 square feet which was in the initial feasibility study.

Mrs. Kenney asked if Stixx would be targeting members to come strictly from Upper Merion or from the surrounding areas that have lacrosse teams. Mr.

French responded it would certainly be promoted to Upper Merion, but Stixx would promote it to everyone. Mr. Russell commented many people from the Main Line would be interested. In the township's agreement with Stixx, it will be stated Upper Merion residents will receive a discount.

Mrs. Kenney asked if people can get into the rest of the building from the senior citizen area and from the north side where the township offices are. Mr. Powell responded in order to get into the building from those areas the seniors will have to go out and come in the front door.

Mr. Waks asked about emergency egress. Mr. Powell responded there are two stairs which exit on the outside at the lowest level and they connect all three levels on the east side. In the senior area, they already have doors that exit onto the drive next to the building.

Mr. Jenaway asked what happens to basketball. As discussed with Mr. Russell, Mr. Powell responded they can make room for a basketball if so desired.

While not saying basketball should be excluded, Mr. Waks asked if there are other places in the township where basketball is played both in the high school and gyms in the school district. No audible response.

Mrs. Kenney asked if the northeast corner for aerobics could double for basketball. Mr. Powell responded in the negative.

Mrs. Kenney asked about the bottom level for basketball. Powell responded that is for tenants.

Mrs. Kenney asked if there will be any empty space left in bottom level. Powell responded utilities will be brought in as well as storage space, and with the karate studio it does not leave much space

Mrs. Kenney asked if the lower level will be renovated as well. Mr. Powell responded in the affirmative.

Mr. Philips asked if the overall master plan for the site which includes the connection (landscaping or pathway) to the swimming pool will be reviewed. Mr. Powell responded in the affirmative.

Mr. Jenaway asked Mr. Powell to make sure to discuss the tennis courts with Richard Fry since he envisions two tennis courts on the lower area which would be the top side of where the seniors would exit.

Mr. Waks commented trails should also be considered.

Mrs. Kenney asked where the tennis courts would be. Mr. Waks commented there is an area of flat land right behind the gym before coming to

the steep slopes.

Following up on Mr. Philips' previous question about the master plan, Mr. Wagenmann pointed out Mr. Philips wanted to assure that the tennis courts would not interfere with the future capability of expanding the building.

Mrs. Kenney asked about the number of parking spaces. Mr. Powell responded there are 200 spaces.

Mr. Waks commented paving will also be required. Mr. Wagenmann commented a few more spaces will be provided once it is properly paved.

Mr. Waks asked about the proposed renovation/construction schedule. Mr. Powell responded once the project is ready to go, it should take about 9-12 months at most.

Mr. Waks asked for comments from Senior Service Center representatives who were present at the workshop meeting. They responded the issues they had were ironed out at their meeting with the consultant on Tuesday.

Mrs. Kenney asked if Mr. Powell reached out to the Community Center Committee. Mr. Powell responded that is their next step. Mr. Russell stated a meeting will be arranged with them.

Mrs. Kenney wanted to know if community-wide public meetings are planned. Mr. Powell responded in the affirmative.

Mr. Wagenmann stated PennDOT conducts public meetings with multiple stations that are set up so people can circulate around the room and hear various presentations on different issues. It is not as formal as mass meetings and works better because people feel more comfortable asking questions.

Mr. Wagenmann commented he would ask the senior center committee, to have their representatives at the public meeting to assist by saying they were part of the planning process and are in agreement with the plan.

Mr. Jenaway said he favored the idea of putting seniors on the upper level. Mrs. Kenney commented the parking is better in that area.

Mr. Waks asked about ingress and egress for the facility itself.

Mr. Jenaway commented during early discussions there were some options about bringing people in off "the generals" and having a quasi-circular entryway that came off of Maxwell and circled back to Armstrong or vice versa.

Mr. Wagenmann said one of the things the Board may want to do is ask the Transportation Authority to take a look at the intersection of Caley Road and let them have the engineer do a study for traffic signal warrants and the cost

would be covered out of that category. During daylight hours it would allow seniors to exit and use the traffic signal. He said he does not believe there is opposition to a traffic light, but rather a connection with General Maxwell.

#### ALLOCATION OF VALLEY FORGE CASINO FUNDS

Mr. Waks stated he favors a five person board as opposed to three, with two representatives for the casino and three representatives for the township. He asked if there were any objections from the other supervisors.

Mr. McGrory asked if mention was made about membership in the underlying agreement that generated the fee. Mr. Wagenmann responded the agreement states three people [total], with one representative from the casino.

Mr. Waks asked if the casino could be approached about going to five with a second representative for the casino. Mr. Wagenmann responded in the affirmative.

Mrs. Kenney questioned having two plus three and suggested one casino representative and four township representatives.

Mr. Waks commented the idea was that the casino would not have a majority, but a significant amount of say. He said they were concerned about funds being used for political purposes. Mr. Waks stated he had no problem including two casino representatives. It was agreed to go back to the casino and see if they are willing to go with five members.

Mr. Waks asked for clarification about the language indicating how often the board would meet. Mr. Wagenmann responded they will meet as a minimum every other month, but could meet more frequently as necessary. Mr. Waks was fine with that.

Mr. Waks asked if there should be a supervisor liaison in addition to a staff liaison. Mr. Wagenmann responded in the affirmative.

Mr. Waks stated it mentions the maximum grant of \$20,000, but from previous conversations it was discussed as \$10,000. He asked for comments from the group.

Mr. Jenaway said he has a problem with \$20,000, but asked if there should be a percentage copay so that groups do not just come in and ask for funds, but have "some skin in the game" with a matching percentage whether it is 1% or 2%.

In addition to a maximum, Mr. Waks asked if there should be a minimum in case some organization just needs \$500 or \$100.

Mr. Jenaway said in his experience with FEMA and Homeland Security

grant management activities, he has found the more the applying agency has a buy in, the better the grant is ultimately resolved. He believes the maximum grant should be lowered to \$5,000, but with a matching percentage.

Mr. Philips suggested if grants are \$5,000 or below they do not need a match, but anything between \$5000 and \$20,000 has to have a 5% match.

Mr. Waks questioned whether eligible organizations that serve the needy such as "Meals on Wheels" would have matching funds.

Mr. Jenaway commented that will force their thinking to make a request for something that is truly valuable for a certain amount of money rather than asking for significant lump sum of money.

Mr. Waks stated an additional workshop on this matter will be needed in October because it is necessary to come to a speedy resolution of this matter.

Mr. Waks discussed his idea for a scholarship or stipend program based on a minimum GPA as well as a commitment of community service.

A discussion followed about such how such a scholarship program could be set up through the Township Foundation.

Mrs. Kenney asked if the scholarship could include some kind of post high school, post-secondary vocational tech training other than college.

Mr. Waks stated he would still want to have some type of GPA minimum.

Mr. Jenaway asked if another group other than the three or five person board would manage the administrative aspects of the scholarship program.

Mr. Wagenmann explained how the township scholarship fund is managed. He said criteria can be written for separate guidance for that committee as they are going through the applications.

Mr. Waks stated that is where the GPA minimum comes in, history of community service or willingness to consider financial need.

Mr. Waks stated we are at a point where three people who are going to have the ability along with the casino representatives to disburse \$142,000 plus a year and can be trusted to make some determinations on their own. Mr. Waks stated he wants to give the board some responsibility. Ideally experienced people with some type of history of involvement in the community will be appointed.

Mr. Jenaway stated a percentage of the money should be set aside for positive community activities, such as sports clubs.

Mr. Jenaway asked about the police activity at the casino since its inception. Mr. Wagenmann responded according to the general discussions he has had it is nothing out of the ordinary from the conventions that were held there.

Mr. Jenaway reported on an increase of EMS responses averaging about 10 responses a month with only 15 to 20% of them ending up as transports. EMS does not receive revenue for those remaining calls. He said when he ran the fire department responses for the three years prior to the inception of the casino, there were three total calls to that campus and so far there have been seven since it opened.

A discussion followed about the volume of activity at the mall and casino and how people drive the responses of police, fire and EMS for which there is a cost associated with each one of these responses.

Mrs. Kenney suggested a potential applicant would be the Upper Merion Emergency Aid Society that assists people in need.

Mr. Philips asked if only Upper Merion organizations apply or organizations that actually provide services in Upper Merion. Mr. Waks commented that is a good question because there are organizations that might operate out of Philadelphia, but have programs in Upper Merion. Some remaining questions include: Does the organization have to physically be in Upper Merion Township or can they be outside of Upper Merion Township providing programs for Upper Merion Township. If allowed from outside, would the money have to be spent in Upper Merion Township. Mr. Waks responded in the affirmative.

With regard to outside or larger organizations, Mr. Waks asked if guidelines should be drawn up if they are national organizations with large overheads. Mr. Wagenmann recommended being conservative in this regard. He said some of the organizations consume a very high percentage of the money that they take in. He said the application should be for a specific service or program they are doing in Upper Merion and they cannot charge it off to their administrative charges. Mr. Wagenmann pointed out that is why Upper Merion Emergency Aid is supported so strongly because it is all volunteer and the administrative cost is minimal. Their dollars are being spent on services within this area.

There was a discussion about having the grants for specific, unique needs as opposed to general continuation of operations of the organization.

Mr. Waks pointed out the original agreement is silent in regard to whether or not funds are to be spent in one year. He asked if that is something that requires broader guidelines so that if the committee decides there are not enough worthy applications or organizations, they have the right to roll the money over to the following year. Mr. Philips commented that has to be a function of



what the 501(c) (3) status is.

Mr. Wagenmann cautioned the committee has to be careful not to get inundated with applications early in the year and allocate all the money too soon. If a worthy application comes in later in the year the funds would not be available.

Mr. Philips suggested if the money is allotted in January, a deadline for the applications could be set for June.

Mr. Waks asked what time of year will the funds be allotted. Mr. Wagenmann responded meetings are necessary with the representatives of the casino to go over the guidelines that have been established and then lock in the time when funds will be forthcoming. Question to be resolved: Is it going to come in one lump sum, quarterly, or beginning or end of year.

Mrs. Kenney asked if it is a pro-rated amount for this year. Mr. Wagenmann responded in the affirmative.

Mrs. Kenney asked what the term would be for the three or five members. Mr. Wagenmann responded it could be set up for five or three years so there is one person coming up every year for consideration.

Mrs. Kenney said another suggestion for an applicant is the King of Prussia Historical Society. Mr. Waks agreed.

Mr. Waks stated he is sure whatever the application looks like, organizations will have to make their best arguments. Good people will be appointed to the committee who have interpretive power who will adhere to the guidelines set up.

Mr. Waks noted that committee members should have to file a disclosure statement.

Mr. Jenaway commented he does not see anything in the document about a random audit process.

Mr. Waks stated that is a good point and something else to consider.

Mr. Waks stated if an additional workshop is scheduled in October this will be one of the agenda items.

### SOCIAL MEDIA POLICY

Mr. Kraynik stated this draft has had a number of iterations and explained the policy sets forth the reasoning and benefits for the township promoting its programs and services on social media sites. It sets forth requirements on how information would get onto the sites and the departmental submission process

and requirements. The Board of Supervisors and Township Manager will be authorized to approve what sites the township will use for promotion and then give the Chief Information Officer the responsibility to control content.

Mr. Waks indicated his major concern which was shared by the Media Communications Board was that content be one way. Mr. Kraynik noted that concern is addressed in the draft policy.

Mr. Jenaway asked if any input was received from PIRMA in order to determine what kind of claims they have received and obtain any comments they may have. Mr. Kraynik stated that will definitely be run by the insurance company.

Wagenmann stated the Township Solicitor's office reviewed the draft policy and his comments were incorporated therein. Once it gets to a point the Board is satisfied, any additional changes will be made and then submitted to the insurance carrier for additional comment.

Mr. Waks indicated the last time this policy was discussed concerns were raised about employees using private social media sites in their own free time and saying something about the township on their personal Facebook page. He asked if there is anything in the draft policy that discusses that issue. Mr. Kraynik stated he does not believe it makes mention of that.

Mr. Waks stated that is probably the direction to take. He said he did not want to prevent an employee on his private Facebook page from saying anything, for example, about a basketball schedule.

Mr. Wagenmann noted it may have been in an earlier draft and based on private discussions at workshops it was removed.

Mr. Waks commented he does not know if this should be brought up at a future workshop; however, the chair may have some issues to consider. He indicated that he is fine with this draft.

Mr. Wagenmann stated he would have the insurance company review the draft and get their input before it comes back for consideration of the Board of Supervisors to formally approve the policy.

## GOALS AND OBJECTIVES

After a brief discussion, it was agreed that the Goals and Objectives submitted from each department do not require formal approval by the Board, but will be used for internal guidelines and guidance and mention of this will be made prior to the Consent Agenda at a future meeting.

Mr. Kraynik provided assurance there is going to be a good faith effort by staff to try to address as many of these objectives as possible in 2013. He stated

he will look at all the goals throughout the course of the year as he meets with staff on a regular basis and he intends to use this as a working document.

From the Public:

Mr. Herbert Baiersdorfer, Gypsy Lane, offered some suggestions for the foundation to assist needy causes and also discussed his ongoing stormwater concerns. Mr. Baiersdorfer was reassured that he will be provided a copy of the engineering report once the Township Engineer returns and the report is finalized.

ADJOURNMENT:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to adjourn the workshop meeting at 10:30 p.m.. None opposed. Motion approved 3-0.

---

RONALD G. WAGENMANN  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

rap  
Minutes Approved:  
Minutes Entered: