

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 20, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, September 20, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:33 p.m., followed by a pledge to the flag.

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; Rob Loeper, Township Planner; Tom Beach, Township Engineer; Judith A. Vicchio, Assistant Township Manager, Angela Caramenico, Assistant to the Township Manager. Supervisor Spott was absent.

MEETING MINUTES:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the July 12, 2012 Workshop Meeting Minutes and the August 9, 2012 Workshop Meeting Minutes as submitted. None opposed. Motion approved 4-0.

VICE CHAIRPERSON'S COMMENTS:

Vice Chairperson Waks reported on an Executive Session held prior to this meeting regarding a personnel matter.

NEW BUSINESS

PRESENTATION RE: 2011 WASTE WATCHERS AWARD TO UPPER MERION TOWNSHIP

Mr. Chris Kaasman, Montgomery County Recycling Coordinator, presented the 2011 Pennsylvania Waste Watcher Award to Vice Chairperson Waks who accepted the honor on behalf of Upper Merion Township. Mr. Kaasman stated this award is being presented on behalf of the Professional Recyclers of Pennsylvania. Waste Watcher awards are given for recycling, waste reduction, reuse and composting programs in Pennsylvania that have exhibited exemplary performance. The specific award is being given to the Township for an excellent educational video to help residents conserve energy in their home. As a recipient of this award, Upper Merion Township joins over 80 municipalities, counties, private businesses, individuals and community organizations throughout the state that are recognized for going above and beyond the state's recycling goals. Upper Merion Township joins Abington, Douglass and Plymouth Townships, Red Hill Borough as well as Globis Medical, Inc. as the only Waste Watcher award recipients in Montgomery County for 2011. Mr. Kaasman pointed out that it is because of Upper Merion's continued efforts promoting waste reduction and increasing recycling that help Montgomery County become one of the best recycling counties in the state.

Mr. Wagenmann, Township Manager, reported Upper Merion Township was awarded the 2012 Platinum Award from the Greater Valley Forge Transportation Management Association at their annual Sustainable Awards event. The award recognized the Township's continued efforts to reduce congestion and improve air quality. The Township was also presented with a commendation from the State Legislature for its outstanding sustainability achievements.

2012 GRANT PRESENTATIONS TO UPPER MERION SPORT ORGANIZATIONS

Mr. Dan Russell, Director, Park & Recreation presented the various sports organizations with grants approved for 2012. Each organization was called to the podium, gave brief presentations about their organizations and each thanked the Board of Supervisors for their support. Mr. Russell emphasized how much all the organizations rely on volunteerism. On behalf the Park and Recreation Department and Park and Recreation Board, he expressed appreciation for their support in the community. The following were presented with 2012 grants:

\$1,900	Upper Merion Music Boosters
\$1,900	Valley Forge Generals
\$1,900	Upper Merion Youth Wrestling
\$2,850	Upper Merion Lacrosse Club
\$2,850	Upper Merion Aquatics Club
\$2,850	King of Prussia Soccer Club
\$2,850	King of Prussia Football Indians Association
\$2,850	Upper Merion Crew Boosters
\$2,850	Upper Merion Baseball Association
\$1,900	Upper Merion Spring

Mr. Philips asked the organizations to notify the Board of Supervisors of special achievements of their members so that this information can be shared with the rest of the community.

On behalf of the Board of Supervisors Mr. Waks expressed appreciation to everyone associated with these organizations for all that they do for the youth in our community.

REVIEW OF GOALS & OBJECTIVES FOR THE UPCOMING YEAR

Mr. Waks stated the Goals and Objectives are part of the township budget process and as many of these goals as possible will be achieved over the course of the upcoming year. The Goals and Objectives for 2013 were highlighted as follows:

Board of Supervisors

- No tax increase
- Assess current organizational structure and conduct compensation survey
- Actively pursue avenues for bio-mass plant or other sustainable “businesses” for township to grow top line (as opposed to cut bottom line).
- Ensure that the TriCentennial celebration will take place and promote Upper Merion Township beyond our municipal boundaries
- Review Zoning Code.
- Work with developers, organizations and utilities to advance projects that will alleviate future traffic problems and provide our residents with multiple ways to commute through and outside Upper Merion Township.
- Investigating and implementing efficiencies within the township to save money for the township and/or for our residents, such as better utilization of space in the township building or single hauler trash collection system.
- Continue to seek to identify businesses not paying 511 taxes to increase 511 tax revenue via legal newspaper announcements, Chamber of Commerce, yellow pages and online searches
- Continue to seek request for services re: software to enable citizens/staff to submit questions, concerns, ideas.
- To promote house/building addresses. Public Works Department to do annual assessment of street signage through township as to condition and visibility with

- assistance of Police Department.
- Develop a strategic sustainability and vision plan.
- Examine real estate assessment values for the purpose of possible appeals
- Continue with hiring freeze
- Retirement incentive
- Maintain current engagement rates for professional consultants
- Continuously evaluate website for better accessibility and utilization
- Continue to promote electronic delivery including minutes, agendas, services
- Continue to develop and enhance relationship with Business Improvement District (BID)
- Increase staff purchasing limit

Administration Department

- Document management - Act 511 tax records
- Welcome packets for new residents
- Building the Township brand thru social media
- Continue annual monitoring of required training schedule
- Re-evaluate Business Interruption Plan

Library

- Assess and promote children's and young adult outreach services
- Adult department space analysis based on current use of specific collections

Information Technology Department

- Continue with Document Management Project
- Implement Intranet

Park & Recreation Department

- Update Park Master Plan
- UM Community Center Design - complete design, continue bids and initiate construction
- Heuser Park Trail Extensions
- Burhan's Glass/Hope Church - possible recreation land exchange
- Skateboard Park - fundraising, design and possible construction

Police Department

- Update Police Duty Manual
- Re-evaluate and enhance Large Event Plan

Public Works & Planning Department

- Construct storm water projects
- Replace equipment as scheduled
- Update existing Standard Operating Procedures Plan
- Replace Screenings Building
- Develop comprehensive Stormwater Management Plan and Update Stormwater Ordinance

Safety & Codes Department

- Upgrade all field inspections personnel to wireless inspections entry processes.

- Determine impact on the county's replacement of their radio infrastructure for fire and EMS
- Evaluate and upgrade communications equipment for township vehicles (non-police/fire/EMS/staff).
- Continue to enhance volunteer recruitment & retention program
- Complete accreditation process of Fire & Rescue Services

CONSENT AGENDA:

1. Permission to Advertise Hearing re: Anti-Discrimination Ordinance (Hearing October 18, 2012) - *Purpose of ordinance would be to protect members of the community from discrimination based on sexual orientation.*
2. Permission to Receive and Open Bids re:
 - a. 2012 Road Resurfacing Project
 - b. 2012 Sludge Hauling and Disposal Contract
3. Accept Bid for Purchase of 2006 Ford/Horton Ambulance - \$12,000 Samaritan EMS
4. ACS Firehouse Software Proposal - *To allow fire companies to network their computer systems and thereby make firefighting and emergency rescue services more efficient.*
5. Equipment Replacement Request re:
 - a. \$3,960 - Damage to Twp. Manager's Office
 - b. \$1,355 - Replace Furniture in Manager's Office
 - c. \$52,144 - Replacement of 2 Unmarked Police Vehicles
 - d. \$25,772 - Replacement of 1 Unmarked Police Vehicle
6. Budget Transfers re:
 - a. \$8,000 - Road Maintenance Material
 - b. \$3,000 - Debris Removal
 - c. \$15,000 - Collection Systems Major Components
 - d. \$5,000 - Maintenance of Plant Equipment - Matsunk
7. Supplemental Budget Transfer re:
 - a. \$8,400 - Match for Delaware Valley Regional Planning Commission (DVRPC) Road Diet Grant - *The Road Diet is a study being undertaken to determine whether Moore and First Avenues are suitable for narrowing and possible addition of sidewalks and/or bike lanes.*
8. Waiver of Fees re: Upper Merion Baseball Association - \$100.00
9. Settlement Stipulation re: Upper Merion Area School District vs. BRV Realty - *This is the result of a reassessment and because the township has an interest in the reassessment it is necessary to stipulate the settlement.*
10. Pension Plan Minimum Municipal Obligation (MMO) - *Mr. Wagenmann explained this is the MMO of the payment that must be made into the Pension Fund on an annual basis and is calculated by the actuary and the Pension Administrator.*
11. Settlement Agreement and Release re: Motel 6 - *Mr. Wagenmann explained there was a flooding situation that occurred to the Best Western Motel last year during Hurricane Irene and a storm earlier this spring that resulted from a drainage channel flowing through the Motel 6 property. This is an agreement whereby Motel 6 and the Best Western have agreed*

Motel 6 will clean the channel and build a berm. The Township will issue the permit allowing the work to proceed and placing the requirement of continuing maintenance onto Motel 6.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

AGREEMENT BETWEEN ARCHITECT AND TOWNSHIP RE: UPPER MERION TOWNSHIP INDOOR RECREATION FACILITY - 431 W. VALLEY FORGE ROAD

Mr. Dan Russell, Park and Recreation Director, stated this agreement between Upper Merion Township and the architectural firm of Buell, Kratzer & Powell is for the renovation project the Board of Supervisors approved for the former Gold's Gym, Sports and Fitness complex located at 431 W. Valley Forge Road. This facility will become the new recreation center and house the new senior center.

Mr. Jenaway commented it is important to note that the Board of Supervisors received an extensive presentation from the architect last week. He said the facility will meet a number of the needs identified by the original subcommittee.

Mrs. Kenney stated the architects have met with Park and Recreation staff and members of the Upper Merion Senior Center to receive their input and discuss their needs. Additional meetings will be held with other members of the community at a later date.

Mr. Russell asked interested residents who would like to receive notifications of future public presentations to contact the Park and Recreation Office at 610-265-1071.

Mr. Waks stated both he and Mr. Jenaway served on the Community Center Subcommittee and expressed appreciation to the Park and Recreation Department, the Park and Recreation Board, everyone who served on the Community Center subcommittee and every resident who provided momentum to this idea over the years.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Architectural Agreement as submitted. None opposed. Motion approved 4-0.

REFUNDING SERIES 2009 GENERAL OBLIGATION BOND

Mr. Wagenmann stated it has been a longstanding township policy to monitor interest rates paid on bonds. If the township can save at least 3% of the issuance face amount of bonds that were previously issued, a refinancing is considered.

Mr. Michael Wolf, Boenning and Scattergood, provided an update concerning the process of refinancing the 2009 bond issue. He reported interest rates have dropped to the point where savings can be realized. Although additional bonds will not be issued in calendar year 2012, it is time to start preparing for refinancing in January 2013 if interest rates stay at the current level

which is in the range of the lowest interest rates since 1967. The Township will have the choice of having the savings realized up front in the early years or spread out over the remaining life of the bonds. Traditionally in the past the Township has elected to take the savings up front, although another alternative can be selected.

Mr. Wolf explained the process of preparing the offering documents for Moody's has begun, and he should be able to come back before the Board of Supervisors in mid-November for adoption of an ordinance to lock in the interest rates and savings. This timing will enable settlement in early January.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to move forward with the refinancing process for the General Obligation Bond. None opposed. Motion approved 4-0.

HEARING RE: ORDINANCE 2012-807, AN ORDINANCE AMENDING CHAPTER 133, SEWERS, OF THE UPPER MERION TOWNSHIP CODE, ARTICLE IV, SEWER RENTS, SECTION 133-29, PENALTIES FOR DELINQUENT PAYMENTS

Mr. Joseph McGrory, Township Solicitor, opened the hearing to consider the ordinance amending Chapter 133, Sewers, of the Upper Merion Township Code, Article IV, Sewer Rents, Section 133-29, Penalties for Delinquent Payments by introducing some exhibits. Board Exhibit #1 is the ordinance itself, Board Exhibit #2 is proof of publication in the *Times Herald* dated September 11, 2012, Board Exhibit #3 is a letter of the attested ordinance to the Law Library dated September 5, 2012.

Mr. McGrory stated this ordinance amends some of the collection practices of the sewer rental. The current ordinance locks in attorney fees at a certain hourly rate that has not been adjusted for several years. This ordinance takes that provision out of the ordinance and puts it into a rate resolution. Each year when the fee resolution is considered in January, the rate being assessed for delinquent accounts will be the same rate as whatever the township is being billed by the Township Solicitor at that time. It also changes the interest rate in the ordinance to bring it in line with the changes that have occurred over the years with the Municipal and Tax Lien Act.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve Ordinance 2012-807 as submitted. None opposed. Motion approved 4-0. Ordinance 2012-807 was adopted and will be filed in Ordinance Book #16.

RESOLUTION 2012-26 RE: AMEND 2012 FEES SCHEDULE

Mr. Wagenmann explained this Resolution amends the 2012 fees schedule as previously discussed by the Township Solicitor in accordance with Ordinance 2012-807.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution 2012-26 as submitted. None opposed. Motion approved 4-0.

RESOLUTION 2012-27 RE: WATER SHUT OFF

Mr. Wagenmann stated this Resolution will provide an additional resource, with the direction of the Township Solicitor, to handle delinquent sewer bills utilizing water shut off of public water until such time as delinquent bills are paid.

Mr. McGrory noted he was directed by the Board of Supervisors at a previous meeting to change the provisions of this ordinance by allowing for 60 days before institution of the notice procedures. He also commented this is the most lenient time period among all the township authorities and thereby this Board is demonstrating compassion by giving people plenty of time to get current on their account.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2012-27 as submitted. None opposed. Motion approved 4-0.

PLAN AMENDMENT RE: MANOR CARE KING OF PRUSSIA DEVELOPMENT PLAN. 600 WEST VALLEY FORGE ROAD. 12,128 SF EXPANSION OF EXISTING FACILITY TO INCLUDE NEW PHYSICAL THERAPY SUITE AND 20 NEW PATIENT BEDS

Mr. Rob Loeper, Township Planner, stated Manor Care Health Services submitted a development plan for their property located at 600 West Valley Forge Road. The property comprises 5.72 acres and is located in the AR Administrative & Research District. The original Manor Care facility is a one and two-story nursing home and extended care facility with 150 beds. Mr. Loeper pointed out these facilities are being used more and more in providing post-surgery rehabilitation services.

When the building was originally constructed back in the 1980's it was anticipated there would be some expansion built into the facility. Manor Care is now moving forward and is proposing a 12,128 square foot expansion to be located above the current one story building adding 20 new patient beds and bringing the total bed count to 170. The other improvements include a 2,000 square foot addition on the ground floor in the front corner of the building which will expand the physical therapy suite. The existing entryway will be demolished, and several minor site changes are proposed including some additional parking in various locations throughout the property. When the site was originally built it was designed to allow for stormwater management that goes to a regional basin.

The total parking count will be increased from 112 to 133 spaces; 93 total spaces are required. There is a slight increase in the building coverage as well as the impervious area; however, both of these are relatively minor.

Staff reviewed plans for zoning code compliance as well as the subdivision land development code and are prepared to issue approval pending any comment from the Board of Supervisors.

Mr. Waks asked for clarification about the minor increase in impervious and elevation. Mr. Loeper responded the total impervious will increase approximately 5,000 square feet total and the actual building footprint increases approximately 2,000 square feet. Most of the improvements are on the second floor.

Mr. Waks asked about the elevation increase. Utilizing the aerial, Mr. Loeper pointed out where the two-story area and one floor are located. The addition will be above the one-floor building.

Mr. Waks asked whether or not Manor Care reached out to the neighbors nearby about the development plan. Neil Stein, Esq., representing the applicant, responded public notice was given for the zoning hearing during which relief was sought for this application. Discussions were held with adjoining residents who appeared at the zoning hearing and no one objected to the proposed

construction.

Mrs. Kenney asked if there would be any change in the lighting associated with the parking lot in view of additional parking spaces and if that would affect adjoining residential properties. Mr. Stein responded there may be some need to add additional lights. He said the lights would be installed in conformity with the ordinance and would not adversely affect any adjoining property owners.

Mr. Jenaway asked if there was more than adequate parking with the increase from 112 to 133 spaces. Mr. Loeper responded in the affirmative.

With regard to the additional impervious, Mr. Jenaway asked if calculations were done indicating there would be no related stormwater or water movement issues related to this plan. Mr. Loeper responded this property drains to a regional basin located opposite Heuser Park on Beidler Road. Several years ago modifications were made to the basin including reduction in the size. It was determined the basin was more than adequate. The original plan for this entire development contemplated all commercial/industrial type buildings and no residential. There was a residential component added and at that point they reviewed the basin and determined it was of adequate size.

Returning to the parking issue, Mr. Jenaway indicated from his experience on weekends when there are visitors, there is almost a need for overflow parking. He asked for comment if there is a risk of having increased parking challenges in view of the additional components at the site. Mr. Stein responded that is why the applicant decided to go ahead with the additional parking spaces. He said they looked at what the peak demands were in terms of patient, visitor use, and general needs of the facility going into the future and it was determined it would be best to add as many additional parking spaces at this point as possible. Mr. Stein stated the applicant feels comfortable that this amount will be sufficient to serve the present and future needs of the facility.

Mr. Jenaway asked for clarification about the increased impervious coverage with the addition of 20 plus parking spaces. Mr. Loeper responded it is a minimal increase. Utilizing the aerial he pointed out the areas of proposed additional parking some of which are already paved. There will be changes to the way the paving is done and no new drive aisles are required.

Mr. Jenaway questioned whether the new configuration and water flow would create some other problems. Mr. Loeper responded it is pretty simple because it ties in with the way the site was originally designed.

Mr. Waks stated there are two options right now, either the Board can make a motion to approve the plan or send it to the standard Phase I, Phase II, or Phase III process.

Mr. Philips asked for clarification about the 5,000 square feet of additional impervious and asked what the limit is and how close the applicant is to the limit. Mr. Stein responded he believes the limit is 25% and the applicant is about 19 ³/₄ths and well within the requirement.

Mr. Philips pointed out an area on the aerial above the parking where the existing porte-cochère is located and asked if the applicant is just enclosing it. Mr. Stein responded in the affirmative.

Mr. Philips stated he is fine with either voting on this plan tonight or going through the process.

Mr. Jenaway indicated is okay with voting tonight.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the plan amendment as submitted. None opposed. Motion approved

4-0.

CARMAX AUTO SUPERSTORES, INC. DEVELOPMENT PLAN. 181 S. GULPH ROAD. PLAN AMENDMENT. PLAN CHANGES INCLUDE REDUCTION OF BUILDING, REVISED PARKING, ELIMINATION OF EMERGENCY ACCESS DRIVE, ADDITIONAL STORMWATER

Mr. Loeper stated CarMax originally received plan approval in 2007 to build a car facility adjacent to the Home Depot on South Gulph Road. The plan was recorded; however, due to the state of the U.S. economy, CarMax made the corporate decision to suspend building new locations at that time. The applicant entered into a series of amendments with the township to defund the escrow and created an agreement whereby they would come back in the future and activate the escrow and the land development agreement prior to the construction of the facility.

Mr. Loeper indicated there was an NPDES permit issued by DEP for the stormwater management of the site that technically expired. DEP required CarMax to get a new NPDES permit which resulted in several changes to the property.

In the way of background, Mr. Loeper noted this property is the former old Philadelphia Gear site, and when it ceased operation, the site had a large amount of impervious cover without any stormwater management. At the time the Home Depot was built, regional stormwater basins were installed and designed to cover all of the development area which resulted in tremendous improvements to stormwater management.

Mr. Loeper highlighted the major changes to the plan as follows:

- building will be reduced from approximately 29,000 square feet to 24,000 square feet
- minor changes to the parking configuration
- original emergency access off of South Gulph Road has been eliminated
- additional stormwater management provisions, including BMP's mandated by DEP with this plan to include rain gardens and bio-retention swales

Utilizing the aerial, Mr. Loeper stated the entrance will be shared with the Home Depot and he indicated how a customer would enter, park in the customer parking lot, enter the sales building, and meet with the sales personnel. He also indicated the location of the display vehicles available for purchase. A small car wash will be located in the rear which CarMax will use for preparing vehicles for delivery to the public.

Staff has reviewed the plans for code compliance. There are three additional partial waivers required as a result of changes to the stormwater management plan dealing with landscaping requirements. CarMax has agreed to provide the required materials, but not necessarily in the location as specified by the ordinance. The Township Solicitor's office prepared a resolution which outlines all the various provisions of the plan, the additional waivers, as well as the background documentation regarding planning commission and engineering reviews. The original plan was reviewed by CMX, and the revised plan was reviewed Remington & Vernick Engineers.

Mr. Craig Robert Lewis, Esq., Caplin Stewart, representing the applicant, stated the plan amendments that the applicant is seeking to the currently recorded plan are principally driven by DEP requirements for stormwater management. With the revisions there is a slight reduction in the size of the building and an increase of 3,000 square feet of green area on the site.

Mrs. Kenney followed up on questions asked at the workshop meeting about the view from South Gulph road. Mr. Lewis responded there are a couple

of renditions that show the views from South Gulph Road. He said with the plan amendments the view from South Gulph Road would get slightly greener in that the applicant is proposing the removal of an additional driveway. A rendering depicted the inventory lot along the front of South Gulph Road which is protected by a guardrail for security purposes. There is approximately 40 feet of separation from South Gulph Road and the CarMax pavement and significant grade in that area as well.

Mr. McGrory asked if Mr. Lewis has copies of the signed Resolution. Mr. Lewis responded the signed Resolution would be provided tomorrow.

Mr. McGrory asked if the applicant is in agreement with the latest version. Mr. Lewis responded in the affirmative.

Mr. Lewis displayed a rendering from South Gulph Road heading toward Route 202. He pointed out the current Home Depot, the CarMax inventory lot with the guard rail between the inventory lot and South Gulph Road. Mr. Lewis indicated the CarMax facility itself is set back quite a way from the actual roadway, and there is a sidewalk along the frontage. In between the sidewalk and the guardrail is a green area, where the applicant is proposing substantial BMP's infiltration for stormwater before stormwater is conveyed to the regional basin on the other side of the access drive. The shared basin handles the entirety of the stormwater for CarMax and the Home Depot site as well as some existing runoff from adjacent sites.

Mr. Lewis pointed out the inventory lot and customer parking lot are separated. A customer entering CarMax, would park their car in the customer parking lot, enter the facility, and then discuss car options with a customer service representative. They would then be escorted into the inventory lot to look at cars; however, the general public is not allowed to get in the car in that inventory lot and go on a test drive. In order to go on a test drive, cars must be removed from the inventory lot specifically by a CarMax employee and into the customer lot where the customer can then enter the vehicle. To secure the inventory lot, there is an embassy style gate between the two facilities.

Mr. Philips asked for clarification about the highly secured facility. Mr. Heath Kennedy, Development Manager, Center Point Integrated Solutions, Development Manager, responded his company assists CarMax across the country in all their new store developments. He explained the sales display area is secured for safety as it completely separates traffic. If someone is browsing through the cars they do not have to contend with people driving around looking at vehicles. The security gates have a card reader and when a car is taken out for a test drive; it tracks which car is leaving to facilitate inventory management.

Mrs. Kenney asked why the guardrail was needed in addition to the fence and if plantings required elsewhere on the site could be placed in front of the fence and guardrail. Mr. Kennedy responded the guardrail is for security purposes since an ornamental fence of that nature could easily be knocked down by a vehicle and the guardrail is necessary to prevent theft of vehicles. The ornamental fence is for aesthetic purposes. With regard to the plantings, Mr. Kennedy stated the waivers along South Gulph Road are requested because of conflicts with stormwater management facilities. In order to meet DEP's BMP requirements, it was necessary to have that space unconfined by landscaping and for this reason the applicant requested permission to relocate a number of those plantings from that area to elsewhere on the site. Mr. Kennedy said that was the principal driver for the waivers, not aesthetics or cost.

Mrs. Kenney asked for further clarification. Mr. Lewis responded DEP specifically requires the BMPs, the stormwater management controls, and this is the single largest area where water can be obtained due to topography to filter the water before it then heads to the basin and eventually drains off site.

Mrs. Kenney does not understand how plantings there would impede the stormwater management. Mr. Philips concurred with Mrs. Kenney's question.

Mr. Kennedy responded he believes they would be willing to consider and coordinate with DEP on the frontage to try and accommodate some shrubs. He said Cornelius Brown coordinated the grading trying to get the quantity to meet the DEP requirements. Mr. Kennedy noted there are clusters of trees on each corner and also a cluster of four or five trees in the center of the frontage along South Gulph Road so it would not be a 1,000 foot stretch of continuous guardrail as there is some vegetation to break that up. He said; however, there may be an opportunity to put a small thin row of shrubs at a limited height along the guardrail in the two open corridors, and the applicant would be willing to consider looking at that.

Mrs. Kenney commented from an aesthetic point of view, she would favor that option and pointed out bushes or trees would be an additional incentive not to drive through them. Lower growing plants would hide the guardrail and would look better. She said she is not necessarily asking for more plantings, but just thinking about moving them for a better view for the passing drivers.

Mr. Cornelius Brown, addressed the conflict between the larger plantings and the stormwater management. He noted specifically in the area along the frontage, the waiver is being requested of a buffer requirement for trees. He said the applicant has taken the area that works best in terms of BMP's and stormwater management and designed rain gardens along the frontage with associated plantings and they can certainly look at enhancing the frontage by planting additional shrubs along the guardrail.

Mrs. Kenney commented she was thinking of more low growing and fuller shrubs. Mr. Brown indicated he was speaking to the waiver requirement, but said the applicant can certainly look at doing that [smaller shrubs] along the frontage.

Mr. Tom Beach, Township Engineer, asked Mr. Brown to give the Board a better perspective of what is going to be planted in the rain gardens. Mr. Cornelius Brown responded from the bottom up the rain gardens will consist of stone for drainage purposes and sand with approximately two feet of a soil planting mix. In addition there will be landscaping installed throughout the bio islands and shrubs will be installed for the islands located throughout the parking area. Mr. Brown pointed out given the amount of stormwater that will collect for the larger islands, there were concerns with shrub survivability and for this reason they will be replaced with a seed planting mix which will be more of a grassy mixture as opposed to the shrubs that are planted elsewhere on the site.

With regard to the front area, Mr. Beach asked if there will be growth across the front and if the fence line is actually behind the rain gardens. Mr. Brown responded in the affirmative. He noted that the area on the left and right of the diagram corresponds to the seed mix and there will be plant material located throughout that area.

Mr. Philips asked when referring to seed mix if Mr. Brown is talking about fescue that will have to be cut or if Mr. Brown was referring to taller grasses. Mr. Brown responded the grasses will be taller and will not require maintenance.

Mr. Philips asked if consideration was given to ballards as opposed to a guardrail for security purposes. Mr. Kennedy answered by saying he does not believe the photo which was taken at their Chattanooga store is reflective of what will be seen along South Gulph Road. He further believes he does not think it will be an obtrusive long stretch of guardrail.

Mr. Philips stated he is not just concerned about South Gulph Road; he is also concerned about the interior aesthetics and referred to the wall between the inventory and public parking spaces and asked if the ornamental fence is going to go all the way around this as well as the guardrail. Mr. Lewis responded in the affirmative. He said the wall is in one location to hide back store operations from the public as opposed to simply having a guardrail. The guardrail and the ornamental fence will surround the remainder of the property.

Mr. Philips asked how fire trucks would get to the detailing shop in the event of a fire in the back store operations. Mr. Lewis responded emergency vehicles would enter through the secured gate which is consistent with the applicant's previously approved plan and has been reviewed by the Fire Marshal.

Mr. Jenaway asked for confirmation of the number of parking spaces at this site. Mr. Lewis responded there are two different types of spaces proposed for this site - spaces for inventory which are not designated as parking spaces and are not available to customers and customer parking spaces. Both types of spaces are considered differently and treated differently on site.

Mr. Jenaway pointed out he is not addressing this from a stormwater perspective but rather about the number of potential vehicles on this site. Mr. Brown responded there are 191 in the customer lot and 390 in the display lot for a total of 551 vehicles.

Mr. Jenaway asked for additional clarification about the removal of the emergency access. Mr. Lewis provided background from 2005/2006 when the original plan was approved for this site with a proposed pet store in the rear and a new Cadillac dealership in the front. He explained because of the configuration and needs of that proposed dealership; the applicant requested a secondary access. The Cadillac dealer wanted their own designated turn into their lot with a right in and right out which also facilitated their movements when their truck carrier delivered vehicles; and they did not have to share the entrance. Mr. Lewis said it was a very convoluted traffic pattern between the pet store and the Cadillac dealership. The first building to be constructed was the Home Depot and when that was constructed much of all the site work on both lots was done. The site work also included cutting in the secondary access drive which was used for staging for construction vehicles and then used as an access. There was difficulty receiving PennDOT approval for the access because of its proximity to the signal; however, PennDOT finally granted approval.

Mr. Lewis stated when CarMax came on the scene in 2007/2008; the access was partially installed and already permitted. Since CarMax had no use for the access and it was an impediment to their operations, their best solution from an operations standpoint was to gate it. They now had a secondary access if they wanted it for something, but it really had no operational use as it went straight into the inventory lot and customers could not use it. It was designated on the plan at that point as emergency access only. That was the designation assigned by the applicant and it was not required by the Fire Marshal.

Mr. Lewis noted in addition to being operationally useless for the CarMax facility, this was the only significant area of green space to provide stormwater management mandated by the new DEP requirements. The applicant must now have it de-permitted and actually remove the asphalt in order to comply with DEP.

With regard to the question raised about total traffic generation comparison for the site to prior approved plans, the applicant's traffic engineer at the time, McMahon Associates, prepared a comparison and update. Mr. Lewis referred to a letter dated September 19, 2012 from McMahon Associates which addresses the issue of trip generation and summarized the total daily trip comparison between this facility and the originally approved site is a reduction of nearly 1,500 trips per day. It is a smaller facility than the CarMax already approved. The McMahon letter also addresses the right in access and its removal and specifically states, "although labeled on the previously approved plan as emergency access, the right in only driveway was not required by the Fire Marshal for emergency access."

As Fire Chief, Mr. Jenaway stated this was not vetted through him and he would like an opportunity to have a discussion with the Fire Marshal before a final Board consideration.

Mr. Waks commented that other supervisors have concerns with regard to aesthetics along South Gulph Road frontage and asked to have these matters further discussed with Mr. Loeper.

Mr. Lewis asked for additional clarification on the issues to be discussed with Mr. Loeper.

Mr. Philips stated there remain concerns about the landscaping waivers and how they get done and more discussion is necessary.

Mr. McGrory asked if the Board would entertain instead of doing a full land development with Phase I, II and III, keep it as a plan amendment and use the next month to meet with staff and find out more details on the plan before placing on next month's Business Agenda.

Without further comment, the Board of Supervisors agreed to the approach offered by Mr. McGrory.

MINOR PLAN RE: LEBUS BAKERY. DEVELOPMENT PLAN. 479
SHOEMAKER ROAD, 1,373 SF COLD STORAGE BUILDING ON EXISTING
IMPERVIOUS

Utilizing the aerial, Mr. Loeper highlighted the LeBus Bakery located on Shoemaker Road in the Gulph Mills Business Park which extends from Henderson Road to Yerkes Road. The applicant is proposing to put a 1,300 square foot cold storage building on top of the existing paved asphalt. There is no increase in impervious and no reduction in parking. Parking areas are located in front and along the side of the building. Mr. Loeper indicated this will be a modular unit that would come in as a cold storage unit. There will be some minor modifications including a sidewalk as well as a physical connection for the cold storage units into the building proper.

Staff has reviewed the plans, there are no adverse impacts, found them to comply with township codes, and are prepared to authorize the issuance of building permits pending comment from the Board of Supervisors.

Mrs. Kenney asked about the timing of the development plan. Mr. Loeper responded the applicant is anxious to finalize as soon as possible.

Mr. Philips asked if this is a modular construction or mobile. Mr. Mark Delonzo, architect for LeBus responded the applicant would like to have this done in the next month or so. He explained the cold storage unit is a modular unit assembled on the site which then will be placed on a concrete slab structure to raise it up so it is level with the factory floor.

Mr. Philips asked if this is a pre-engineered building or a modular building. Mr. Delonzo responded it is a pre-engineered building.

Mr. Philips commented then it is not a modular building, but rather a building using traditional construction methods. Mr. Delonzo responded in the affirmative. He explained it is going on a footing that is raised 4 feet, 2 inches above grade to be level with the factory floor.

Mr. Philips asked what gets filled in the void. Mr. Delonzo responded there is a pad insulation level and then a structural pad below and supported within the foundation walls on either side.

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

ROAD DEDICATION RE: PORTION OF RENAISSANCE BOULEVARD

Mr. Ron Wagenmann, Township Manager, stated this is for a section of

Renaissance Boulevard that has not been taken over as yet by the township. Last year the township accepted a piece from Liberty Property and this is the continuation of that piece. He explained it is actually in joint ownership partly owned by the O'Neill organization and RAGM Corporation which developed the business park. These are not fee simple title deeds. These are the deeds of dedication, but they are deeds of easement for the roadway. Mr. Wagenmann noted this will be added to the township's road mileage which can then be submitted to PennDOT for the township's share of liquid fuels monies for these roadways.

Board Comment:

Mrs. Kenney asked about the dimensions of the roadway. Mr. Wagenmann responded it is 993 feet in length and the cartway is approximately 35 feet to 40 feet wide. It provides for two through lanes with the ability to park on either side of the roadway. Utilizing the aerial, Mr. Loeper pointed out the portion from Horizon Boulevard that was dedicated last year by Liberty Properties.

A brief discussion followed about the cul-de-sac.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the Road Dedication as presented. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from August 7, 2012 to September 6, 2012, in the amount of \$1,059,695.91 and the Payroll for August 3, 2012, August 17, 2012 and August 31, 2012 in the amount of \$1,950,697.15 for a total of \$3,010,393.06. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

TRICENTENNIAL ACTIVITIES

Mrs. Kenney stated each Saturday at the Farmers Market the Tricentennial Committee will have a table devoted to selling various Tricentennial products such as holiday ornaments, Upper Merionopoly game, T-shirts, buttons. She encouraged everyone to share in the celebration and suggested attending the planning meetings held once a month on the third Wednesday at 7 p.m. in the Township Building. More information can be found on www.umtownship.org for more information. Tricentennial products are also available from the cashier during business hours Monday through Thursday. A community cookbook and Upper Merion history book will be available in time for holiday giving.

50th ANNIVERSARY LAFAYETTE AMBULANCE

Mr. Jenaway congratulated the Lafayette Ambulance and Rescue Squad who will be celebrating their 50th anniversary of continued development, expertise, and community service. At the Business Meeting on October 4, 2012 a Proclamation will be presented to Lafayette Ambulance in recognition of their service.

SENIOR FALL FLING

Mrs. Kenney noted next Thursday, the Senior Fall Fling will be held at the King of Prussia Mall and the theme this year is the Tricentennial and history of the Township.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of additional Township meetings and events.

CONNECT CTY

Mr. Waks encouraged residents to go to the township website at www.umtownship.org, click on Connect CTY, and enter contact information so that the township can contact residents with important public interest messages via phone, email or text. It is important that the telephone number not be registered as private.

ROAD CLOSURES AND DETOURS

Mr. Waks stated the Public Information Office has been receiving many calls concerning road closures and detours. If citizens subscribe to the township e-newsletter through the township website and click on the new online version of "Street Smarts," it will provide the latest information on road construction within the area. The goal is to keep everyone informed of all traffic developments in Upper Merion.

From the Public:

Mr. Herbert Baiersdorfer, Gypsy Lane, discussed his ongoing stormwater concerns, and he was told a letter from the Township Engineer will be forthcoming shortly.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:33 p.m.

SECRETARY-TREASURER

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Minutes Approved:

Minutes Entered

RONALD G. WAGENMANN

TOWNSHIP MANAGER