

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
MAY 2, 2013

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, May 2, 2013, in the Township Building. The meeting was called to order at 7:33 p.m., followed by a pledge of allegiance.

ROLL CALL:

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

CHAIRMAN'S COMMENTS:

Chairman Waks reported an Executive Session was not held prior to this meeting.

DISCUSSIONS:

PEDESTRIAN CONNECTIONS AT THE KING OF PRUSSIA MALL

Denise R. Yarnoff, Esq., Riley Riper Hollin & Colagreco, stated she has appeared at meetings of the Board of Supervisors on other matters within the last year when the importance of pedestrian connections has been emphasized by the supervisors. In preparation for the larger Mall Connector plan, Ms. Yarnoff indicated she has been engaged by Simon Property Group, through Paul Lepard, to discuss the pedestrian connections and obtain the goals and comments of the supervisors so that the eventual plan works for everyone. She said Paul Lepard has been reviewing the connections that exist today as well as possible improvements for the future and a PowerPoint was shown.

Paul E. Lepard, Jr., RLA, PP (Nave Newell, Inc.) stated his firm has been out to the King of Prussia Mall on a variety of occasions to familiarize themselves with the existing features, particularly with regard to pedestrian connectivity and to analyze the conditions that presently exist on site for opportunities to create additional safe sidewalk connections for pedestrians who are accessing the Mall property and the anchors from the north (Lockheed Martin, the Crowne Plaza Hotel) or from the US 202 corridor. Mr. Lepard reviewed the slides which featured an inventory of those facilities where connectivity opportunities exist. He emphasized the ideas presented in the PowerPoint are not design solutions, but rather an opportunity to engage in a dialog to enhance the safe pedestrian

experience.

Mr. Waks stated it would be helpful to the Board of Supervisors if future presentations would provide a map with some type of overlay document or second paper print out that would distinguish between current sidewalk connections versus what Simon Property Group is proposing.

A discussion ensued about some difficulties Mr. Lepard noted between two restaurants because the access drive along the back side is prohibitive in terms of width and also prohibitive relative to the slope condition between the access drive and building. Based on some of the supervisors' comments, Mr. Lepard said his initial reaction does not mean this cannot be reassessed.

Mr. Waks addressed the crossing near the transportation center and said it would be helpful to find a way for pedestrians to walk back and forth in that general area.

Mrs. Kenney asked about the access to the Shake Shack once it is completed. Ms. Yarnoff responded a crosswalk has been added.

Mr. Jenaway asked about current pedestrian practices getting to Bally's. Mr. Lepard indicated he would go back and take a look.

Mrs. Kenney asked a general question about the proposed sidewalks and if they would be built on current green space or macadam areas. Mr. Lepard responded it would be a little of both.

Mr. Jenaway asked if a similar presentation will be made to the Planning Commission. He pointed out while not obligatory; it might be helpful to receive their input. Ms. Yarnoff responded they would be happy to meet with the Planning Commission, but wanted to start with the Board of Supervisors.

Mr. Waks asked for clarification about the bottom portion of North Gulph Road, off of US 202 between North Gulph and Mall. Utilizing the aerial, Mr. Lepard indicated the green space there and the challenge in being able to provide enough pedestrian separation from the edge of the cartway and the larger challenge of the bottom ring road is that it is six to eight feet below the road where there would be a lot of impact to landscaping.

Mr. Jenaway commented one of the goals should be to provide the hotel transient population with the opportunity to get to the Mall as quickly as possible.

POSSIBLE DEDICATION OF COMMON AREA TO THE TOWNSHIP BY THE WOODS OF WAYNE HOMEOWNERS ASSOCIATION

Mr. Rob Loeper, Township Planner, stated he was approached by the Management Association for the Woods of Wayne Homeowner's Association about the possible elimination of a portion of their open space. Utilizing the aerial, Mr. Loeper pointed out the location of the property extending out to Mount Pleasant Road. The total parcel is 7.94 acres, with 4.26 acres as open space (under the zoning code 20% or 1.5 acres is required as open space). The actual parcel under discussion is .28 acres and is in the R-3 District. Lot requirements for a single family are a minimum 5,000 square feet with 50 foot width. This property is approximately 42 feet wide. Mr. Loeper noted there is a rather large vacant property next to it that was part of a prior development already built. He pointed out on a group of photos a portion of the property that is approximately 15 feet higher than the town homes and a sign indicating a development as approved for four town homes that have not been built at this point in time.

Mr. Waks asked if the portion of Mount Pleasant is in Upper Merion. Mr. Loeper responded in the affirmative.

Mr. Loeper indicated in the past the environmentally conscious homeowners planted vegetable gardens. There are two large rain barrels on the property. Over the years, they built a series of steps to allow the homeowners access to that area.

Mr. Loeper pointed out there is a provision in the Homeowners Association documents stating before they would do anything they would have to offer dedication to the Township. Reference was made to a "for sale" sign on the property; however, no one in the audience had any information about it.

Mr. Waks asked if the parcel has to be offered to the Township before anything else is done and if they want the Township to take the parcel. An unidentified representative of the Homeowners Association responded their thought when they first discussed selling this piece of property was to sell it in order to defer some of their expenses. He said there was an attempt at a community garden by one of the residents, but the resident has since moved out of the Woods of Wayne and now there is no one who is going to be responsible for maintenance of that property.

Mr. Waks concluded the HOA is here because they have to be here and not because they want to be here. An unidentified woman in the group responded, "correct."

Mr. Waks commented there appears to be no township use for this property.

Mr. Kraynik noted the only thought coming to mind was perhaps a wider community need for a garden.

Mr. Waks pointed out the other issue is while the township does not have a use for it now; no one knows what future Boards of Supervisors might want to do with this lot.

Mr. Loeper noted it is not a flag lot and it has frontage on Mt. Pleasant. The only thing is that it is a 42-foot non-conforming lot (normally it would have to be 50 feet wide). It is not dissimilar from many of the non-conforming lots on Mount Pleasant. Since it is a small parcel, Mr. Loeper said the biggest challenge is the remaining question of what to do with it.

Mr. Waks stated he is fine with not accepting the dedication provision and asked for further comment by the other supervisors.

Mrs. Kenney asked if it is too small to have a small park in that area of the township. Mr. Russell commented he believes the lot is too small. Mr. Loeper responded there is a park at the cul-de-sac that belongs to the township; however, it needs work and is not useable right now.

Mrs. Kenney asked which park Mr. Loeper was referring to. Mr. Loeper responded it is Mount Pleasant Park.

Mr. Jenaway asked if there are any rights-of-way or easements that are at issue or if it is just a clean lot. Mr. Loeper responded he is not aware of any easements.

Mr. Jenaway asked if the reason this piece of property exists the way it does is because of the original land development. Mr. Loeper responded it goes back to the historical ownership pattern when this property was built as Woods of Wayne. It was actually two properties and this was probably originally an access area from Mount Pleasant. He believes the grade differentiation is a large part of grading activity that took part when the Woods of Wayne was built. He said he is not sure the 14-15 foot grade difference was so apparent in its pre-development state.

Mr. Jenaway wanted to make sure no underlying issues would surface in the future.

In looking at restrictions in the HOA, Mr. Loeper asked Mr. McGrory if the Board of Supervisors would not accept dedication if the homeowners could sell the property and if it would entail a subdivision and an appearance before the Zoning Hearing Board because of the lot width. Mr. McGrory responded there are a couple different issues. First, the HOA would need permission from their membership to sell it and/or offer it for dedication.

An unidentified woman in the group said she believes that 80% of the membership would have to approve.

A discussion ensued and the issue was raised about residents of the Woods of Wayne who might oppose the subdivision.

Mr. McGrory reiterated the first step the HOA needs to take is a vote of their membership, then a formal offer of dedication to the Township. The Township would then take a formal vote at a public meeting, and if rejected, it can then be placed under agreement with a potential buyer.

Mr. McGrory stated he would be curious to see what the homeowners adjacent to the property would have to say and that would be valuable information.

A discussion ensued about some of the elements and characteristics of the surrounding properties in the area, including two homes on flag lots.

Mr. McGrory suggested the HOA representatives might want to consider a courtesy review by the Zoning Officer.

Mr. Waks suggested the first step would be to make sure the HOA could get the 80% and then return to discuss the next step.

Everyone agreed.

Mr. McGrory emphasized the Board of Supervisors is not providing official direction.

PROPOSED DESIGN OF BUSINESS PARK ENTRY AT NORTH GULPH ROAD AND FIRST AVENUE – KING OF PRUSSIA BUSINESS IMPROVEMENT DISTRICT (BID)

Peter Simone, Simone Collins, stated he has been working with the King of Prussia Business Improvement District (BID) on a signage project at the three gateways for the new rebranded Business Park as well as coordinating with the Township Solicitor and Township Planner on new zoning for the SM District.

The three gateways are located at First and North Gulph, First and Allendale, and Moore and Valley Forge. Some concept designs have been done to help rebrand the office park for new uses and it is hoped to have the area rezoned by the township to help make it more aesthetically pleasing and create a new identity similar to the “King of Prussia” signs that have been installed.

Utilizing the aerial, Mr. Simone pointed out the intersection of North Gulph Road and First Avenue with a view of the Casino sign at the corner and the existing architecture. The next slide featured a view on the other side of the street and as one is approaching on North Gulph there is a non-descript embankment area. The intent is to make it more attractive and inform people they are entering a “special” place. The next slide provided a concept sketch with a couple of signs a few hundred feet in from the entry, trees, landscaping, and some flag poles. In terms of lighting it is envisioned to have simple lighting on the walls, and some uplighting of the flag poles and major trees.

Mr. Simone referred to the survey plan for the intersection. He pointed out the right-of-way which varies considerably on both sides of the road. The signs are proposed partially within the township right-of-way and within the private owners’ properties. The BID is working with the casino property owners and the Baptist Church property owners to negotiate an agreement so the signs can be partially on their properties. The BID is now before the Board of Supervisors since the signs are proposed in the township right-of-way.

On the next slide, Mr. Simone pointed out the proposed 25 foot tall flag poles with banners which he indicated will not interfere with overhead wires. Plans have been submitted to Peco to make sure proper coordination is done with the utility agency.

Mr. Simone described the sign as traditional brick and approximately 6 feet, 7 inches. He said the difficulty they have is this sign does not fit into any of the current definitions for existing sign categories in the Township. They have had a number of discussions with the Zoning Officer, and the dilemma is that it is similar to the “King of Prussia” signs that do not fit into the category both because they are not owned by a commercial entity and are designed to announce the District.

Mr. Simone stated it is their [BID’s] understanding when the signs were installed there was an informal approval from the township that these signs could be placed in the right-of-way, that they were deemed municipal signs by the township informally, and that PennDOT issued HOP’s for these “municipal signs” in their right-of-way. From the BID’s standpoint, they believe a precedent has been set so that the township could decide as one action to allow these signs under the same previous arrangement.

The BID believes it is a quasi-municipal agency unlike any other organization, and they cannot envision anyone coming in with the same situation. Mr. Simone stated they are not advertising, promoting, or selling a product. The purpose of the sign is to announce entry to a place. Informal discussions were held with the Township Solicitor, and they have also had informal discussions with the Zoning Officer. The Zoning Officer reviewed the ordinance and indicated the ordinance does prohibit signs in the right-of-way. Mr. Simone stated they are

not going to disagree with the Zoning Officer's informal interpretation at this point, and if the township decides that these are not municipal signs it is not known what they are since they do not fit into any category. He said conceivably they would have to get a variance or text change. Mr. Simone stated since the township is in the middle of revising their ordinance, it was advised that it is probably not a good idea to do a text change right now since others have asked for a text change and the BID should not be given special treatment.

Mr. Simone indicated they looked at the legislative purpose of signs in the township's ordinance and it refers to protecting property values, creating a more attractive business climate, and enhancing and protecting physical appearance. The language that causes some discussion is the part that refers to reducing hazards that may be caused by signs in the public right-of-way. The basis of this discussion is how this can be accomplished.

Utilizing the aerial, Mr. Simone pointed out where the right-of-way is, and where the signs would be placed. He said the obvious question is why not move the signs out of the right-of-way. Mr. Simone indicated the problem with that option is the right-of-way at the intersection is very constricted and close to the cartway. This will be an issue at all three gateway locations.

Mr. Simone suggested the supervisors consider either informally or through some type of formal agreement that the BID would agree to sign off on maintenance and liability issues. He said if the Board of Supervisors would consider these municipal signs it would help the BID move forward with this.

Mr. Waks commented the BID might get different opinions based on the three different locations. He indicated with permission from the individual stakeholders First Avenue [and North Gulph] is fine with him since the area needs to be defined. He is also okay with First Avenue and Allendale since the entire area needs to be beautified. With regard to Moore Road and Valley Forge, Mr. Waks stated that is not a purely commercial intersection, there is also a residential intersection there and it is important to speak to the Valley Forge Towers Community Association (contact: Roland Collins) as soon as possible since it will be important for the Board of Supervisors to have their input.

Mrs. Kenney asked about the maintenance planned while the BID is in existence. Mr. Simone responded the walls are going to be high density 5,000 psi brick. There will not be a lot of maintenance to the walls and they probably would not require any substantial maintenance for five or ten years. Maintenance would involve a power wash every couple of years depending on accumulated grit and after five to seven years they might need some repointing. The lighting would have to be maintained for the lighting of the wall.

Mrs. Kenney asked if the BID has a budget for that maintenance. Mr. Simone responded in the affirmative and noted the good job being done maintaining the plantings on US 202.

Mrs. Kenney asked for more information about the lighting. Mr. Simone responded the BID is suggesting simple lighting at the intersection at North Gulph Road that would uplight the wall, flags and trees.

Mrs. Kenney asked if LED lights would be used. Mr. Simone responded in the affirmative.

Mrs. Kenney asked for more information about the poles. Mr. Simon responded they would probably be dark, anodized aluminum breakaway poles.

Mr. McGrory commented he is going through the agreements and looking into the liability issue. He pointed out while the BID is doing a good thing for the community, the problem is if they are not in existence at some future time, the township has to be prepared to maintain the walls, signage, lights or flags or whatever else they are doing. When easements are done it should be to the benefit of the BID and the Township so that the Township has the ability to maintain those walls, etc., if necessary

Mr. Jenaway asked how the sight lines are being managed since there are at least three or four intersection points. Mr. Simone responded they are back from any sight triangles and they are not coming into play at any of these locations.

Mr. Jenaway followed up by asking if this also applies to vegetation growth. Mr. Simone responded all the vegetation near the road is low and there would not be any interference.

Mr. Jenaway said he was concerned about areas such as the one coming out of Freedom Drive. Mr. Simone responded anything near the road, such as perennials or grasses, would be 18 inches or lower. He also gave assurance they will make sure trees are not a problem.

Mrs. Kenney asked if the plantings Mr. Simone was referring to are trees and bushes or mainly vegetation. Mr. Simone responded they are going to have large shade trees and flowering trees with some shrub material and in a few places some concentrated flowering perennials and grasses so there is landscaping interest at different times of the year.

Mrs. Kenney asked if the plantings would be native species. Mr. Simone responded they would be mostly native species; however, native species cannot always be done. He explained it is necessary to be careful not to plant native

plants in non-native soils because then they will not do well.

Mr. McGrory said assuming the Board of Supervisors and the BID come to an agreement over what should be done, it is then necessary to determine how it gets done. He pointed out this Board is not empowered to grant variances or to violate zoning. Further, he does not believe we can call these municipal signs. They are signs for the office park and in the right-of-way as the Zoning Officer pointed out. Mr. McGrory agrees with the Zoning Officer that you cannot put signs in the right-of-way without some kind of permission and there are two ways to do that. One is text change and he pointed out how difficult it would be to come up with language that would make sense. Mr. McGrory recommended, and the Zoning Officer agrees, that the BID should apply to the Zoning Hearing Board for a variance. The application can be waived and an elaborate presentation would not be necessary. The BID can enter their appearance in support before the Zoning Hearing Board and indicate this is something the Township wants. It would be the legally pure way of amending this kind of activity in the right way.

Mr. Simone commented there is no guarantee a variance will be granted. Mr. McGrory responded if it is rejected then this issue can be reexamined.

Mr. Simone stated all that takes time and the BID would like to move forward. In his view, a precedent has already been set with the "King of Prussia" signs and the BID would just be following that precedent. He also feels he cannot think of any other type of organization that could take advantage of this.

Mr. McGrory stated while he understands their arguments, he pointed out when looking at zoning, you never look at the owner or the applicant, you look at the use. He stated zoning regulates use not ownership or applicants and while they are a wonderful organization it cannot be said there is no precedent because there is no other organization like that out there. He said you have to look at the use and the sign saying you are entering a business park is no different than other industrial or commercial areas that can do the same thing or HOA's that can do the same thing.

Mrs. Kenney asked if the "King of Prussia" sign is considered a municipal sign. Mr. McGrory responded neither he nor the Zoning Officer was involved in that process. He pointed out the King of Prussia sign is different than the Business Park sign. A municipal sign is "Welcome to Upper Merion Township" or "King of Prussia BID" sign. He does not believe you can stretch that definition even further and say here is a sign for the Business Park and we can call it a municipal sign.

Mr. Waks emphasized from the township's standpoint it is important to respect and try to adhere to the Solicitor's viewpoint. He encouraged speaking to individual property owners and to the Valley Forge Towers Community

Association to enlist their support before the Zoning Hearing Board.

Mr. McGrory commented everyone wants what the BID is proposing and a way has to be found to make it happen.

Mr. Simone said in addition to getting support before the Zoning Hearing Board, he asked for a suggested basis for their "hardship."

Mr. McGrory responded out of the last hundred variances that he received there were about two that had not satisfied the legal standards. He said it is almost impossible to satisfy the standards for a sign case, yet they are granted every day of the week, especially if there is support in the community, or if you have a quasi-governmental applicant and you have the support of the township. Mr. McGrory reiterated if there is a problem with the variance, everyone can regroup. Mr. McGrory stated he is trying to maintain the integrity and purity of the ordinance and its procedures and he respects the opinion of the Zoning Officer. He said this will get done. It is just a matter of how we go about doing it.

PROPOSED SLIP RAMP – KING OF PRUSSIA BID

Mr. Brian Keaveney, Pennoni Associates, stated one of the other issues in the Business Park area is to see if there is any feasible way of improving vehicular access for the area. Due to the proximity of the turnpike one of his initial thoughts was could a slip ramp from the westbound Pennsylvania Turnpike be constructed through some of the Freedom Business Park Drive area. After considerable study it has been determined that it would be feasible to construct an auxiliary ramp at the existing interchange which would be signed for E-Z pass similar to the Fort Washington or Bensalem slip ramp. It is envisioned for it to come down to the west, make a turn to the north and intersect First Avenue at the existing traffic signal on Moore Road. To date there have been no detailed traffic studies in order to determine what the anticipated volume would be, but the dual lane ramp configuration could handle a pretty significant capacity for peak hours. The proposed slip ramp would take traffic out of the stream through the main turnpike interchange which currently exacerbates the condition on the expressway to US 202, US 422 and other surrounding roadways. After comment from the Board of Supervisors, the next step would be for the BID to discuss this concept with the Turnpike Commission which has not been done as yet.

Mr. Waks asked about a traffic study.

Mr. McGrory asked where the funds would come from. Mr. Keaveney responded it could be from the turnpike if the turnpike sees the benefit to this as well. He also indicated there would be construction and design funds.

McGrory asked if this is something to try and get on a future federal transportation bill. Mr. Keaveney responded in the affirmative if the possibility of that arises.

Mr. McGrory suggested the lobbying for that should begin now.

Mr. Kraynik asked if Mr. Keaveney has had any conversations with Leo Bagley at County Planning Commission. Mr. Keaveney responded in the affirmative.

Mr. Kraynik stated he had a conversation with Leo Bagley today and indicated Mr. Bagley is leading the charge from the County Planning Commission to muster support from all the municipalities in Montgomery County that have exits or entrances onto the turnpike and will be in Upper Merion Township on May 23 for this purpose. Mr. Bagley envisions seeing completely new interchanges including Valley Forge in Montgomery County. During Mr. Kraynik's discussion with Mr. Bagley today about this [proposed slip ramp], Mr. Bagley indicated it would likely be a companion to a complete revision of the interchange at Valley Forge, and he needs to be kept "in the loop" on this. Mr. Keaveney agreed and said he wanted to come to the township before pursuing other discussions with the county and turnpike.

Mr. John Waters, Chief Fire Marshal, commented about the large number of trucks that over turn in that area. He asked if some type of improvement can be made to the westbound off ramp to solve an existing problem.

Mr. Jenaway commented, "If we can make that happen and get some improvements for the rest it is even better."

Unidentified member of the group from the BID indicated Pennoni has given them preliminary estimates as to the potential costs. With the exception of the Fort Washington Interchange, the BID is the furthest along in its design concept and cost estimate so as the county evaluates all the different sites, the BID is in a good position in Upper Merion to benefit from it. The next step is to have a dialog with the Turnpike Commission and then commence with the traffic study.

Mr. McGrory reiterated the importance of lobbying for the federal transportation bill funding.

Mr. Jenaway commented the Turnpike Commission would end up paying for funding and receiving revenue for it for the majority of this project.

With regard to costs, Mr. Keaveney indicated they have looked at several scenarios with a range of approximately \$6 million to \$10 or \$11 million which would include some structure of the retaining wall.

DISCUSS RESOLUTION 1975-37 RE: ALCOHOLIC BEVERAGES IN TOWNSHIP PARKS

Mr. Dan Russell, Director, Park and Recreation, discussed the results of his research obtained from various surrounding municipalities.

Horsham Township, Upper Gwynedd Township, Whitpain, Plymouth, Upper Moreland and Abington have the same policy and ordinance as Upper Merion which is no alcohol on township property.

Muhlenberg Township is currently undergoing a change in their ordinance. They allow by permit with a \$50 fee per use for alcohol to be consumed at some of their designated parks. They have about two or three sites where this fee is used to offset the cost of staffing the event. If a resident were to have a party at a designated area, that fee would go to offset what they call their "park monitor" who is there to make sure there are no issues. Their recreation coordinator is working on having alcohol served at their Community Days and events of that nature.

Whitemarsh Township has a No Alcohol in the Parks Ordinance, but they do allow alcohol during rental of their indoor facilities and they have an alcohol permit request which they instituted in 2008 for a \$250 fee. There are some very strict rules outlined on the permit request and to date they have had about six to eight permits issued since 2008. There has not been a big demand for that type of use.

Mr. Russell also spoke with a Mother's group today and they indicated they would not be in favor of any type change to our ordinance as it exists today.

Mr. Kraynik summarized a memo from Chief Tom Nolan wherein he stated it is a lot easier for the department currently not to have any type of alcohol in the parks. However, if the township were to enter into an agreement it would be his recommendation that there would be an agreement only with a licensed vendor and the Police Department could work with Parks and Recreation and the Township to allow some alcohol in the parks, but it would have to be on a very limited and very controlled basis.

Mr. Russell stated there was a brewery that did everything Chief Nolan recommended; however, they are not interested in working with the township because their equipment and staff are insufficient to handle the nature of our activities. It is very labor intensive for them to mobilize and be here for a couple of hours for something like Concerts Under the Stars or Community Day. They would prefer to go to an event similar to the Philadelphia Folk Fest which they do

currently. They set up for a few days, sell their product, and then leave. They said they are interested in the future should their equipment and staffing change because they do like this market. Mr. Russell noted they do carry all the licenses and permits from the new Liquor Control Board in Montgomery County.

Mr. Waks stated this discussion was prompted by some of the plans for the Tricentennial, Community Day. Under current ordinances, the idea of having a tent with someone serving alcohol or beer could not be done unless it was decided to go with a waiver. Mr. Waks favors the idea of possibly once a month in the summer having a special Thursday night Farmers Market. There might be a tent where under certain circumstances alcohol could be served and all under an extremely well regulated way as outlined by Chief Nolan in his memo. Mr. Waks indicated his thought was something along the lines of granting waivers if a certain set of very strict conditions were met and only if they were met.

With regard to the Farmers Market, Mrs. Kenney mentioned at one point there was a discussion about the possibility of an Oktoberfest. Currently there is a winemaker that comes to the Farmers Market but only sells wine in bottles.

Mr. Jenaway indicated he is okay with some kind of an exception category for alcoholic beverages.

Mr. Waks pointed out a portion of whatever money is raised will go back into the parks to fix some of the playground equipment and organize park cleanups. This will be a benefit to the entire township, especially groups like the Mother's Club.

Mr. McGrory asked what is envisioned. Mr. Waks responded a contractor would pay a fee or itinerant merchant tax.

Mr. Kraynik said, ..." and they would hold the township harmless."

Mr. McGrory asked about Cheltenham's procedure. Mr. Kraynik responded Cheltenham's procedure is very similar to Whitemarsh Township. While there is no alcohol in the parks, Cheltenham does have two rental facilities and alcohol is allowed during rental of those indoor facilities. There are two ways alcohol is allowed in their rental facilities. -- either by a caterer providing the liquor and providing the hold harmless additional insurance certificate to the township (90% of the cases) or obtaining a rider on their homeowners insurance. There have been individuals that will take on the responsibility through a rider on their homeowners insurance to provide the township with an additional certificate of insurance, but usually it is done through the caterer as a provider.

Mr. McGrory does not favor the rider option since it is so limited. He said the caterer provides the insurance with certain limits.

Mr. Kraynik commented limits need to be set and that can be done through the township's insurance company. Staff contacted PIRMA and they indicated based on what they know that the township would be in a position to get a special events alcohol license.

Mr. McGrory commented he is not sure he would want that.

Mr. Kraynik stated he would not want that either, but it was looked at.

Mr. Jenaway indicated his experience would confirm that the township would not qualify.

Mr. Kraynik noted the township has that in writing.

Mr. Jenaway asked if the insurance company indicated anything about what precautions would have to be taken if alcohol were offered. Mr. Kraynik responded they did not offer that information and staff would have to go back and explore that with them. He would also ask them what would be the limits of insurance we would want a caterer to provide for a certificate.

Mrs. Kenney asked with regard to a caterer, what kinds of events and locations are being referred to.

Mr. Russell stated this was brought up as part of Community Center planning when the idea of a banquet facility was being explored.

Mrs. Kenney indicated she thought that idea was dropped. Mr. Russell responded it was dropped, but it is similar to what Cheltenham and Radnor does with their Willows Mansion.

Mrs. Kenney asked since the idea of [alcohol] in the Community Center was dropped, what other specific events are being considered. Mr. Waks responded events such as Oktoberfest or Fourth of July. Mr. Jenaway commented any event held out back [of the Township Building].

Considerable discussion was devoted to the wine vendor at the Farmers Market, suggested changes to the ordinance to indicate no open containers, the wine sampling issue, insurance (including dram shop insurance), and liability issues.

Mr. Waks stated Mrs. Spott and the Farmers Market Committee need to be involved in the discussion.

The consensus was to deal with the amending the Ordinance to say no open containers and then take time to explore how to deal with the other situations that came up during the discussion.

ADJOURNMENT:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to adjourn the workshop meeting at 10:14 p.m.. None opposed. Motion approved
5-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: