

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
SEPTEMBER 23, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, September 23, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:36 p.m., followed by a pledge to the flag.

ROLL CALL:

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

CHAIRMAN'S COMMENTS:

Chairman Bartlett commented on the Senior Fall Fling hosted by the King of Prussia Mall for the 9<sup>th</sup> year. He then commented on installation of the more energy efficient doors at the Township building. Chairman Bartlett also reported on an executive session dealing with legal and personnel matters.

NEW BUSINESS

CONSENT AGENDA:

1. Permission to Advertise Ordinance Amendment for hearing on October 14, 2010:
  - a. Ordinance Amending Chapter 91 of Upper Merion Township Code re: Garbage, Rubbish & Refuse
2. Permission to Advertise & Receive Bids re: Sumner Dam Removal and Stream Restoration Project

Board Action:

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

RESOLUTION NO. 2010-21 RE: ACCEPTANCE OF DEED OF EASEMENT RE: RENAISSANCE BOULEVARD

Mr. Bartlett recalled his previous concern about possible pollution/liability issues when the deed of easement on Renaissance Boulevard was brought to the attention of the Board of Supervisors. He explained that since then after working with the EPA an arrangement was worked out that would give the Township the road surface. This would then appear on the map as a Township road making it eligible for a share of state funding, but the responsibility for any future problems remains with the owners.

Mr. Ron Wagenmann, Township Manager, stated the Township will have responsibilities for the maintenance of the roadway and the stormwater collection system, but the Township will not take fee simple title. He explained that the Township is simply getting a road easement.

Mr. Joseph Pizonka, Township Solicitor, discussed the details that have been worked out with EPA and the property owner. He stated that there is also an existing consent decree to Liberty in light of the remediation required by the EPA. Mr. Pizonka explained that the consent decree contains a covenant not to sue and the protection of that covenant transfers to the Township. In addition there is an environmental indemnity agreement signed by Liberty in which they agree to indemnify the Township from any future liability relating to the existing contamination. Since the Township has responsibility for maintaining the road it will receive the benefit of the liquid fuel tax, but will not have responsibility for any potential environmental problems that may arise.

Mr. Bartlett commented that acceptance of this easement will not inherit any liability for the Township.

Mr. Pizonka stated that Ms. Denise Yarnoff, Esq. will provide a signed copy of the environmental indemnity agreement.

Ms. Yarnoff stated that the aforementioned comments are correct and that she provided the Township Solicitor with a copy of the signed indemnity and the original will be provided tomorrow.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. McBride, all voting "Aye" to approve Resolution No. 2010 as submitted. None opposed. Motion approved 5-0.

RESOLUTION NO. 2010-20 RE: ESTABLISHMENT OF DAILY STIPENDS FOR WITNESS FEES FOR CITIZEN BOARD/MEMBERS

Mrs. Spott stated that there is still ongoing litigation mandating the depositions of many of the former citizen board and zoning board members. This obligation requires these individuals to travel to various locations, park and sometimes take leave from work or other activities. In the interest of fairness since these individuals are not employees of the Township, the Board of Supervisors believes that these volunteer and citizen appointees should be reimbursed for their expenses with a modest stipend of \$50 to cover their costs and \$100 if a whole day is required.

Board Action:

It was moved by Mr. Waks, seconded by Mr. McBride, all voting "Aye" to approve Resolution No. 2010-20 as submitted. None opposed. Motion approved 5-0.

PLAN AMENDMENT RE: KRAVCO DEVELOPMENT PLAN. 160 N. GULPH ROAD. DEMOLISH FORMER MACY'S AT THE PLAZA (189,836 SQ. FT.). CONSTRUCT NEW RETAIL BUILDING FOR SMALL STORES (67,753 SQ. FT.) CONSTRUCT 53 NEW PARKING SPACES. SC DISTRICT, 127 ACRES

Mr. Rob Loeper, Township Planner, stated that many people would better know this property as the former John Wanamaker store. He said that the mall for the most part has two levels. The plan indicates that the three-story building will be demolished and replaced by a two-story building. With the changing nature of retail, it was very difficult to market this particular structure. Utilizing the aerial, Mr. Loeper pointed out the location of the department store situated behind one of the parking garages.

Mr. Loeper indicated that earlier this year the Planning Subcommittee of the Board of Supervisors met with the applicant to review the plan. Due to the nature of the project, it was agreed that it would be treated as a plan amendment. Utilizing graphics, Mr. Loeper pointed out the outline of the former John Wanamaker building last occupied by Macy's which will be demolished. He featured the area to be rebuilt as a two-story retail area as well as the area for the additional parking field.

The total impervious area for the property will not be increased and therefore no stormwater management facilities are required. However, a 15,000 square foot green roof will be installed on a portion of the new building to address water quality issues as required by the Pennsylvania Department of Environmental Protection. This will be the first green roof in Upper Merion.

Montgomery County Planning Commission reviewed the plan as required for recording purposes. The commission had no substantive issues but questioned the need for additional 53 parking spaces. Mr. Loeper expressed the view that this area behind the garage does not lend itself to anything else although a possibility remains of expanding the building, but that is not part of these plans.

T&M Associates reviewed the plans for engineering and code compliance and Mr. Loeper commented on some those issues. He said that the Plaza is unique in that while it is classified as a Regional Shopping Center (RSC), there are special provisions for parking and landscaping which only apply to the Plaza and the Court because of the nature of the site. In order to address the T&M parking comments, the applicant has agreed to make the sidewalk slightly smaller as well as other adjustments.

With regard to landscaping, unlike standard landscaping that is controlled primarily through subdivisions, the provision in the zoning code would require six shade trees. While the plan initially proposed four larger shade trees, the applicant has agreed to provide the required six trees.

Staff has reviewed the plans, found them to comply with township codes, and will provide formal approval pending any comment from the Board of Supervisors.

Mr. Loeper noted that initially there were three conditions in the plan. The applicant has agreed in writing to address the parking and landscaping issues (#1 and #2). There is only one remaining condition (#3) to address the items in the August 31, 2010 letter from T&M Associates to the satisfaction of the Township Engineer.

Mr. Loeper provided additional graphics that demonstrate the attractive marketability potential and increased flexibility of this proposed retail space.

Mrs. Spott commended Kravco and staff for being green roof trailblazers in Upper Merion Township.

Mr. McBride also commented about the green roof and suggested that the applicant give some consideration to providing opportunities for other interested corporate citizens to observe the process and follow their good example.

Board Action:

It was moved by Mr. McBride, seconded by Mrs. Spott, all voting "Aye" to approve the plan amendment, with one condition. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. McBride, seconded by Mrs. Spott, all voting “Aye” to approve the Accounts Payable [for invoices processed from August 5, 2010 to September 9, 2010, in the amount of \$3,113,096.26] and the Payroll [for August 6, 2010 and August 20, 2010 in the amount of \$1,108,880.64 for a total of \$4,221,976.90]. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

FARMERS MARKET/COMMUNITY FAIR

Mrs. Spott commented favorably on the Community Fair and the outstanding work of the staff and involved citizens in contributing to its success. She also reminded the residents about the upcoming Library Jazz Night and the Farmers Market Artisan’s Day and other community events.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered:

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