

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
JANUARY 14, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 14, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:45 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 Township Manager.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mr. McBride, to approve the November 19, 2009 Business Meeting Minutes and the December 3, 2009 Workshop Meeting Minutes as submitted. Supervisors Waks and Jenaway abstained since these meetings occurred before their swearing-in. None opposed. Motion approved 3-0-2.

CHAIRMAN'S COMMENTS:

Chairman Bartlett reported on an executive session dealing with legal matters. He also reported that a representative of the school district would like to address the Board once a month for two minutes to bring the Board up to date on school district matters. Chairman Bartlett pointed out that this would be a two-minute presentation by the school district representative for informational purposes only without any discussion or dialogue.

NEW BUSINESS

PRESENTATIONS RE: DONATIONS BY B'NAI B'RITH TO TOWNSHIP ORGANIZATIONS

Mr. Bill Bligh, past president, of the "Towers Lodge" of B'nai B'rith stated that B'nai B'rith founded in 1843 is the oldest Jewish service organization in the United States and came to the Philadelphia area in 1851. The Towers Lodge has been active in Upper Merion Township since 1979 and among their activities are numerous fund raising events during the year. As part of "giving back to the community", their Board of Directors has approved donations in support of the organizations that help shape this community for the betterment of all. Checks were presented to the following organizations:

Upper Merion Library	\$150
Upper Merion Police Department	\$250
Upper Merion Senior Center	\$100
Lafayette Ambulance	\$250
King of Prussia Fire Department	\$250
Swedesburg Fire Company	\$100
Swedeland Fire Company	\$100

CONSENT AGENDA:

1. Request to Award Matsunk W.P.C.C. Professional Services Agreement (PSA) to ARRO Consulting, Inc. – Matsunk Subsurface Borings & Compaction Grouting Observation Project

2. Request to Award Matsunk W.P.C.C. Professional Services Agreement (PSA) to ARRO Consulting, Inc. – Matsunk Sinkhole Monitoring Plan
3. Resolution 2010-2 re: Authorizing a Land Transfer in Lieu of Condemnation between DelCollo Realty Partnership L.P. and Upper Merion Township – 251 South Henderson Road
4. Bid Recommendation re: Pumping Stations Roof Replacement Contract – Nazareth Roofing Inc.
5. Agreement Authorizing Hough Associates to Collect 2009 Recycling Data and Prepare a Joint Performance Grant Application with Lower Merion Township. *(Mr. Bartlett noted that Upper Merion Township is heavy with industrial recyclables while Lower Merion is heavier in residential. He explained the monetary advantages of joining with Lower Merion in order to collectively receive additional grant funding from the state).*
6. Permission to Advertise re: Amendment to Ordinance – Changing the Number of Meetings per Year for the Police Citizen Advisory Board – Hearing Date: February 4, 2010
7. Resignation of Brenda Wickersham from the Park & Recreation Board
8. Appoint Ad-Hoc Property Maintenance Code Appeal Board for a Requested Hearing – As per Resolution 2009-24. *(Mr. Bartlett noted that the appointees to the Property Maintenance Appeal Board will be: Steve Wanczyk, Fire Chief/Code Enforcement Officer/Bridgeport; Bill Schutter, retired Police Officer; and Jim Ruddy, resident.*

Board Action:

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

MINOR PLAN RE: PA TURNPIKE COMMISSION DEVELOPMENT PLAN. PA TURNPIKE VALLEY FORGE PLAZA. 198 FOOT COMMUNICATION TOWER FOR MICROWAVE AND CELL TRANSMISSION WITH ASSOCIATED EQUIPMENT SHELTERS. AG AGRICULTURAL DISTRICT. *Plan Expiration: April 13, 2010*

Mr. Rob Loeper, Township Planner, stated that the Pennsylvania Turnpike Commission has submitted a development plan for property located adjacent to the Valley Forge toll plaza along North Gulph Road. Utilizing the aerial photograph, Mr. Loeper pointed out various aspects of the site and noted that the site was recently rezoned from the AG Agricultural District to the C-3 District.

The Turnpike Commission is proposing to construct a 198 foot tall communication tower along with the necessary equipment shelters and buildings. T-Mobil will construct the tower; however, the Turnpike Commission will own the tower and will have microwave transmission antennas attached that transmit toll, safety and other data along the Turnpike. T-Mobile will locate on the tower under a lease agreement and the plan also identifies the possibility of additional co-locators on the tower. Mr. Loeper provided illustrations of the proposed tower from various angles.

Because of the height of the tower, the applicant went before the Zoning Hearing Board and was granted the necessary relief in September 2009. At that time the applicant testified that the structure would meet all regulations of the Federal Communications Commission as well as applicable building codes.

Staff has reviewed the plans, found them to comply with township codes, and will provide formal approval pending comment from the Board of Supervisors. The applicant will be required to obtain a building permit and stormwater management permit prior to construction.

Mr. Bartlett asked if there were any questions raised about possible interference with other radio transmissions. Megan King (Saul Ewing law firm), representing T-Mobile, responded that testimony was presented at the Zoning Hearing Board from a radio frequency engineer who explained the FCC licensing procedure. Ms. King stated that each cellular provider as well as turnpike and other radio providers are licensed by the FCC and given a certain bandwidth over which they could communicate. Ms. King said that interference would not be a problem with these towers.

Mr. Jenaway asked for clarification about recent discussion for some construction in the general area of this [tower] site. Mr. Loeper responded that the Turnpike Commission submitted a zoning application for this property which the Board rezoned from the AG District to the C-3 District. At that time the Turnpike Commission indicated that the property represented excess property and that they would be looking at possibly developing it in the future.

Mr. Jenaway asked if the tower would impact the potential availability of that site for such potential development. Mr. Loeper responded that the site includes the area of the off ramp which is scheduled to be completely rebuilt as part of the golf course redevelopment. He pointed out possible pad sites and said that when the road is relocated this is in agreement with the Turnpike's future plans.

Mr. Bartlett stated this is a minor plan with approval to proceed.

PHASE I DEVELOPMENT/SUBDIVISION PLAN RE: MALVERN ANDERSON, LP. SUBDIVISION PLAN. UPPER MERION SWIM CLUB. 25 SINGLE FAMILY LOTS. 18.97 ACRES, R-2 RESIDENTIAL. *Plan Expiration: March 10, 2010*

Mr. Loeper stated that this 19-acre property is the site of the former Upper Merion Swim Club and is located off of Anderson Road in the northeast portion of the township near the Schuylkill River. He noted that over the past twenty years there has been other development in this area, including the Greentree development. All the property in this area of the township had been zoned Agricultural and was rezoned last year to the R-2 Residential District. As part of the rezoning the applicant agreed to a deed restriction limiting the property to 25 single family homes.

Utilizing the aerial, Mr. Loeper provided a rendering of various aspects of the site, including the proposed new road. There are 27 lots that include 25 buildable lots and two lots that are part of common space for stormwater management.

The applicant submitted the plan in December and is currently being reviewed by the Montgomery County Planning Commission. CMX is reviewing the plan for code compliance as well as engineering related issues.

Mr. Loeper provided some details from the subdivision application and stated that the overall building coverage amounts to approximately 6.2% of the lot area. The impervious coverage which would include streets and driveways would be 15% with lot sizes ranging from 15,000 to just over 20,000 square feet.

Utilizing an aerial illustration, Mr. Loeper explained the grading plan and he pointed out a very steeply sloped ravine to the east of the site that contains a stormwater structure which was originally built as part of the Greentree development and modified twice during subsequent development. Much of the stormwater will be transferred to that area. Mr. Loeper also pointed out a second basin at the rear corner of the property and a third basin on the other side of the property from which the flow will be piped over to an existing stormwater line and down to the river.

Mr. Loeper noted that early in the process when the developer first looked at possibly doing something with this property at a higher density there was some discussion about extending Reedel Road and connecting with Brownlie Road at the bottom of the hill. Although the road connection is not proposed with this application, the right of way is shown as being reserved for a possible roadway connection in that area.

Mr. Bartlett stated that this particular property is located adjacent to the Tysons Superfund site and while the site has been capped there is still material in the ground. He pointed out that drainage water from this location goes down to the river where it is intercepted and cleaned up before it goes in. Mr. Bartlett noted that it was always a question as to whether or not water could go in the other direction and possibly be passing underneath this property. He said his concern arose primarily because the major contaminant at Tysons was a material called trichloropropane or TCP which is a very dangerous carcinogenic and mutant material. Mr. Bartlett recalled that some of this material was found in Aqua's water reservoir some time ago and Tyson's Superfund site was one possible source. Mr. Bartlett explained that if it did come from Tysons it would suggest that fugitive vapors could present a problem. He said that possibly some monitoring wells might be a solution to obtain an answer to his question.

Mr. Frank R. Bartle, Esq., Dischell Bartle Yanoff Dooley, representing the applicant responded that the township handles these matters in three phases and at this point during Phase 1 he is not aware of any environmental issue that exists with respect to the property. Mr. Bartle provided assurance that he would present Mr. Bartlett with information to allay any concern in this regard.

Mr. Bartlett stated that there was always the perception that the material in the ground is going down sloped to the river and much thought was not given that it would go the other direction. However, when the TCP showed up in the water company reservoir, it prompted the question as to how it got there. Mr. Bartle stated that he understands the issue Mr. Bartlett raised and by the time the applicant comes before the Board the next time [Phase 2], information would be provided to satisfy this issue.

Referred back to staff.

#### ADDITIONAL BUSINESS

#### AGREEMENT WITH POLICE DEPARTMENT REGARDING COST CUTTING MEASURES

Mr. McBride announced that the township has reached an official agreement with the Upper Merion Township police officers regarding cost cutting measures. He outlined and clarified the specifics of the agreement.

Mr. McBride noted that there are two phrases he hears the most from residents: "I appreciate the quality of life in this township and I appreciate the low taxes." He pointed out that it is the responsibility of the Board of Supervisors and administration to manage the finances and services of the township. The supervisors believed that it was inappropriate and untimely to raise taxes on residents who are also experiencing economic pressures.

Board Comment:

Mr. Waks stated he is very glad to hear that Dr. Jamula or a representative from the school board is going to be coming before the Board on a relatively consistent basis to provide informational updates to township residents on school district matters. Mr. Waks commented that perhaps the Board should have a liaison to the school board. He said that establishing this position would be of no cost to the taxpayers and might be helpful in identifying cost efficiencies or savings.

Mr. McBride suggested that the Board of Supervisors and Upper Merion Area School District meet on a more regular basis as another way to improve communications.

Mr. Jenaway stated he concurs that the direct communication between these two boards would be beneficial.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:22 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.