

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 4, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, October 4, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:34 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager Designee; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; Judith A. Vicchio, Assistant Township Manager.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the August 16, 2012 Business Meeting Minutes and the September 6, 2012 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott stated an Executive Session was held prior to the business meeting to discuss litigation and personnel matters and will reconvene into Executive Session upon adjournment of the Business Meeting. A Workshop Meeting will be held after the conclusion of the Executive Session.

Chairperson Spott officiated at the first public kick-off of the Tricentennial Year at this meeting which included the cutting of the Tricentennial Birthday Cake. Chairperson Spott commented that it is a pleasure and an honor to serve as Chair during this exciting period in our Township's history. She expressed appreciation to all the volunteers who are working so hard with their time, talents and ideas to make the Tricentennial Year a truly memorable experience.

As the Board Liaison for the Tricentennial Committee, Mrs. Kenney highlighted some of the planned events and offered some words of welcome to participate in the various activities planned during the year-long celebration.

NEW BUSINESS

PRESENTATION OF GUTKOWSKI AWARD TO JEFF HOUSEAL

Chief Fire Marshal John Waters announced *The Firefighter of the Year* as Jeff Houseal, and presented the Gutkowski award in recognition of his sacrifice and service to the citizens of Upper Merion Township which have helped make our community a safe place to live and work.

PRESENTATION RE: FIRE & RESCUE APPRECIATION AWARDS

Chief Fire Marshal Waters stated every year at budget time he computes the figure on what it would cost to have a career fire service in Upper Merion Township. The volunteer system in Upper Merion Township saves taxpayers \$9,600,000 each and every year. Pam Forster, Deputy Chief of Lafayette Ambulance and Chairman of the Fire Rescue and Services Board announced and presented the Fire and Rescue Appreciation Awards as follows:

5 Years

Matthew Curll	Swedesburg
Dave Keeley	Swedesburg
Andrew Kulp	King of Prussia
Maggie Hunt	Lafayette Ambulance
Kaitlyn Groarke	Swedesburg
Sarah Bretz	King of Prussia
Mark Shepperd	King of Prussia

10 Years

Donald Dolga	Swedesburg
Michael Kiczula	King of Prussia
Eduardo Angeles	Lafayette Ambulance
Rebecca Horrocks	Swedesburg
Michael Mandes	King of Prussia
Ryan Gallagher	Swedeland
Edward Slivak	Swedesburg
William Vanderslice	King of Prussia

15 Years

Peter Trynkiewicz	Swedesburg
Andre Davis	King of Prussia
Kevin Katarynick	King of Prussia
Christopher MacVaugh	King of Prussia

20 Years

Hank Birkhead	Swedeland
Chris Camarda	Swedeland
Pamela Forster	Lafayette Ambulance
Robin Kelsh	King of Prussia

30 Years

David Marsh	King of Prussia
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35 Years

Theresa Nickler	Lafayette Ambulance
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40 Years

Robert Griffith, Sr.	King of Prussia
Robert Rudzinski, Sr.	King of Prussia

70 Years

Edward Dybicz	Swedesburg
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Board Comment:

On behalf of the Board of Supervisors, Mrs. Spott thanked all the volunteers for their service. She shared that early in her life she had an EMT license and knows from personal experience how hard it is to get called out at all hours of the day and night and be confronted with very difficult and dangerous situations. Mrs. Spott noted that those in the fire and rescue service are “worth their weight in gold.”

PROCLAMATION RE: LAFAYETTE AMBULANCE 50TH ANNIVERSARY

Mr. Jenaway read the proclamation in honor of the 50th anniversary of Lafayette Ambulance and presented it to Bob Krutsick, President, Lafayette

Ambulance. He spoke about the anniversary celebration he and some of his colleagues attended two weeks ago. Mr. Jenaway reminded residents that they are protected by a full force of public safety service 24 hours a day, seven days a week.

On behalf of the Lafayette Ambulance family, Mr. Krutsick thanked the Board of Supervisors for recognizing this organization on its Golden 50th Anniversary. He noted that Lafayette Ambulance has been fortunate to have had the support of Upper Merion Township throughout their history which has been so vital to their success. Mr. Krutsick also expressed appreciation to the residents and business of the community for their support of Lafayette's annual fund drive as well as the dedicated staff of volunteers and paid EMT's and paramedics and their support personnel.

PRESENTATION OF 2012 SHADE TREE AWARDS

Ms. Barbara Van Clief, Chairman, Shade Tree and Beautification Commission presented awards to the following residents:

Residential Winners:

Abdul & Nargis Alladin	1001 Lisa Court
Albert & Teisa Brown	422 King of Prussia Road
Steve Centrella	517 Dartmouth Drive
Marybeth & Steve Guminski	322 Anthony Road
Thomas & Michelle Short	128 Hamlet Drive
The Staley Family	684 Crestwood Drive
Aida & Jesus Torres	476 Hampton Road
Robert J. Valenti	580 Saratoga Road

Backyard Winners:

Donna & Phuc Pham	400 Evergreen Road
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Commercial Winner:

Fred Brown	Good Shepherd Lutheran Church 132 E. Valley Forge Road
Brooke Hersh	KOP Business Improvement District Improvements to median strips on Route 202 & First Avenue

Distinguished Tree Award

Liberty Property Trust and Pasquale Properties	3604 Horizon Drive
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Board Comment:

Mrs. Spott thanked the Shade Tree and Beautification Committee for all their hard work in arranging this awards presentation and congratulated all the winners in keeping Upper Merion Township so beautiful.

CONSENT AGENDA:

1. Equipment Replacement Request re:
 - a. Replace Fire Control Panel - \$6,600
 - b. Purchase of AED's - \$2,267
2. Budget Transfers re:

- a. Equipment Maintenance - Public Works - \$6,000
 - b. Vehicle Maintenance - Public Works - \$4,000
- 3. Supplemental Budget Appropriation re:
 - a. Increase Account - Police Dept. - \$10,000 (*Mrs. Spott noted this is going from an account that received a donation from the Powell Foundation to help support the purchase of the AED's*)
- 4. Board Policy re: Social Media Policy
- 5. Applicant requests a waiver due to physical handicap - 555 N. Prince Frederick Street - Second Driveway
- 6. Memorandum of Understanding re: Trail Bridge Project
- 7. Accept Resignation re: Steve Levine - Zoning Hearing Board (*Mrs. Spott invited anyone who is interested in serving on the Zoning Hearing Board to submit an application which can be downloaded from the township website*)
- 8. Permission to Advertise & Receive Bids re:
 - a. Snow Plowing Services Contract - 2013-2015
 - b. Sidewalk Snow Removal Contract - 2013-2015
 - c. Line Painting Contract - 2013-2015

Board Comment:

Mr. Waks commented on the Social Media Policy which will provide other ways to convey messages from the Board of Supervisors, township administration and township staff via such means as Facebook and Twitter.

Board Action:

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

FIRST REVIEW RE: FRANKLIN MAPS CARWASH. DEVELOPMENT PLAN. 333 S. HENDERSON ROAD. CONSTRUCTION OF A CARWASH, DETAIL BAY AND PET WASH STATION ON EXISTING FRANKLIN MAP PROPERTY. LI LIMITED INDUSTRIAL, 4.01 ACRES

Mr. Rob Loeper, Township Planner, stated this is the first review for a land development plan for the Franklin Maps property at 333 S. Henderson Road. This 4-acre property is in the LI limited Industrial District and is currently occupied by one building on the northern side which is the home of Franklin Maps. The proposal is to build a freestanding, fully automated, two-bay car wash on the southern portion of the property. The car wash will have high-speed dryers and is designed to be efficient in terms of water use compared to older types of car washes. Vacuum stations will be located along the front of the property. There are two other smaller buildings associated with the car wash. One is a detail bay and equipment room, and the other is an enclosed building to house a pet wash.

The plan has been submitted to Remington & Vernick for review as well as the Upper Merion Planning Commission. The Planning Commission has been reviewing the stacking and the circulation of the plan to see if there might be some changes made to the layout. One change to occur at the site concerns the removal of the basin in front of the car wash. Stormwater will be managed in an underground detention system for the entire site. Other improvements being made to the site as a result of the Henderson Road widening are the relocation of the driveway and the elimination of the parking lot in front of Franklin Maps. The site will still have relatively low impervious with 14% building coverage of which 75% is permitted in this District. The impervious coverage of the lot area is 39%. One waiver has been requested relating to the landscaping material.

Mr. Philips asked if the landscaping waiver refers to plantings next to the building. Mr. Andrew Amsterdam responded in the affirmative.

Mrs. Spott asked if the applicant would be willing to relocate the required landscaping to another location on the site. Mr. Amsterdam responded in the

affirmative.

Mr. Philips asked for clarification about the two parcels. Mr. Amsterdam responded this was originally two parcels; however, it was purchased as one parcel.

Mr. Philips asked if a deed of consolidation could be done as a condition so that there will be only one parcel and then asked if there are two deeds. Mr. Amsterdam responded there is only one deed.

Mr. Philips asked if the two parcels were consolidated at one point. Mr. Amsterdam responded in the affirmative. He said there is one deed that originally showed two parcels and it was purchased as one.

Mrs. Spott asked if Franklin Maps will remain. Mr. Amsterdam responded that is what they are trying to do.

Mr. Loeper stated staff would go back to the Upper Merion Planning Commission once the Montgomery County Planning Commission letter is received. Mr. Tom Beach, Township Engineer stated the engineering letter has not been officially sent out as yet. He said there were some minor housekeeping issues to be addressed.

PLAN AMENDMENT RE: CARMAX AUTO SUPERSTORES, INC. 181 S. GULPH ROAD.

Mr. Loeper stated CarMax was originally approved as a preliminary plan in December 2005 and as a final plan in September 2006. Due to the downturn in the economy, CarMax made the corporate decision to suspend building new facilities. Recently, as the economy started to improve, the applicant announced plans to resume building the facility; however, some changes were needed. In addition, the applicant's NPDES permit which governs stormwater management has expired and a new permit had to be obtained.

The current plan is an amended final plan that includes changes to the size of the facility, stormwater management to address the issues of the DEP, and general layout.

The plan provides for three buildings, a 17,000 square foot showroom, a 6,000 square foot service building, and also a car wash. At the September 20, 2012 Board of Supervisors meeting the following issues were raised: security, aesthetic issues, emergency access and circulation.

Utilizing the aerial, Mr. Loeper pointed out the changes to address the emergency access and circulation. He indicated one of the concerns that was raised concerned the difficult route fire equipment would have to take to get to the back of the site. After the applicant met with staff and the Fire Marshal's office it was agreed to make a change in the gate so that fire and emergency vehicles would have direct access to the back of the site without going through the inventory parking lot.

The second issue concerned security and fencing. Utilizing the aerial, Mr. Loeper highlighted the areas utilizing guardrail, ornamental fencing, guardrail located on the high side of a retaining wall, railings on retaining wall and a masonry screen wall. To address aesthetic issues CarMax has agreed to replace galvanized guardrail with rustic or brown-colored guardrail. Additional landscape plantings were added along the entire front row of the guardrail.

Mr. Loeper noted the bioretention swales that were incorporated to accommodate the DEP requirements. He also pointed out the additional safety fences along the retaining walls on the south side of the site.

With regard to sidewalks, Mr. Loeper indicated with the removal of the original secondary entrance, the sidewalk will extend the full length of the

frontage.

As a result of the changes required by DEP, three additional landscaping waivers were requested from the original plan approval. The first waiver was a buffer area of not less than 15 feet or more than 50 feet along the tract interior property line. The second waiver was for street trees along access drives that serve two or more non-residential properties. Mr. Loeper noted the applicant has agreed to provide the required number of trees elsewhere on the site. The last waiver was for parking lots to be divided by planting strips in the smaller parking areas of no less than 100 spaces. The applicant has agreed to provide these trees elsewhere on the site. Most of the landscaping will be located along the front side of the driveway within the public parking area with a heavier landscape area in the back areas of the site.

Mr. Craig Robert Lewis, Esq., Caplin Stewart, representing the applicant, addressed the concerns that were raised at previous meetings about the galvanized guardrail. He said one of the comments was that the guardrail standing by itself was intrusive to the eye. In order to mitigate the visual impact, the applicant has agreed to provide a rustic guiderail and install a hedge row type of landscaping material to mimic the height of the guardrail along South Gulph Road. After meeting with the Township [Deputy] Fire Marshal, a solution was developed to provide a second or better access to the rear of the site for emergency vehicles.

Mr. Philips asked to see if there are any examples of the masonry "lattice." Mr. Lewis responded it is not a lattice, but rather a masonry wall that divides their service area from public view. Utilizing the aerial, a photographic example was provided.

Mr. Jenaway stated he and Deputy Fire Marshal Daywalt discussed the approach the applicant wanted to take with regard to the emergency access, and he appreciates Mr. Lewis' cooperation. Mr. Jenaway indicated in this discussion Mr. Daywalt indicated he would follow up on the turning radius of apparatus to make sure vehicles would be able to navigate into the site. Mr. Lewis stated there are now two gates into the rear access. The applicant slightly shifted the principal gate they always had, in order to make the turning movement for fire apparatus better than it was on the previous plan. That now becomes only a second means of access to the back area because the new access is a better access.

Mr. Jenaway asked if the issues raised by the Montgomery County Planning Commission and the Township Engineer have all been dealt with. Mr. Tom Beach, Township Engineer, responded the plan was reviewed to his satisfaction. He noted a full review was not done since this is just an amendment to the original plan, and the new items being installed are satisfactory. Mr. Loeper responded one of the questions the Montgomery County Planning Commission raised concerned stormwater management. Mr. Loeper pointed out this is the old Philadelphia Gear site which was a 90% impervious site with no stormwater management. When Home Depot was built significant changes were made to stormwater management in the area. Mr. Loeper noted there are some down stream areas that had been flood plain that will no longer be considered flood plain. He further pointed out Mr. Cornelius Brown from Bohler Engineer has agreed to discuss at the joint meeting with the Environmental Advisory Council and Economic and Community Development Committee concerning environmental issues about retrofitting stormwater management and use this as a case study. The Montgomery County Planning Commission also commented concerning the landscaping along South Gulph Road. Part of the landscape change was because of DEP requirements and there have been some enhancements. The last item referred to the parking calculation. There are a total of 551 parking spaces; however, the bulk of those spaces are for inventory and not public and employee parking. All of the county's questions have been addressed.

Mr. McGrory stated he submitted a Resolution previously and asked if

those terms are acceptable. Mr. Lewis responded in the affirmative.

Mr. McGrory indicated there is a need to capture incorporation of some of the items that are different on the plan and recommended the Board vote to pass the Resolution subject to the approval of the Township Solicitor and Township Planner. Mr. Lewis responded it is acceptable to the applicant and he will work with Mr. McGrory to make sure these items are encompassed in the final written document.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the Plan Amendment subject to the approval of the Township Solicitor and Township Planner. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS

COLUMBUS DAY

Mr. Philips offered Columbus Day greetings and best wishes.

UPPER MERION BIKING BOOSTERS

Mr. Philips noted the Upper Merion Biking Boosters tail gating party to be held the evening of October 5 as well as the Oktoberfest hosted by the Business Improvement District.

FIRE AND RESCUE SERVICES

As Chief of the King of Prussia Fire Company, Mr. Jenaway expressed appreciation to his colleagues on the Board of Supervisors for recognizing the fire and rescue services this evening. He noted the lack of attendance from King of Prussia Fire Company was due to a schedule conflict which required their staffing for the school district's bonfire event. He pointed out this is a very labor intensive activity requiring three vehicles and about 15 members coupled with the technical rescue training this evening as well.

Mr. Jenaway commented this year we are approaching 5,000 fire and EMS responses in Upper Merion Township which is managed by a primarily volunteer system. It amounts to 11 EMS runs and three fire department runs each day. This means every 90 minutes there is an EMS or fire vehicle traveling Upper Merion roads to solve a problem. Because of the volunteer service, a \$9 million saving is realized by not having to pay for that staffing.

FIRE RESCUE

Mr. Jenaway reported last Wednesday at approximately 2:30 p.m., a fire broke out and trapped two people on the second floor of a property. When the dispatch went out, two public works employees were nearby, both of whom were volunteer fire fighters and able to respond quickly and rescue two victims out of the property. These public works employees will be recognized at a future meeting. It has been the policy in Upper Merion Township for several years that volunteer fire fighters who work for the township are allowed to leave if there is an emergency. Mr. Jenaway emphasized there was an emergency, the system works and two people are alive today as a result.

STORMWATER MANAGEMENT

Mrs. Kenney stated on Monday, October 15, 2012, there will be an environmental forum presented jointly by the Environmental Advisory Council and the Economic and Community Development Committee. The subject is "Managing Your Stormwater." This is the fourth presentation that has been jointly hosted by these two groups.

Mr. Waks emphasized this is the main municipal environmental issue over the next 15 or 20 years, not only in Upper Merion Township, but municipalities around the country, and he encouraged people to take advantage of the opportunity to learn more about this issue.

BED AND BREAKFAST APPLICATION

Mr. McGrory stated the Board of Supervisors directed him to appear in opposition to the Mueller Bed and Breakfast application. He asked the Board for a public vote to ratify the decision to oppose that application and to hire whatever experts are necessary in that process.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to ratify the decision to oppose the Mueller Bed and Breakfast application and to hire whatever experts are deemed necessary in that process. None opposed. Motion approved 5-0.

BEAUTIFICATION VIDEO

Mrs. Kenney expressed a "thank you" to UMGA-TV's Jeff Vernitsky who filmed and edited the beautification video for this evening's agenda.

From the Public:

Mr. Mike Santillo spoke of the importance of receiving a flu shot. His 32-year old daughter, Melissa Diane, died a few years ago as a result of the flu. Mr. Santillo is being featured again this year in a Public Service Announcement on UMGA-TV.

Mr. Herbert Baiersdorfer, Gypsy Lane, discussed his ongoing stormwater concerns, and commented on the report he received from the Township Engineer. Mr. Tom Beach, Township Engineer, stated certain recommendations were provided in his report. The Township Solicitor stated it is in the Township's best interest to close this matter.

UPCOMING EVENTS IN TOWNSHIP

Mrs. Spott announced a number of Township meetings and events.

PENNSYLVANIA VOTER ID LAW

Mrs. Kenney stated a Pennsylvania judge has temporarily blocked the Pennsylvania Voter ID law and Pennsylvania voters will be asked, but not required to show a photo ID to vote in the November election. Mrs. Kenney pointed out this does not mean that the law will not become effective at some point in the future. Montgomery County will be taking photo ID's at the Township Building on Tuesday, October 16, 2012.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 9:01 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered