

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
MARCH 11, 2010

The Board of Supervisors of Upper Merion Township met for an Informational Workshop Meeting on Thursday, March 11, 2010, in the Township Building. The meeting was called to order at 7:35 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Joseph Bartlett, Edward McBride, Bill Jenaway, and Greg Waks. Also present were: Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner; Dan Russell, Director, Parks & Recreation; Judy Vicchio, Assistant Township Manager; Angela Caramenico, Assistant to Township Manager. Supervisor Erika Spott was absent.

CHAIRMAN'S COMMENTS:

Chairman Bartlett reported on an executive session that dealt with legal and personnel issues.

DISCUSSIONS:

BID – REQUEST FOR ORDINANCE TO ESTABLISH THE KING OF PRUSSIA
BUSINESS IMPROVEMENT DISTRICT

Mr. Clinton M. Cochran, Vice President of Management, Kravco Company and Co-Chair of the Business Improvement District (BID) Organizing Committee, stated that the organizing committee for the BID was set up a year ago. Multiple meetings and subcommittee meetings were held by the BID organizing committee throughout 2009 and into 2010. During a public process decisions were made on components of the BID such as the service area, assessment formula, budget and governance.

Mr. Cochran's presentation focused on the public process. He indicated that more than three dozen businesses were involved in the working meetings and participated in deliberations at the township building. Numerous subcommittee meetings were held to focus on specific elements of the preliminary plan: marketing, physical improvements, governance, transportation, and planning. There were two business community meetings which were held to present the work of the organizing committee to the affected property owners. In order to maximize participation in these meetings a mailing went to every property owner included in the study area at the time. Twenty-six people attended the first meeting on August 12, 2009 and 34 people attended the

second meeting on December 10, 2009. Discussion centered on who should be included or not included in the definition of the survey area. In order to keep everyone informed about matters under consideration a website was created, www.kingofprussiadistrict.com. In addition, a newsletter was sent to all property owners to keep them informed of the recommendations.

Utilizing the aerial, Mr. Rob Loeper, Township Planner, pointed out on the map the various properties in the service area. He also identified the properties to be assessed as part of the BID.

Brian McElwee discussed the funding aspects of the BID. He indicated that the subcommittees came up with conceptual ideas about what would be required budget wise for those efforts and these ideas were incorporated into an overall budget. A determination was then made for the level of assessment that would be required to support various categories of the budget. The largest category is services and programs that would provide capital improvements to various gateways for King of Prussia (55%) as well as physical improvements for certain intersections (30%) and personnel administration about 15%. This would yield about \$1,070,000 a year in revenue. Mr. McElwee pointed out that the various percentages would be determined by the Board of Directors of the BID when it is constituted. He pointed out that in the initial years there might be more concentration on physical improvements and then as physical improvements are made there would be more concentration on services and marketing.

Dan Hoffman discussed the timeline and stated that the organizing committee's process up to now has been public but the Board of Supervisors will ultimately determine what the plan will look like and if it will go forward. He said the next step would be a public hearing on a proposed ordinance and that May 13 has been suggested as a possibility. After a public hearing it will be possible to make whatever revisions are deemed appropriate.

Mr. Hoffman indicated that the industrial properties and some of the other non commercial uses have been taken out. He noted that they would still get to vote even though they are ultimately not going to be assessed any fees. There is no requirement in the law that all the properties be contiguous, but it was the consensus of the organizing committee that a lot of these properties may turn over in use. Rather than revise the ordinance each time that happens with a particular property, the idea would be to include them, but not assess them. If there is a use change they would automatically be brought into the district at that time. Once the ordinance is adopted those properties that are not being assessed would not be directly involved in the governance of the organization only those who are actually paying the assessment.

Richard Kubach stated that state law requires that any non profit corporation must have bylaws that outline how they govern. An effort was made to recognize the diversity of various businesses within the township. The incorporators are Clint Cochran, Bryan McElwee, Richard Kubach, Skip Kunda from Kunda Beverage, Mario Salas from Lockheed Martin, Cathy Sweeney from Brandywine Realty Trust, Cindy Eastman from Royal Bank, Jack McAllister from Century 21 and a township representative to be named.

There will be a nine-member board of directors that is the maximum allowed by state law. Of that number, three positions on the board will as a matter of right go to the largest reassessed property owners. Currently that would be Kravco Simon, Brandywine Realty Trust and Lockheed Martin. The Township would have a position by right on the board and that is spelled out in state law. The five remaining positions would be elected by the corporation members who are all property owners within the district. In addition, the board would be required to name four additional non voting board members. They could also name additional board members that would not have to be property owners but people who bring particular expertise to the BID. After the first round of staggered terms, which would cover a three year period, all terms would be for a three period. Even though there will be voting and non voting members on the board, it is the intent that decisions will be decided by consensus as much as possible. There will be a nominating committee that will as much as possible be comprised of past chairs who will be charged with seeking out board candidates to be placed in nomination to be voted on recognizing the diverse nature of the businesses within the BID by geographic location, by size, and by industry segment. Consideration for voting positions in the future will also be given to recognize those individuals who have served in a non voting board capacity.

Though it is a private corporation, the BID proposes that meetings will be subject as much as possible to the Open Public Meetings Act. The budget must be presented at a public meeting for comment before the board can vote for passage. Mr. Kubach noted that an indemnification section has been added to protect those people who are serving on the board. The proposed ordinance would have the sunset provision requiring that the BID be reauthorized after five years.

Mr. Bartlett inquired about the hearing schedule. Mr. Loeper responded that the authorization for the May 13 hearing date will be on the agenda for March 25.

Mr. McBride asked the reason for non voting members. Mr. Kubach responded this was done in order to have more diversity on the board with regard to smaller properties as well as different geographic areas.

Mr. McBride asked for clarification about the number of members. Mr. Kubach responded there will be nine voting members for a total of 13 members.

A discussion followed wherein the additional questions and comments of the Board were addressed.

FARMERS MARKET UPDATE

Dan Russell, Park & Recreation Director, stated that the Farmers Market Committee hosted an open house on Saturday, March 6 with a strong turnout of interested farmers and residents. The local media and the Public Information Office were successful in getting the word out to the public. To date, 17 vendor applications have been received. Selections will be made based on their products and needs. The Market will operate from 9:00 AM to 1:00 PM on Saturdays from May 15 – November 20 in the parking lot of the township building. The township will realize revenue from this venture as a result of the itinerant merchant license and a market fee. Donations are also being accepted. Mr. Russell noted that this money will go toward any costs that are incurred by the Farmers Market Committee and the goal is for no tax dollars or park & recreation funds to be used for the operation of the market.

Cathy Burke, King of Prussia resident, and member of the Farmers Market Committee, provided an overview of the background of the Market, vendor recruitment activity, marketing strategy and the next step in moving forward with the project.

Early on in the process a consumer interest survey was disseminated through word of mouth to determine the viability of the idea. Over 750 people completed the online survey and 99% of the respondents indicated their strong support, 72% preferred Saturday as their market day and over 20% said they would be willing to help on this project.

Ms. Burke noted that the Farmers Market Committee has been working with the Township Solicitor to make sure that paperwork is in order for Montgomery County. She also pointed out that some vendors will require electricity and appropriate action will be taken in order to have adequate power at the Market. Vendor applications will be reviewed and a list of accepted vendors will be announced on March 18. A “Meet the Farmers” event will be part of Upper Merion’s Earth Day Celebration on Saturday, April 24. Ms. Burke pointed out that over \$400 in donations has been received so far from individuals in the community and the committee is looking into pursuing grants at the state, local and federal level as well as some non governmental and non profit organizations that have farmers market grant programs. A corporate sponsorship drive is also underway.

Mr. Bartlett asked about refrigeration for meat and perishables in order to keep food safe and cool. Response from an unidentified committee representative: meat vendors will have the USDA certification and all meats will need to be cryovacked. They do not require electrical refrigeration. They have to be kept in a cooler most likely with dry ice. A poultry farmer met with the committee and went over the rules and regulations. Vendors also must have adequate insurance and USDA certification.

COMMUNITY CENTER RFP

Dan Russell reported that two consultants submitted proposals for the Community Center RFP -- KCBA Architects and Ballard King & Associates. The committee will consider the two proposals and make a recommendation to the Board of Supervisors at a future date. Mr. Russell pointed out that Senator Connie Williams was helpful to the Township in obtaining a \$10,000 DCED grant. He is continuing to work with Senator Daylin Leach in exploring a funding gap.

Mr. McBride asked for clarification about the funding gap. Mr. Russell responded that one proposal was over \$36,000 and the other one is \$25,000 but could come down lower based upon the work that the subcommittee already done.

Mr. McBride reiterated that he does not have any interest in spending additional township dollars on this RFP over and above the \$10,000 and provided the reasons for his position.

During the ensuing discussion the comments focused on the need for further clarification on what would be included in the community center, and possible funding sources.

UPDATE – 300TH ANNIVERSARY

Sharyn Clauson provided an update on plans for the Tricentennial celebration. The slogan selected was “Preserving the past, Shaping the future.” As part of a contest held by the Economic and Community Development Committee, students submitted potential logos for the 300th Anniversary. Funds were raised for prizes and the top 12 will be featured in a calendar. Ms. Clauson noted that the contest submissions included a release indicating that it would become the property of the township. A professional artist is currently working with the student entries. Board members then viewed and commented on potential logos.

Mr. Pizonka asked if parents signed off on the release. Ms. Clausen responded in the affirmative.

Board members then viewed and commented on potential logos. After a lengthy discussion, it was determined that Ms. Clauson would transmit electronically a revised depiction of the logo so that the Board could provide additional feedback.

Ms. Clauson indicated that every member of ECDC is going to be in charge of a subcommittee for the Tricentennial. She noted that this is an important planning year and next year is a very important fundraising year.

Mr. Waks indicated he would like the E-Newsletter to have a constant message recruiting volunteers for the 300th Anniversary that is repetitive week after week. Ms. Clauson responded that she recommends there be some structure first so that volunteers can be assigned for a specific purpose.

With regard to fundraising, Mr. McBride wanted to make sure there was a mechanism to clear the committee's fundraising communications through the Township Manager, or his designated representative. Ms. Clauson responded that the committee would not proceed without clearing such matters.

REQUEST TO NAME FOOTBALL FIELD AT HEUSER PARK

Dan Russell stated that the Park and Recreation Board unanimously approved a formal recommendation to name a football field at Heuser Park after Dave and Mary Vanicelli who both recently passed away. He noted that Dave and Mary were pillars of the community and founding charter members of the King of Prussia Indians Football Association who combined to volunteer over 100 years of service to Upper Merion Township. The Board of Supervisors will await an official request and take the matter up at a future meeting.

STEVE COTLER – STOUDT'S FERRY

Before Mr. Steve Cotler, Stoudt's Ferry, began his presentation, Mr. Bartlett asked him when they were planning to begin. Mr. Cotler responded it was hoped they could start in a couple of weeks.

Mr. Cotler provided a history of his involvement with the four basins at North Abrams, Middle Abrams, Swedeland and Norristown.

Mr. Cotler then indicated that he ran a test truck this week to see how the routing would go. He noted that in the past it was mentioned that the time involved was an hour for each round trip. He discovered that it actually takes an hour and thirty minutes because of the backfill coming in.

Mr. Bartlett pointed out that the Board's prime concern was that on Saturdays there would be 80 truckloads going out and possibly 80 returning with dirt on Saturday. It was previously indicated that there would be ten trucks on an eight hour shift. Mr. Cotler responded that he is starting fresh today to clarify the engineer's previous presentation.

Mr. Bartlett asked how many trips per day are expected. Mr. Cotler responded with four trucks, six trips maximum, he would expect 24 trips.

Mr. Bartlett asked for clarification if that would be 24 trips down and 24 to bring the dirt back in. Mr. Cotler responded in the affirmative.

Mr. Bartlett commented that in discussions he had at the Norfolk Southern yard last weekend it was indicated that Saturday was chosen because it was a low travel day on the tracks. When he asked about Sunday he was told that Sunday is just as low and possibly lower. Mr. Bartlett said that could very well be a temptation to carry over to Sunday. Mr. Cotler responded they would never work on a Sunday.

Mr. Bartlett commented about Heuser Park and that Saturday and Sundays are the busiest days there, particularly in the fall when the local football club plays two or three games at a time. He said it is an active spot and to have trucks thundering back and forth is still a concern; however, the numbers just provided are vastly different from what the Board was originally told.

Mr. Waks followed up with comments about past attempts by those involved in the township trying to get answers to serious questions and getting the run around by the railroad. Mr. Waks did not believe the questions asked of the engineer at the last Board of Supervisors meeting were difficult questions, but rather were reasonable types of questions he should have been prepared for.

Mr. Waks asked Mr. Cotler if his fill was put into Heuser Park. Mr. Cotler responded in the negative. He said it was the hold for Alan Myers and that most of it came from the Route 202/ Route 422 project that went on at the turnpike.

Mr. Bartlett indicated that from information he received from Representative Brigg's office one of the DEP permits applied for was a Stream Crossing permit. Mr. Bartlett indicated his particular interest in the Crossing and asked for clarification about some difficulties. Mr. Cotler responded that there was a two-year unexpected delay.

Mr. Bartlett asked if it was worked out. Mr. Cotler said they have complied with whatever had to be done and all permits are in.

Mr. Cotler commented that he has the ability to develop a more friendly relationship with the railroad, and indicated that it is possible some more mid-week hauling could occur. He said that nothing is definite.

After Mr. Bartlett commented about no hauling on a Sunday, Mr. Cotler indicated that he agreed and the previous comments from the engineer mentioning Sundays were incorrect.

Mr. Jenaway stated that at the last Board of Supervisors meeting the engineer was asked to relay information back and return with some potential alternatives to accomplish this project such as a different route from the basin or a rail siding. He pointed out that it does not sound like this was done.

Mr. Cotler asked for more details on the two other options and he will determine if they were studied and respond accordingly.

Mr. Bartlett indicated that he would get those options to the Assistant Township Manager and she will relay to Mr. Cotler. Mr. Cotler said he is open to that.

Mr. Cotler commented that he would like to start with four trucks running on a Saturday from 8-5 pm. He gave assurance that trucks would not come in at 7 a.m. and run their engines.

Mr. Bartlett asked if an hour and a half is round trip or one-way. Mr. Cotler responded round trip and that it would put one truck every 20 minutes in front of the park with that route.

Mr. McBride commented that a focus of this discussion was about the community and the park and that in going forward consideration should be given to participate in the fundraisers for the sports teams that use the field. Mr. Cotler stated that was his intent as indicated in the letter [dated June 28, 2007] he handed out at the meeting.

UPDATE – HENDERSON ROAD PROJECTS

Jack Smyth, Jr. stated the overall project started in the 1990's with preliminary engineering to add an off ramp from the Schuylkill Expressway westbound that would tie directly into Henderson and South Gulph Road. The existing on ramp from South Gulph Road will be closed and moved up to the intersection with Henderson and South Gulph. A sound wall will be located along the back of the on ramp for residents along the day care center.

The second part of the project was to widen Henderson Road from South Gulph Road down to the Route 202 area with two lanes in each direction and a common center turn lane for most of it.

Mr. Smyth stated that the widening of South Gulph Road would occur from west of Henderson Road through Crooked Lane and down the hill to the 76 East and Route 320 intersection. He said that this would provide two lanes in each direction and he pointed out that between Trinity Lane and Route 320 there would be three lanes. The Transportation Authority funded preliminary engineering and environmental clearance (Phase I). Once environmental clearance was received from PennDOT and FHWA it moved into final design. The project was split into three phases for funding reasons and the ramps project was first priority and is now under construction. Mr. Smyth pointed out that the ramps project was selected for an economic stimulus in March of last year since it was far enough in the design to be termed “shovel ready.”

Mr. Smyth discussed Phase II and indicated that originally the plan was to widen all of Henderson Road at the same time but because of funding challenges that was not an option. The Transportation Authority decided to take out a Pennsylvania Infrastructure Bank loan for \$2.9 million. This will enable two lanes in each direction with a common center turn lane and a focus on the Church Road intersection area. It is now in final design. Since it is being funded by the Transportation Authority there is a different type of review at PennDOT. PennDOT approval is anticipated for that widening and it is hopeful that once ongoing right of way negotiations with the affected property owners have been concluded construction could begin this year and be completed in a one year time frame.

Phase III is the remainder of the widening at Henderson Road and the widening of South Gulph Road. Mr. Smyth pointed out that there is a Montgomery County Jump Start program to provide additional gap funding for certain transportation projects that were partially funded. The township has applied for gap funding for a portion of Henderson Road and a reply should be forthcoming from the county in a couple of months.

With regard to the South Gulph Road widening, Mr. Smyth reported on a meeting with the residents that occurred on Wednesday, March 10 before the Transportation Authority meeting. There were approximately 20 residents in attendance and their main objective was to find out the source of the funding for the widening project so that they can lobby against it. Mr. Smyth explained that the roadway would be four lanes between Gypsy and Crooked Lane – the area of concern to the residents. A public open house was held in 2003, but once final design with these phases was entered, individual right of way negotiations began. Mr. Smyth indicated that he briefed the residents on the PennDOT

process for this project and the funding sources. He also told the group that the project would be reevaluated from the standpoint of “right sizing.” Mr. Smyth also explained the classification of a roadway system and indicated that the South Gulph Road corridor is an arterial roadway and its purpose is to carry traffic through the township. In order to provide perspective on why the widening came about, he provided information on traffic projections that went out to a design year of 2030 that indicated 31,000 per day on that segment of South Gulph Road; 23,000 on Allendale Road, and 50,000 on Route 202.

Mr. Waks asked the current traffic figure for Route 202. Mr. Smyth responded approximately 42,000 [per day].

Mr. Waks pointed out that this means three quarters of the current volume of traffic that is on Route 202 now will be on South Gulph Road in 2030.

Mr. Bartlett commented that the main concern of some of the residents was about safety, security and speed. He asked if it is realistic to control speed by using traffic lights. Mr. Smyth responded that there are possible options along those lines. He noted that currently video detection is provided at Route 202 and Henderson Road. With the traffic signal upgrade project throughout the township all of the corridors have signals that communicate with each other. Mr. Smyth indicated that he is not as concerned about speed coming up the hill as he is about speed heading back east down South Gulph Road.

SCHOOL BOARD LIAISON

Mr. Bartlett stated the School Board will be providing a two minute presentation to the Board of Supervisors once a month.

Mr. Waks commented that he would like a representative to attend School Board meetings to open a dialogue between the two parties and share information.

Mr. Bartlett asked if one of the supervisors would go to a School Board meeting would this be in the capacity as a spectator. Mr. Waks responded this representative would be as a spectator and not necessarily as a participant, but would have the opportunity to relay information.

Mr. McBride mentioned that he would like both Boards to meet a few times throughout the year and after further discussion, other Board members concurred.

RECYCLING OF ELECTRONICS

Bob Rudzinski, Assistant Property Maintenance Officer and Township Recycling Coordinator, indicated that the Township does not have its own electronic recycling program, but various townships, including Upper Merion participate in the County recycling program.

Mr. Waks asked if it is possible to have an electronic recycling event sponsored by the county in Upper Merion Township. Mr. Rudzinski indicated he would look into this possibility and report back to the Board.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:

Minute Entered:

NOTE: The entire proceedings of the business transacted at this Informational Meeting were full 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 meeting, as the tape is the official record and is available for that purpose.