

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
AUGUST 19, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, August 19, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:40 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the July 15, 2010 and July 22, 2010 Business Meeting Minutes and the August 10, 2010 Special Bid Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Vice Chairman McBride reported on an executive session dealing with legal matters. He then called for a moment of silence in memory of Robert Clifton, former chairman of the Board of Supervisors and commented on Bob Clifton's dedicated service and contributions to Upper Merion Township. Vice Chairman McBride noted the importance for those in public service to have the support and commitment of their families and he recognized the special role and contributions of JoRose Clifton during her husband's public life. He also noted with regret the resignation of Sharyn Clauson from the Economic Community and Development Committee and expressed appreciation for her dedicated service.

Board Comment:

Mr. Waks commented on the passing of Bob Clifton and said he was always known as a gentleman even during times of divergent views. He also stated that Sharyn Clauson's resignation is a major loss for the township. As former Chair of the Economic and Community Development Committee (ECDC), Mr. Waks noted that Ms. Clausyn spearheaded the idea of a 300th Tricentennial and has been closely involved in the many achievements of the ECDC over the years, most recently with the Business Improvement District and the township website.

NEW BUSINESS

PROCLAMATION RE: OVARIAN CANCER MONTH

On behalf of the Board of Supervisors, Mr. Ron Wagenmann, Township Manager, read and presented a proclamation to representatives of the Sandy Rollman Ovarian Cancer Foundation and declared September Ovarian Cancer Awareness Month. Mr. Wagenmann also urged women to get annual physicals that are necessary and a part of the early detection process for this disease.

CONSENT AGENDA:

1. Equipment Replacement Request re:
 - a. Office Equipment - \$12,750
 - b. Snow Equipment - \$3,931

2. Supplemental Budget Appropriation re: Grant Funds for Community Center Feasibility Study - \$10,000
3. Permission to Advertise & Receive Bids re: Towing Service Contract, Uniform Service Contract
4. Resolution 2010-16 re: February 2010 Snow Event – PEMA
5. Resolution 2010-17 re: Final Adoption of King of Prussia BID
6. Ratification of Resolution 2010-18 re: Opposition to Forced Local Government Mergers and Consolidations. *Mr. Wagenmann stated that two bills have been introduced at the state level affecting local governments. One measure would make the county the lowest unit of local government thereby eliminating all local municipal governments in the Commonwealth. The second bill would create a commission to review all forms of government, including county governments. If the commission concluded that a forced consolidation of government was necessary, it could recommend that the legislation come before the Legislature for a vote. Mr. Wagenmann noted that local government is the government that is closest and most responsive to the people and dates back to the founding of the Pennsylvania colony by William Penn. The purpose of this particular resolution is to oppose any legislation that has been or may be introduced in the future to weaken the responsiveness and effectiveness of local government.*
7. 2011 Minimum Municipal Obligation (MMO)
8. Bid Recommendations re:
 - a. 2010 Sanitary Sewer Repair Service Contract
 - b. 2010 Sinkhole Repair Service Contract
 - c. Lease Agreement – Police Vehicle
9. Agreement with Franklin Maps to Produce Four Quarterly Editions of Township Lines

Board Comment:

Following Mr. Wagenmann's explanation of Item #6, Mr. Waks commented that Upper Merion Township would not be the first municipality to pass a resolution opposing consolidation of local governments as a similar measure was recently adopted by Whitemarsh Township. He anticipates that in the next few weeks other municipalities will follow suit with similar resolutions.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda item as submitted. None opposed. Motion approved 4-0.

PROPOSAL FROM PENNONI ASSOCIATES RE: TRANSPORTATION ENGINEERING SERVICES – BALLIGOMINGO ROAD OFF-STREET PARKING LOT

Mr. Wagenmann stated that notification has been received from Senator Daylin Leach indicating that the Township will receive a grant for engineering services to address a traffic safety issue on Balligomingo Road and provide design services for an off-street residential parking lot. No local tax dollars will be expended as the grant will cover the full cost of the engineering services and the acquisition of the necessary license for use of the property involved.

Board Action:

Without opposition all present supervisors voted “Aye” and the proposal was approved by a vote of 4-0.

UPDATE RE: 2005 BOND REFUNDING

Mr. Mike Wolf, firm of Boenning and Scattergood, stated that the interest rates paid by townships have been dropping for the last several months and is now very close to the 43 year low last seen 1967. He said that this is the time to start looking for outstanding loans to refinance. Mr. Wolf noted that most of Upper Merion’s old loans have already been refinanced at the first opportunity and some have been refinanced more than once. However, he pointed out that one loan was discovered that is ripe for refinancing and that the 2005 series can be refinanced beginning on and after November 1. Mr. Wolf explained that it takes 60 days to effect a refinancing and if the refunding were done today the savings to the township net after all costs would be \$220,000 which represents 5.2% of the principle amount to be refunded. In the past the Township has set a target of 3% consequently 5% looks pretty good.

Mr. Wolf stated that he is asking the Board of Supervisors to do two things: (1) to set a target for the refunding at 3% as in the past and (2) to authorize advertisement for an ordinance to be enacted at the September 16 business meeting. The difference this time is that he is recommending that the Board authorize the adoption of a parameter or a “not to exceed” ordinance that would specify a bond issue not to exceed a certain size, annual maturities not to exceed a certain size, an interest rate not to exceed 6% and a savings of not less than \$220,000. Mr. Wolf also indicated that if the Board votes in the affirmative on September 16 it will allow the bonds to be sold on any day of the week for the next year. Without this approval the bonds would have to be sold exactly on the day of a regularly scheduled meeting or have a special meeting scheduled for this purpose. Mr. Wolf explained that because of the volatile market it would be helpful to have the flexibility of being able to act on a Monday or a Friday and not necessarily on a particular Thursday. If the Board votes in the affirmative and all the criteria are met all that would be necessary would be to have the Chairman sign on behalf of the rest of the Board. Mr. Wolf explained that it is becoming more and more popular to do it this way and it avoids interference by market conditions and/or a large bond issued by an entity.

Mr. McBride asked for clarification of the criteria in the proposal. Mr. Wolf responded that the criteria would be outlined in the advertised ordinance indicating that it would be an issue size not to exceed a certain amount. He was not certain what that amount would be. If the bond issue were done today it would be something on the order of \$4.3 million, but the maximum would be specified not to exceed something larger than that amount. Mr. Wolf explained that there are only six years in this bond issue, but a maximum would be specified not to exceed for each of those years and an interest rate (6% is always used) not to exceed a certain percentage. He emphasized that the most important point is that a minimum level of savings would be specified. An affirmative vote on the ordinance would allow the selection of a very good time to maximize savings to the township.

Mr. McBride asked for clarification about the time period once the ordinance is adopted. Mr. Wolf responded that it would be good for at least a year.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting “Aye” to authorize advertisement of the ordinance hearing for September 16, 2010. None opposed. Motion approved 4-0.

AUTHORIZATION TO APPROVE THE PENNSYLVANIA STORMWATER COALITION COST-SHARING AND COOPERATION AGREEMENT

Mr. Wagenmann stated that about 45 to 50 communities have joined together to request that EPA and DEP forestall the implementation of proposed stormwater management regulations that are stringent and inflexible. This will provide more time to meet with DEP and EPA to work out a more flexible arrangement and one that could be more cost beneficial. The coalition was successful in this effort and notification has been received that DEP will delay that implementation. Board approval is requested for an agreement that would permit the consultant team that worked on the first aspects of this joint effort to continue to work with DEP on a revised ordinance and regulations. The agreement sets forth \$100,000 that would be split up among all the participating communities utilizing a formula based upon their population.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting “Aye” to approve the Coalition Cost-Sharing and Cooperation Agreement. None opposed. Motion approved 4-0.

CONSULTANT BILLINGS – ELLIOTT GREENLEAF & SIEDZIKOWSKI, P.C.

Mr. Wagenmann explained that during the process leading up to the recent extension by DEP of the implementation of the stormwater management regulations, there were additional expenses incurred by the Elliott Greenleaf firm and the coalition is asking if communities would be willing to submit additional funds to cover this cost overrun which amounts to approximately \$30,000. To date four other communities have contributed \$4,000 each. If the Board of Supervisors is in agreement, Mr. Wagenmann recommended that Upper Merion Township contribute not to exceed \$4,000 since he anticipates more communities will participate in the payment of the consultant billings.

Mr. Pizonka stated that as a result of the pressure that was applied, the DEP proposed regulations that were scheduled to go into effect in September were deferred for nine months. He said this is what led to the legal fees being higher than normal.

Mr. McBride commented that it is important to note that the coalition is in support of a very thoughtful program to improve stormwater management; however, the first draft of the regulations was somewhat heavy handed and would have cost a significant amount of money for the township and the taxpayers, both as an entity and individually. For that reason the additional time will enable additional coordination with DEP to determine what the impact is going to be in the municipality.

Mr. Wagenmann noted that he will join Mr. McBride in serving on a steering committee devoted to working very closely with elected officials and consultants in this new effort coordinating with DEP.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting “Aye” to approve the consultant billings. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting “Aye” to approve the Accounts Payable [for invoices processed from July 7, 2010 to August 8, 2010, in the amount of \$679,883.53] and the Payroll [for July 9, 2010 and July 23, 2010 in the amount of \$1,224,544.58 for a total of \$1,904,428.11]. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

FARMERS MARKET/COMMUNITY FAIR

Mrs. Spott urged residents to attend the Saturday, September 11 Community Fair. The day begins with a run at 8 a.m, followed by the regular Farmers Market at 9 a.m, and the Community Fair at 10 a.m. She also announced a “zucchini 500” race set for Saturday, August 28 at the Farmers Market.

BUSINESS IMPROVEMENT DISTRICT

Mr. Wagenmann stated that the President of the interim Business Improvement District (BID) Board has asked the Board of Supervisors to authorize advertisement of an amended ordinance for the September 16 business meeting. The purpose of the ordinance would be to amend the assessment collection procedure and change the penalty and interest section. Similar to the procedure for real estate taxes, it would provide for a 2% discount and a 10% penalty. It would also change the collection section so that the BID could approach the Board of Supervisors for a determination of how the assessment should be collected.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting “Aye” to authorize advertisement of the ordinance to amend the Business Improvement District tax collection procedure. None opposed. Motion approved 4-0.

From the Public:

John Palonicola, Prussian Woods, complained about a raccoon in the neighborhood that may have been diseased. After police were summoned, the animal was put down and he was informed that they could not dispose of the animal. Mr. Palonicola was informed that the proper procedure would have been for the police officer to ask one of the special officers to respond to the situation. Mr. Wagenmann stated that he would have a discussion with the Police Chief about this matter.

Mr. Palonicola also asked about the intersection of Church and Henderson Roads where weeds have grown wild. He was informed that it is a railroad embankment and staff will review.

Mr. Palonicola also talked about Yerkes Road along the trolley track where he said there was no barrier to keep children off the tracks. He was informed that township officials have had previous discussions about this with SEPTA. As a result of the resident’s concern about the safety issue, Mr. Wagenmann will send a letter to SEPTA asking them once again to fence this area.

In addition to the township letter and as a way to keep the issue before SEPTA, Mr. Waks suggested that Mr. Palonicola also contact SEPTA on his own, either with a phone call or letter expressing his concerns.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:27 p.m.

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.