

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
SEPTEMBER 18, 2014

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, September 18, 2014, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:42 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor; Andrew Olen, Solicitor's Office; Scott Greenly, Associate Township Planner; Jim Majewski, Township Engineer; Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the July 10, 2014 Workshop Meeting Minutes, July 31, 2014 Workshop Meeting Minutes, August 7, 2014 Business Meeting Minutes, August 7, 2014 Zoning Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting to discuss legal matters. He noted Consent Agenda items #10 and #11 were removed from the agenda as they are not ready to be discussed.

NEW BUSINESS

SWEARING IN OF TWO NEW POLICE OFFICERS BY JUDGE WILLIAM MARUSZCZAK

Chief Tom Nolan introduced Officer Brian Manion and Officer Daniel Mease to the Board of Supervisors and the public and provided biographical information for each officer. Chief Nolan stated the Upper Merion Township Police Department has set very high standards that a candidate must meet to become part of the Department. The current hiring process started in 2013 with nearly 300 applicants who applied for the position of police officer. Since then potential candidates worked through a hiring process which involved a written examination, a physical agility test, an oral interview panel, a comprehensive background investigation, a lie detector test and a Command interview. Both officers will begin their field training with the Department on September 29th.

PRESENTATION OF 2014 SHADE TREE & BEAUTIFICATION AWARDS

Ann Marchino, Chairperson, Shade Tree & Beautification Commission, introduced Mike Sullivan, Bob Dempsey, and Bill Schutter, staff liaison, who have been instrumental with the Commission's success. Ms. Marchino noted the Shade Tree Commission is sponsoring a series of tree pruning workshops with the next session scheduled for September 30th at 6:30 p.m. With the experience obtained through the workshops there will be an opportunity to put that knowledge to use and get some "hands on" experience pruning trees at Heuser Park on Sunday, October 5<sup>th</sup> from 3 to 5 p.m. Also planned is a tree planting at Whitegate Park of 32 trees on November 15<sup>th</sup> at 9 a.m.

Ms. Marchino indicated each year the members of the Shade Tree Commission divide the township into five areas, drive around the neighborhoods,

and select two people from each area for recognition of their beautification efforts. In addition to residential, the other two award categories are for commercial and distinguished tree.

Mr. Waks recognized the hard work of Shade Tree and Beautification Commission and staff liaison, Bill Schutter in preparing this awards presentation.

A video of the award winning properties followed and afterward beautification awards were presented to the residents in recognition of their beautification efforts.

#### CONSENT AGENDA:

1. Citizen Board Resignations re:
  - a. Carl Pinto from the Upper Merion Transportation Authority
  - b. Kate Pietrowski from the Environmental Advisory Council
2. Appointment of Carlton Stuart to Upper Merion Transportation Authority
3. Waiver of Fees – Trout Run Sewer Plant - \$494
4. Equipment Replacement Request re:
  - a. Equipment to collect NPDES Permit samples of Wastewater for Analysis - \$4,700
  - b. Replacement of Police Department's Fingerprint Machine - \$9,500
  - c. Replacement of Unit #360 – Deputy Fire Marshal's Vehicle - \$40,000
5. Resolution 2014-46 re: Authorize Township to have Electronic Access to PennDOT's Engineering and Construction Management System
6. Budget Transfers re:
  - a. Public Works – Road Maintenance Material - \$7,000
  - b. Public Works – Design and Inspection of ADA Ramps - \$10,000
  - c. Public Works – Trout Run Driveway and Parking Lot Sealing and Restriping - \$15,000
7. Authorize Solicitor to Sign Settlement Stipulation re: Upper Merion Area School District v. King of Prussia Hotel Associates, LP & the Board of Assessment Appeals of Montgomery County
8. Resolution 2014-47 re: Authorize Chairman to Sign Retroactive Bridge Project Reimbursement Agreement – Allendale Road Bridge over Abrams Run (Agreement 0641002)
9. 2015 Minimum Municipal Obligation (MMO)
10. Authorization for Signatures re: Environmental Indemnity Agreements for properties along Renaissance Boulevard formerly part of the Crater Resources Site
11. Resolution 2014-48 re: Acceptance of Deeds of Easement for the purpose of maintaining Renaissance Boulevard
12. Resolution 2014-49 re: Municipal Winter Traffic Services Agreement – 5 Year Agreement – *this allows the state to reimburse the township for snow removal performed on state roads.*

Board Action:

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

DISPOSITION OF COMMUNITY CENTER BIDS

Mr. Waks stated a few months ago the specifications for the new Community and Senior Service Center were put out to bid on the General Construction Contract. In accordance with state law, the low bidder was selected. Unfortunately the low bidder has refused to sign the contract and post a bond. At this point in time the Board of Supervisors is going to disqualify the low bidder and pick the second lowest bidder; however, in order to do so it is necessary to make two motions.

Mr. Waks asked for a motion to disqualify the low bidder, Caldwell, Heckles & Egan, Inc. (CH&E Construction), Lancaster, Pennsylvania, from the General Construction Contract for failure to sign the contract and post the bond. The contract was worth \$6,478,000 and signing the contract and posting the bond was part of the agreement.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to disqualify the low bidder for the General Construction contract. None opposed. Motion approved 5-0.

Mr. Waks asked for a motion to award the General Construction Contract to the second lowest responsible bidder which is known as SMJ Incorporated Construction Services, from Douglassville, Pennsylvania, in the amount of \$6,747,000.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to award the contract to the second lowest bidder as stated. None opposed. Motion approved 5-0.

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE, CHAPTER 119, "PEDDLING, SOLICITING AND HAWKING" BY REPEALING ORDINANCE NO. 64-148 IN ITS ENTIRETY AND ADDING NEW PROVISIONS RELATING TO PURPOSES AND COMPLIANCE; DEFINITIONS AND EXCLUSIONS; PRIVATE PROPERTY OWNERS' CONSENT; REGISTRATION AND IDENTIFICATION CARDS; LICENSE FEES; PROHIBITED CONDUCT; AND PENALTIES FOR VIOLATIONS

Andrew Olen, Esq., Solicitor's Office, opened the hearing on this ordinance by introducing into the record some exhibits as follows: Board **Exhibit #1** proof of publication in the *Times Herald* for this ordinance dated August 22, 2014; Board **Exhibit #2** date stamped attested ordinance received from the Law Library August 25, 2014; Board **Exhibit #3** proof of publication in *Times Herald* for this ordinance dated September 3, 2014.

Mr. Olen stated this ordinance is a necessary update to the current Solicitation Ordinance, Chapter 119. In addition to definitions for peddling, soliciting, and hawking, it has exceptions from those definitions for political candidates, people advocating on their behalf, and also religious groups. It specifies that a township-issued identification has to be displayed at all relevant times rather than just shown upon request. The ordinance adds a variety of prohibitive solicitation conduct for homes bearing "no solicitation" signs, including no advertisement of goods, pay bills and flyer handouts. These activities when

carried out in accordance with the ordinance are restricted between the hours of 9 a.m. and 8 p.m. It adds a penalty for violation of \$300 or imprisonment not to exceed 90 days as well as revocation of the township-issued identification.

Mr. Waks noted this is the first ordinance that was driven by Social Media complaints and then discussed at Board of Supervisors workshops. There was overwhelming support for the idea of a Police Department sticker which could be affixed to a door indicating, "No Solicitation," and citing legal penalties for doing so. This innovative proscription begins a new chapter in Upper Merion Township restricting some unacceptable activities which have caused problems by those misrepresenting themselves as township employees.

Mr. Jenaway commented as a resident he has been inundated by individuals knocking on his door over the years. His practice has always been to challenge them asking about their permit and many would walk away when asked the question. He encouraged Upper Merion residents to do the same and to call and ask for a police officer to respond to deal with those who are breaking the law and are there for an ulterior purpose.

Mrs. Kenney mentioned two of the exceptions in the revised ordinance for youth under 18 years of age selling such things as scout cookies or magazines and producers of vegetables and market goods.

Mr. Philips said the ordinance update is much needed and also encouraged residents to call the Police Department when there are violations of the law.

Mr. Olen opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Board Action:

It was moved by Jenaway, seconded by Mr. Philips, all voting "Aye" to approve the Ordinance 2014-825 as presented. None opposed. Motion approved 5-0. Ordinance 2014-825 was adopted and will be filed in Ordinance Book #16.

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, CHAPTER 165, BY ADDING A NEW ARTICLE ENTITLED "KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT"

Joseph McGrory, Township Solicitor, opened the hearing and introduced into the Record some exhibits as follows: Board **Exhibit #1**, a letter to the Montgomery County Planning Commission, Board **Exhibit #2**, a letter to the Law Library, Board **Exhibit #3**, proof of publication, Board **Exhibit #4**, the ordinance itself, Board **Exhibit #5**, the Legal Notice. Mr. McGrory asked Mr. Greenly to provide a brief summary of this ordinance.

Mr. Scott Greenly, Township Planner, stated the King of Prussia Mixed Use District is an ordinance well over a year in the making and is a collaborative effort between the Upper Merion Township Board of Supervisors and the King of Prussia Business Improvement District to breathe new life into the King of Prussia Business Park which is currently zoned SM-1 and is prohibitive to some of the mixed uses that are envisioned for the Business Park, the largest of which would be residential. Currently residential is not included in the SM District. The residential would be limited to a density cap of 30 units per acre and would require 80% of the total residential project be made up of one and two bedroom apartments. The King of Prussia Mixed Use District would also include retail and residential services to promote a sustainable lifestyle so someone could walk from home to work. The King of Prussia Mixed Use District includes height

bonuses when certain LEED requirements are met. Currently the building height of the King of Prussia Mixed Use District is 65 feet by conditional use. If an applicant met the requirements for LEED certified silver they could increase their height to 80 feet; in meeting requirements for LEED certified gold they could go up to 120 feet. The ordinance provides for pedestrian connectivity throughout the Business Park specifically on First Avenue and Moore Road and allows for shared parking between different properties.

Mr. Waks noted the King of Prussia Mixed-Use Zoning District is the result of more than a year of work and has been discussed in numerous repeated public meetings with input from a wide variety of individuals and businesses from a cross section of the township. As one who lives in the vicinity of the Business Park, Mr. Waks stated the entire area is very dated and needs the new life of a mixed-use environment.

Mr. Philips commented the LEED certification with the bonus incentive is an effort to incentivize developers to utilize as much energy efficiency as possible in the revitalization of this district. Throughout this process there was extensive coordination and discussion with the businesses in the area as well the King of Prussia Business Improvement District.

Mrs. Spott said many people these days want to work and live in the same areas, particularly Generation X, Millennials, and seniors who want to move to a much more concentrated town center layout to reduce reliance on cars and keep Upper Merion Township on the cutting edge of innovation.

Mr. Jenaway pointed out other suburban type communities around the country similar to Upper Merion have been able to do well in surviving recessions and other challenges to their economies by establishing mixed use districts.

Mr. McGrory asked if there are any comments or testimony from the public.

Joan M. Kellett, General Learned Road, had questions about implementation of the ordinance, the planning process, the reassessment of parcels, the number of children coming into the School District, the need for assisted living near the new Senior Center, dog kennels for veterinarians, and LEED definitions. Mrs. Kellett's questions were addressed by the Solicitor and supervisors.

Jim Rapine, West Beidler Road, asked if the 68 different property owners are in favor of the Mixed Use District. Eric Goldstein, Executive Director, King of Prussia Business Improvement District (BID), responded the BID has been working with the township and property owners in that district for the last three years. Mr. McGrory noted those property owners that voiced opinions in the beginning of the process were heard and the ordinance was "tweaked" to try and accommodate their concerns.

Ralph Volpe, Strawberry Lane, commented he has no problem with the multi-use concept. He expressed concern over what density, zoning and development do to transportation, traffic and sewage.

Mr. McGrory asked if there were any further comments from the Board of public, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve the proposed ordinance.

Board Comment:

Mr. Jenaway pointed out the Upper Merion Planning Commission had extensive meetings regarding this proposed ordinance and the Montgomery County Planning Commission provided some minor comments. Both commissions were supportive of this concept.

Mr. Waks stated the question Ms. Kellett asked from the audience was whether or not this ordinance would be amended to allow assisted living. He indicated Mr. McGrory previously answered there is nothing in the ordinance that prevents assisted living. Mr. Waks also emphasized this is the very beginning of the process and anyone who comes forward is still going to have to come through the land development process which includes the Upper Merion Planning Commission, the Montgomery County Planning Commission, the Board of Supervisors, and multiple meetings of the Board of Supervisors, workshop meetings and business meetings.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Ordinance 2014-826 as submitted. None opposed. Motion approved 5-0. Ordinance 2014-826 was adopted and will be filed in Ordinance Book #17.

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP OFFICIAL ZONING MAP TO REZONE CERTAIN PARCELS AND REFLECT THE CREATION OF THE NEW "KPMU KING OF PRUSSIA MIXED-USE DISTRICT"

Mr. McGrory opened the hearing and introduced the following exhibits: Board **Exhibit #1**, the MPC Notice to the affected property owners, Board **Exhibit #2**, proof of Submission to the Montgomery County Planning Commission, Board **Exhibit #3**, proof of submission to the Upper Merion Planning Commission, Board **Exhibit #4**, submission to the Law Library, Board **Exhibit #5**, proofs of publication, Board **Exhibit #6**, the Ordinance itself, Board **Exhibit #7**, the Legal Notice.

Mr. McGrory explained this ordinance simply takes the district just created and assigns it to a land mass.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve this proposed ordinance.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve Ordinance 2014-827. None opposed. Motion approved 5-0. Ordinance 2014-827 was adopted and will be filed in Ordinance Book #17.

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, ARTICLE III, § 165-5, "WORD USAGE; DEFINITIONS," BY ADDING DEFINITIONS FOR THE TERMS "EXTENDED STAY HOTEL," "HOME IMPROVEMENT CENTER," "KENNEL," "LEED," "VETERINARY CLINIC OR HOSPITAL" AND "WHOLESALING" PURSUANT TO THE CREATION OF THE NEW "KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT"

Mr. McGrory opened the hearing to consider the ordinance by introducing the following exhibits: Board **Exhibit #1**, submission to the Montgomery County Planning Commission, Board **Exhibit #2**, submission to the Upper Merion Planning Commission, Board **Exhibit #3**, the letter to the Law Library, Board

**Exhibit #4**, proof of Publication, Board **Exhibit #5**, the ordinance itself, Board **Exhibit #6**, Legal Notice.

Mr. McGrory stated during the ordinance review process it was evident deficiencies existed in various definitions currently existing and this ordinance simply makes the necessary adjustment in terminology. It is a “housekeeping” matter.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve the proposed ordinance.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting “Aye” to approve Ordinance 2014-828. None opposed. Motion approved 5-0. Ordinance 2014-828 was adopted and will be filed in Ordinance Book #17.

ORDINANCE AMENDING THE UPPER MERION TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, CHAPTER 145, BY ADDING A NEW ARTICLE ENTITLED “DESIGN STANDARDS FOR THE KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT”

Mr. McGrory opened the hearing by introducing into the record exhibits as follows: Board **Exhibit #1**, submission to the Montgomery County Planning Commission, Board **Exhibit #2**, submission to the Upper Merion Planning Commission, Board **Exhibit #3**, submission to the Law Library, Board **Exhibit #4**, proofs of publication, Board **Exhibit #5**, the ordinance, and Board **Exhibit #6**, the Legal Notice.

Mr. McGrory stated this ordinance is not an amendment to the Zoning Ordinance, but rather an amendment to SALDO, the Subdivision and Land Development Ordinance. The purpose of this ordinance is to enable some architectural standards that can be reviewed as part of the approval process. Mr. McGrory indicated he has opined previously that design standards cannot be part of zoning so the Township Planner has submitted appropriate changes as part of the SALDO changes to provide that kind of review. He explained zoning ordinances regulate uses and the SALDO regulates development. During this process there was an awareness of that distinction so that design standards were assigned to this ordinance and the use criteria was left in the ordinance adopted earlier tonight.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve the ordinance.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting “Aye” to approve Ordinance 2014-829. None opposed. Motion approved 5-0. Ordinance 2014-829 was adopted and will be filed in Ordinance Book #17.

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, ARTICLE II, § 165-5, BY ADDING NEW DEFINITIONS RELATING TO DRIVE-THROUGH ESTABLISHMENTS; ARTICLE XXXI, BY ADDING NEW § 165-219.7 ENTITLED "DRIVE-THROUGH ESTABLISHMENTS"; AND ARTICLE XIX, "C-1 COMMERCIAL DISTRICTS," PURSUANT TO THE DEFINITIONS AND REGULATIONS RELATED TO DRIVE-THROUGH ESTABLISHMENTS

Mr. McGrory opened the hearing to consider the ordinance by introducing into the record some exhibits as follows: Board **Exhibit #1**, proof of submission to the Montgomery County Planning Commission, Board **Exhibit #2**, submission to the Upper Merion Planning Commission, Board **Exhibit #3**, letter to the Law Library, Board **Exhibit #4**, proof of publication, Board **Exhibit #5** the ordinance, Board **Exhibit #6**, Legal Notice.

Mr. McGrory explained the background for the need for a clarifying ordinance for drive-through establishments since some technically were viewed as "restaurants." This definitional change permits drive-throughs to occur at such facilities as a Starbucks or Dunkin Donuts or facilities of that nature.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve the proposed ordinance.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve Ordinance 2014-830. None opposed. Motion approved 5-0. Ordinance 2014-830 was adopted and will be filed in Ordinance Book #17.

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE, CHAPTER 7, "BUSINESS IMPROVEMENT DISTRICTS," BY RENEWING THE KING OF PRUSIA BUSINESS IMPROVEMENT DISTRICT FOR A SECOND FIVE-YEAR TERM

Mr. McGrory opened the hearing by introducing into the record some exhibits as follows: Board **Exhibit #1**, letter to property owners regarding the preliminary plan, Board **Exhibit #2**, proof of publication, Board **Exhibit #3**, submission to the Law Library, Board **Exhibit #4**, proof of publication for a Final Plan Hearing, Board **Exhibit #5**: the ordinance itself, Board **Exhibit #6**, Legal Notice.

Mr. McGrory explained the King of Prussia Business Improvement District (BID) was created with a five-year sunset provision which is required by law. It is now time for the BID's term to be extended an additional five years through this ordinance. There is an unusual process associated with this particular type of proceeding. There has actually already been a hearing and submission dates for public comment. This is now the general ordinance procedure to formally extend the BID's five-year term.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve a second five-year term for the Business Improvement District.



#### Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve Ordinance 2014-831 as submitted. None opposed. Motion approved 5-0. Ordinance 2014-831 was adopted and will be filed in Ordinance Book #17.

#### ABATEMENT SETTLEMENT

Mr. Waks stated the Board of Supervisors has received a recommendation from the Act 511 Officer (tax collection officer) for a settlement of a 511 matter to abate a portion of interest in regard to a tax collection.

Mr. Waks asked for a motion in support of the abatement settlement.

#### Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve the abatement settlement consistent with the recommendation of the Act 511 Officer. None opposed. Motion approved 5-0.

#### ACCOUNTS PAYABLE & PAYROLL:

#### Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from 07/30/14 to 09/10/14 in the amount of \$1,904,741.47 and the Payroll for August 1, 2014, August 15, 2014, and August 29, 2014 in the amount of \$2,025,475.56 for a total of \$3,930,217.03. None opposed. Motion passed 5-0.

#### ADDITIONAL BUSINESS

#### UPPER MERION SENIOR CENTER BIG BINGO ON SATURDAY, OCTOBER 11<sup>TH</sup>

Mrs. Spott provided details about the "Big Bingo" event hosted by the Upper Merion Senior Center on Saturday, October 11<sup>th</sup>.

#### PARK AND RECREATION MASTER PLAN

Mr. Jenaway stated over the next year the Park and Recreation Board and Subcommittee will be developing a comprehensive Park and Recreation mapping plan. This is an important comprehensive project for the community to better understand the needs going forward for all township parks and recreation activities. He encouraged public input into the process.

#### VACANCIES ON CITIZEN BOARDS

Mr. Jenaway stated two new members were appointed to our Citizen Boards and there are still some vacancies as noted on the township website. He encouraged those interested in serving on any of the boards or commissions to check out the website, note the openings, and apply accordingly.

#### FARMERS MARKET CLOTHING DRIVE

Mrs. Kenney noted the clothing drive on Saturday at the Farmers Market to benefit the Skate Park.

#### RETURN FROM ACTIVE MILITARY DUTY

Mr. Philips stated for most of the month of August he was away serving on active military duty and appreciates all the support he and his family received

from his colleagues on the Board of Supervisors. He said it is an amazing honor to serve your country and the citizens of Upper Merion Township. He encouraged young people to consider the military lifestyle to serve, protect and give back to society.

On behalf of the board of Supervisors and the entire community, Mr. Waks expressed appreciation for Mr. Philips' service to our country.

#### JOINT MEETING WITH THE UPPER MERION AREA SCHOOL DISTRICT

Mr. Waks stated the next Board of Supervisors meeting will be a joint meeting with the Upper Merion Area School Board on Monday, September 22<sup>nd</sup>. The meeting will be recorded for airing on the Viking Channel and UMGA-TV.

#### CANCELLATION OF UPPER MERION PLANNING COMMISSION MEETING

Mr. Waks noted the Upper Merion Planning Commission meeting scheduled for Wednesday, September 24<sup>th</sup> has been cancelled. The next meeting is scheduled for Wednesday, October 8<sup>th</sup>.

#### BOARD OF SUPERVISORS MEETINGS

Mr. Waks stated the next Board of Supervisors meetings are scheduled for Thursday, October 9<sup>th</sup> starting with a Zoning meeting from 5 pm to 6 pm followed by a Board of Supervisors workshop meeting at 7 pm.

#### 13<sup>TH</sup> ANNUAL SENIOR FALL FLING

Mr. Waks expressed appreciation to everyone who made the 13<sup>th</sup> Annual Senior Fall Fling such a resounding success with over 200 seniors attending. He recognized the special efforts of the members of the Senior Service Center, the Upper Merion Chamber Strings, township staff, Public Information Officer, and UMGA-TV who was on hand filming the event. Mr. Waks also thanked the King of Prussia Mall for providing the space and complimentary food for the past 13 years.

#### ANNUAL CITIZEN BOARD LUNCH

Mr. Waks reminded citizen board members that this year's annual Citizen Board luncheon will be held on Sunday, October 5<sup>th</sup> at Maggiano's Restaurant.

#### FLU SHOTS

Mr. Waks noted the Montgomery County Health Department will be giving free flu shots to all county residents in Freedom Hall on Tuesday, October 7 from 3:30 p.m. to 6:00 p.m.

#### TOWNSHIP'S NEW ELECTRIC CAR

Mr. Waks called attention to the township's purchase of a Chevy Volt which is an alternative fuel vehicle running purely on electricity which switches to gasoline for longer trips. This car can occasionally be seen fueling at the township's car charging station and has been assigned to the Property Maintenance Officer. He welcomed residents to check it out.

#### From the Public:

Mr. Joe Rapine, W. Beidler Road, commended the township's support of green programs. He also reiterated his concern about the Outdoor Wood Boiler (OWB) in his neighborhood and inquired if there has been any development with ordinances on regulating OWB's. He was informed it is something worthy of further discussion going forward in the future; however it cannot be applied

retroactively. In addition, Mr. McGrory will provide Mr. Rapine with a Commonwealth court case which specifically says the banning of OWB's that are in existence constitutes a land use and/or zoning ordinance therefore legal uses as of today are permitted to continue and they are grandfathered against any ordinance that would pass.

#### NEW SOLICITING ORDINANCE

Chief Nolan stated the Soliciting Ordinance passed earlier tonight will be in effect five days after adoption. He pointed out there is an opt out clause if a resident has a sticker on or near their front door. At the urging of the Board of Supervisors the stickers are available to residents free of charge. The "opt out" stickers will be available next week at the Police Department, cashier's window, reception desk and at the Library.

Mr. Waks stated it is important to remind residents this only restricts commercial solicitors and does not affect people who are knocking on doors for political reasons or religious solicitations.

#### FARMERS MARKET EVENTS

Lydia Dan Sardinas, Farmers Market Manager, announced several upcoming special events at the Farmers Market.

#### ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Spott, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 9:41 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered