

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
APRIL 12, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 12, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:37 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: Ron Wagenmann, Township Manager; Joseph McGrory, Township Solicitor, Tom Beach, Township Engineer, Judith A. Vicchio, Assistant Township Manager, and Angela Caramenico, Assistant to Township Manager.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the March 1, 2012 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott reported on an executive session dealing with litigation.

NEW BUSINESS

CONSENT AGENDA:

1. Resolution 2012-9 re: Earth Day - Saturday, April 21, 2012
2. Resolution 2012-10 re: Arbor Day - Friday, April 27, 2012 - *Upper Merion Township has again been awarded the status of "Tree City USA" from the National Arbor Foundation*
3. Sumner Dam Removal & Stream Restoration Project Change Order 4 - Additional Restoration Required
4. Pennoni Proposal re: King of Prussia Business Improvement District Moore Road & First Avenue "Road Diet and Pedestrian/Bicycle Improvement Study" - *This is a review to determine the feasibility of a Road Diet to accommodate pedestrian walks/bicycle paths*
5. Resolution 2012-13 re: Recycling Events - 6/2/12 and 10/6/12 - *Both dates are Saturdays and recycling events will be held concurrently with the Farmers Market*

Board Action:

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

CITIZEN BOARD APPOINTMENT

Mrs. Spott recommended the appointment of Jennifer Rae to the Police Citizens Advisory Board (PCAB), and encouraged the community involvement of all those who applied for the PCAB to consider applying for other positions on other boards.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to approve the appointment of Jennifer Rae to the Police Citizens Advisory Board. None opposed. Motion approved 5-0.

HEARING RE: ORDINANCE AMENDING PART II, CHAPTER 149, TAXATION, ARTICLE IV, BUSINESS PRIVILEGE TAX TO REPEAL SECTION 149-38.A.(1)(c).

Mr. Joseph McGrory opened the hearing to consider the ordinance amending Part II, Chapter 149, Taxation, Article IV, Business Privilege Tax to Repeal Section 149-38.A.(1)(c) indicating the ordinance was duly advertised in the local newspaper.

Mr. Michael J. Savona, Act 511 Counsel, Freidman Schuman, discussed the substantive nature of this ordinance. He stated that the ordinance before the Board of Supervisors for consideration is to repeal Section 149-38.A.(1)(c) of the Code which provides for payment of a registration fee for all taxpayers subject to the Business Privilege Tax in Upper Merion Township. That fee is presently set at \$21. The ordinance will repeal aforementioned Section of the Code to clarify the separate obligation of taxpayers to pay a registration fee to permit them to credit payment of the registration fee against any assessment made for payment of the Business Privilege Tax. Applied as a credit against the tax payments, this will defray the township's overhead costs and expenses in administering the program and eliminate an accounting burden for the Act 511 tax office.

Mr. Philips asked for administrative clarification of the numbering of Section 149-38.A.(1)(c). Mr. Savona responded that he also noticed a typographical error on some prior documents and stated that the Section 149-38.A.(1)(c) is the correct citation.

Mr. McGrory asked if the ordinance under consideration by the Board has the correct clerical information. Mr. Savona responded in the affirmative and stated the actual effective language of the ordinance contains the correct section.

Mrs. Spott asked if the correct section was cited in the [legal] advertisement. Mr. Savona responded in the affirmative.

Mr. Savona indicated he will send the approved ordinance [Ordinance 2012-805] to the Law Library.

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.

Mrs. Spott asked for a motion to pass the Ordinance as advertised.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the Ordinance to Repeal Section 149-38.A.(1)(c) as submitted. None opposed. Motion approved 5-0. Ordinance 2012-805 was adopted and will be filed in Ordinance Book #16.

ADDITIONAL BUSINESS

TOWNSHIP MANAGER SEARCH

Mr. Waks provided an update on the Township Manager search and the actions of the screening committee to date.

MULCH FIRES

Mr. Jenaway cautioned residents and business owners in Upper Merion that current weather conditions coupled with natural factors that are occurring are

creating some havoc with fire potential. He commented on recent fires in mulch and garden beds around the township, and urged residents and business owners to water their dry mulch and to properly discard smoking material.

#### CLEAN-UP OF WOODS

Mr. Waks commented on a clean-up of the woods behind the former Gold's Gym property and invited volunteers to assist with this community project. It is envisioned that this would be the first step in creating a park or mini nature preserve in that area with hiking trails.

#### UPCOMING EVENTS IN TOWNSHIP

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

#### AQUA WORK UPDATE

Mr. Jenaway announced that planned Aqua work scheduled for the upcoming weekend has been postponed to next weekend.

#### PENNSYLVANIA PRIMARY - APRIL 24, 2012

Mrs. Kenney reminded citizens to get to the polls and vote on Pennsylvania Primary Day, April 24, 2012

#### ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 7:56 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: