

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
APRIL 15, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 15, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:45 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. McBride, seconded by Mr. Waks, all voting "Aye" to approve the March 11, 2010 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Bartlett commented on an executive session concerning litigation and personnel.

NEW BUSINESS

PROCLAMATION RE: AUTISM AWARENESS MONTH

On behalf of the Upper Merion Board of Supervisors, Supervisor Joseph Bartlett read and presented a proclamation re: Autism Awareness Month to Patti Erickson, President of the Autism Society, Greater Philadelphia Chapter. Mrs. Erickson expressed her appreciation for the continued support of Upper Merion Township in proclaiming April as Autism Awareness Month and highlighting the growing need for concern and awareness about autism. Mrs. Erickson stated that the Greater Philadelphia Chapter is donating seven new library books to the Upper Merion Library. In addition, awareness ribbons will be available in the library all month.

Mr. McBride commented that he first became aware of the challenges of autism in the early 1990's when he was Chairman of the Board of the Variety Club of the Delaware Valley with the charge to assist children with physical disabilities. He pointed out that years ago prevalence of autism was estimated at 1 in 166 births and it is now 1 out of 110. He commended the families that are now working to make a difference in the lives of those touched by autism and to find manageable ways in dealing with it.

Mr. Bartlett pointed out that remedies and procedures are also necessary to assist those with autism as they grow older. He commended the Upper Merion Area School District for their comprehensive program to meet the needs of autistic students. The school district has implemented a state recognized model verbal behavior class at the elementary level that feeds into proactive programming at the middle and high school levels where students social, emotional and academic needs are met by caring teachers who do an extraordinary job of assuring that autistic children are very much a part of the school community.

CONSENT AGENDA:

1. Permission to Advertise & Receive Bids: Replacement of the Upper Merion Township Building Entrance Doors and Boiler
2. Lighting Replacement with LED Lights - \$84,000. Pennsylvania Department of General Services Contract (COSTARS)
3. Request to Award Phase I Feasibility Study – Belt Filter Press Replacement – Matsunk & Trout Run Water Pollution Control Centers (W.P.C.C.s)

Board Action:

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

ADDITIONAL BUSINESS

RESOLUTION 2010-9 RE: REDUCE ILLEGAL HANDGUNS

Mrs. Spott reported that several municipalities in the area have passed resolutions in support of state legislation to require lost or stolen handguns to be reported to the police department. This is an effort to stem a difficult problem of guns getting into hands of criminals and not being properly reported. The Police Citizens Advisory Board, of which Supervisor Spott is the liaison, discussed this legislation and it was unanimously supported by both the police and the citizens board for inclusion on the Board of Supervisors Business Meeting agenda. With passage of Resolution 2010-9 Upper Merion Township will be on record in support of our police in an effort to get control of lost and stolen handguns.

Mr. Bartlett indicated that this resolution will be sent to our state legislators to encourage their support of the state legislation as well.

Mr. McBride offered supportive comments and pointed out that this is not only an issue for the big urban centers in our state, but that it is a state-wide issue and also a very serious issue in some of our more rural areas.

Mr. Waks commented on a recent poll that indicated a substantial percentage of NRA members are in support of legislation to have lost or stolen guns reported in order to prevent crime. He is hopeful that the state will follow our lead and the lead of other municipalities throughout Montgomery County and throughout the state as a whole.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. McBride, all voting “Aye” to approve Resolution 2010-9 as submitted. None opposed. Motion approved 5-0.

AUTHORIZE MAY 27, 2010 FOR BUSINESS IMPROVEMENT DISTRICT HEARING

Mr. Ron Wagenmann, Township Manager, explained that the Business Improvement District hearing was originally scheduled to occur on May 13, 2010 at 5:30 p.m. He explained that there were over 2,000 letters to be sent out to notify all the property owners and tenants. Because of this administrative requirement and the loss of a core staff member a delay was necessary. The Board is requested to authorize and advertise the May 27, 2010 hearing at 5:30 p.m.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting “Aye” to approve the revised hearing date of May 27, 2010. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS

Board Comment:

Mr. McBride requested that zoning review updates be scheduled on a regular basis. While recognizing the limitations due to loss of staff, he indicated that these updates should be scheduled monthly in order to complete the reviews in a timely fashion.

Mr. McBride asked that the township attempt to resolve a problematic situation where the homes on Brookwood Terrace are subjected to storm water run off. With the support of the Board, he requested that staff look into this problem and to the degree possible seek support from the abutting township to resolve this problem.

Mr. Wagenmann asked to have the Township Engineer involved in this effort.

Mr. McBride asked for preliminary information so that a plan can be worked out.

Mr. Wagenmann stated that after a few hours of engineer time an initial report would be provided to the Board.

From the Public:

Nancy Williamson, 496 Hampton Road (Belmont Terrace section), complained to the Board about a neighboring dog which has attacked their leashed dog three times on her property since 2006. The Board will look into the matter and advised the family that the township jurisdiction only goes so far and that they should contact the County Commissioners Office and also file a complaint tomorrow with the District Justice who has the authority to name the aggressive dog as dangerous. Mr. McBride offered to assist Mrs. Williamson with these actions and other supervisors offered their remedial suggestions as well.

Shelly Beitler, a family member, also provided comments about this longstanding situation and Mrs. Williamson’s efforts to attempt to resolve the problem with the aggressive dog.

A group of residents from the South Gulph Road area were present at this meeting to protest the unfunded Phase III widening of South Gulph Road. Those offering comments included:

Shawn Machese, Gypsy Lane, who requested that the Board assist in keeping the residents informed of what the options are and what is going to happen before it is finalized. Mr. Wagenmann stated that currently nothing is proceeding on Phase III.

During the discussion, the supervisors stressed that this is a PennDOT construction project and recommended that residents make their views known to PennDOT through their state legislators. Mr. Wagenmann noted that the concerned residents were provided with the name and phone number of the local PennDOT project manager, Mr. Larry Link.

Meena Barger, Gypsy Lane, wanted to make it clear that this neighborhood has turned over since original information was provided to residents. Her home was built in 2005. Ms. Barger indicated that she was not aware that PennDOT owned Phase III.

Mr. McBride asked Ms. Barger if the realtor provided any information on the project. Ms. Barger responded in the negative.

Mr. McBride asked if the realtor has an obligation to say that.

Armand Pace, a real estate broker who lives on South Gulph Road, responded in the negative. Mr. Pace indicated that there is something called a seller's disclosure where a seller is supposed to disclose. He indicated that when he bought the lot they were not provided with a disclosure.

Mr. Wagenmann stated that he has packets of information that shows 450 letters that went out and who received letters in 2003. It includes the sign up sheets for the 70 or 80 people who showed up for the public meeting and were present and were given a brochure of the project that gave the general layout including Phase III.

Anne Pace complained about overnight work performed by Aqua PA for the past three nights and that no notice was provided that work was to be done from 9:30 p.m. until 4:30 a.m. Mr. Wagenmann responded that in the past the township required Aqua water company to send letters to the residents and they have done it. He will follow up with them.

Mr. Pace asked if it is correct that Phase III is not financed. Mr. Wagenmann responded in the affirmative.

Mr. Pace asked about the time for analysis after Phase I and II are completed. Mr. Wagenmann restated what Jack Smyth indicated at the meeting that with the completion of Phase I that will provide an opportunity to see what impact that has on South Gulph Road and the congestion that is there on a daily basis.

Mr. McBride reiterated that the residents have been provided the name and telephone number for the PennDOT contact. He suggested that they speak to one or both state legislators so they can send one of their staff people to accompany the residents to the meeting. Mr. McBride also asked the residents to designate the point person the Board of Supervisors should keep in touch with. Mr. Pace responded that the first speaker would be the point person [Shawn Machese]. Mr. Pace also said he would provide all the residents names.

With regard to the Aqua situation, Mr. Jenaway asked if anyone called the township or was this the first time it was brought to the township's attention. Mr. Pace responded that it was the first time it was brought to the township's attention.

Mr. Jenaway asked for the location of the Aqua work. Mr. Wagenmann responded it is on South Gulph Road. Mr. Pace added between Crooked and Gypsy.

Mr. Wagenmann indicated that he received an email yesterday or this morning asking if the Aqua work was related to the road project and he responded that it was not.

Steve Mullen, South Gulph Road, also expressed concern about South Gulph Road Phase III, indicated that the neighborhood has changed owners since 2003 and complained about the notification process. He asked the Board to consider connecting Renaissance Boulevard with Crooked Lane.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:20 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.