

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 13, 2011

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, October 13, 2011, 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 Waks, Joseph Bartlett, Edward McBride, Bill Jenaway, and Erika Spott. Also present were: Ron Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner, Russ Benner, Township Engineer, Judith A. Vicchio, Assistant Township Manager.

MEETING MINUTES:

It was moved by Mr. Bartlett, seconded by Mrs. Spott, all voting "Aye" to approve the September 15, 2011 Workshop Meeting Minutes and the October 3, 2011 Special Bid Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman McBride reported on an executive session dealing with legal matters and potential land acquisition.

NEW BUSINESS

PRESENTATION BY MICHAEL SANTILLO RE: FLU SHOTS

Mr. Waks introduced Michael Santillo and his wife Jean who are residents of Upper Merion Township. Mr. Santillo participated in a Public Service Announcement (PSA) produced by UMGA-TV emphasizing the importance of getting a flu shot and urging residents to follow through and guard against complications that could result from the flu. The Santillos lost their 32-year old daughter, Melissa, a year ago to the flu. She did not get a flu shot and caught a cold that developed into influenza A.

On behalf of the Board of Supervisors, Mr. Waks expressed appreciation for the Santillos willingness to make this very important announcement as they continue to deal with this family tragedy.

PRESENTATION OF 2010 PARK & RECREATION DEPARTMENT'S
VOLUNTEER OF THE YEAR AWARD TO UPPER MERION FARMERS MARKET
COMMITTEE

Dan Russell, Director, Park and Recreation Department, presented individual awards to members of the Farmers Market Committee. He emphasized the Farmers Market Committee has been essential in making the Farmers Market such a success in this community.

Mrs. Spott, co-founder of the committee and liaison to the Park and Recreation Board, stated all the members of the Upper Merion Farmers Market Committee deserve great credit for the work they do on an ongoing basis to make this event such an enjoyable part of our community life. She provided a summary of the unique contributions of each member of the committee and expressed appreciation for their continued support.

Mr. McBride commented volunteers make numerous contributions to the township including sacrificing time away from their loved ones who deserve our appreciation as well.

CONSENT AGENDA:

1. Supplemental Budget Appropriation re: Electric Vehicle Charging Station Installation - \$31,000
2. 2012 Budget Guidelines
3. Permission to Advertise & Receive Bids re: Electrical Maintenance Contract 2012-2014 – November 29, 2011

Board Action:

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

Board Comment following the vote:

Mr. McBride commented that he saw his first Volt charging station in the Bob White neighborhood and he encourages those who are so inclined to look into the new electric vehicles.

Mrs. Spott asked the Township Manager to provide more information on the electric vehicle charging station installation and how it is being funded. Mr. Wagenmann responded the township is receiving part of the funds with a green grant provided by the state. The Board of Supervisors approved the township’s local match for the installation of the station on the second level parking area behind the township building where two vehicles will be able to charge.

PLAN AMENDMENTS/MINOR PLAN: SUNOCO, 1308 S. GULPH ROAD; DP 2011-08; SUNOCO A-PLUS CONVERSION; CONVERT EXISTING 1,579 SQUARE FEET SERVICE STATION TO A PLUS CONVENIENCE STORE. REPLACE LIGHTING, PRICE PANELS AND LANDSCAPING. R-1A, 2.18 ACRES

Mr. Loeper stated Sunoco submitted a plan amendment to convert the Sunoco Service Station in Gulph Mills at 1301 S. Gulph Road (intersection of South Gulph and New Upper Gulph) into an A-Plus Convenience Store. The 2.18-acre site is located in R-1A Residential District and occupied by the existing 1,579 square foot service station.

The applicant applied to the Zoning Hearing Board (ZHB) for relief for the conversion. Mr. Loeper pointed out that there has been a gas station at this location for many years. It is a non conforming use and the applicant applied for various relief in terms of expanding the use and/or variances to convert the service bay area into the convenience store.

The ZHB granted the relief subject to the following conditions:

- The hours of operation for the gas station and proposed convenience store shall be between the hours of 6:00 a.m. and 10:00 p.m.
- The applicant shall make use of the proposed loading zone for delivery of all product to the site.
- Signage is limited to that which is represented on plans submitted and no others.

- Prior to commencement of operation of the expanded convenience store, all landscaping must be completed to comply with Township code requirements, including newly proposed and restored landscaping.

The plans include changes to the outside lighting, landscaping, signage, loading area, and façade changes. The building footprint will remain the same.

Utilizing the aerial, Mr. Loeper indicated the existing façade condition and what the future condition will be. For example, on the side facing Upper Gulph Road the canopy will be removed, one of the doors will be removed, boarded windows will be replaced with brick and there will also be a knee wall. The same thing will occur on the opposite end of the building. The canopy will be removed, the windows will be bricked up and the significant changes to the façade in the front include removing three bays, putting in a service area, a new window, and then bricking and the knee wall to match the rest of the façade.

The outdoor lighting will consist of new LED features mounted on the existing poles. LED lighting produces more pinpoint lighting with reduced glare. The fixtures have full cutoff and comply with the Township code.

The landscape plan will consist of replacing the landscaping primarily on the sides of both of the parking area as well as the front island. The existing trees on the site will remain. Three planting beds located between the access driveways on South Gulph Road and adjacent to the driveway pad perpendicular to South Gulph Road will feature two large shade trees, three flowering trees, 12 evergreens, 77 shrubs as well as numerous ornamental grasses. The applicant wants to make sure the landscaping does not interfere with any site distances at the driveway entrances.

New LED price panels are to be placed on the existing monument signs. Building signage will be reduced from 81 square feet to 64 square feet.

The total building signage is reduced by about 15 square feet from 81 to 64 square feet. The loading area will be located next to the existing building, and waste oil and motor oil tanks at the rear of the building will be removed as part of the upgrade process.

Staff has reviewed the plan, found them to comply with township codes, and are prepared to issue approval pending comment from the Board of Supervisors.

Mr. Waks asked for clarification about traffic issues. Mr. Loeper responded these types of stations do not generate a lot of traffic since they are not considered destinations. He explained that it is more an impulse stop to pick up a few items and a different venue than a Wawa where food is prepared on site.

Mr. Waks indicated he was in receipt of a letter from the Gulph Mills Civic Association about this plan and asked if Mr. Loeper heard individually from residents as well. Mr. Loeper responded that he has spoken directly to only one resident.

In looking at the plan, Mr. Jenaway commented that it appears that there are no changes in the number of pumps or tank sizes. Mr. Loeper responded in the affirmative.

Mr. McBride asked Mr. Loeper to talk to the applicant about installing steel or concrete bollards in front of the glass doors that would withstand an impact and protect pedestrians. Laurie Pettengill, senior construction engineer Sunoco, responded there will be a curb and sidewalk in front of the station, but if the Board of Supervisors would prefer, bollards could be installed on the outside of

the curb. A planter would entail an issue with the ADA walkway, but bollards would be fine.

Mr. Jenaway asked what percentage of traditional Sunoco gas stations remain. Ms. Pettengill responded that bay service stations are becoming a “dying breed,” but her colleagues in operation would be in a better position to provide more information. She said it costs too much to train people and have the right equipment for all the new cars. As a result many of the dealer locations cannot afford to stay in business.

Mr. Jenaway asked if the typical conversion retains the footprint when it goes from a garage to a convenience store. Ms. Pettengill responded in the affirmative.

Mr. Jenaway commented that when a conversion is made from a gas station that existed for years, there is some potential for hazardous material to enter into the soil and anything else that might be in that structure. He asked what remedies are followed to make sure that cleanliness has occurred in the transition from a gas station to a convenience store. Ms. Pettengill responded there is an environmental consultant on site during the excavation process. Soil samples are taken as required by the state. Samples are taken underneath the bay and tanks where the lifts are and everything that is excavated is screened.

Without further comment from the Board of Supervisors, the minor plan is able to proceed.

BRENDAN GIBBONS, 403 FLINT HILL ROAD, DP 2011-10; DEMOLISH EXISTING DWELLING AND CONSTRUCT 2,000 SQUARE FOOT GARAGE FOR LANDSCAPE BUSINESS. SITE IMPROVEMENTS INCLUDE VEHICLE STORAGE, STORMWATER MANAGEMENT AND LANDSCAPING

Mr. Loeper stated Brendan Gibbons has submitted a development plan for 403 Flint Hill Road. Utilizing the aerial, he pointed out the 0.40-acre property located adjacent to Church Road and opposite the quarry in the HI Heavy Industrial District.

The applicant is proposing to demolish the existing dwelling and construct a 2,000 square foot pole barn for storage of landscape equipment. The applicant will maintain the existing garage at the rear of the site and expand the driveway. There are no changes to the site access.

The other improvements include a small detention basin which will be located in front along the Flint Hill Road side. There is extensive vegetation and trees that already exist on the site which the applicant will maintain and add some additional plantings as may be needed.

Staff has reviewed the plans, found them to comply with township codes, will be issuing necessary permits, and are prepared to issue approval pending comment from the Board of Supervisors.

Without further comment from the Board of Supervisors, the minor plan is able to proceed.

PHASE I DEVELOPMENT PLAN: PASQUALE PROPERTIES, 520 SHOEMAKER ROAD, DP 2011-09; CONSTRUCT 5,765 SQUARE FOOT BUILDING FOR COMMERCIAL LAUNDROMAT WITH 1,000 SQUARE FEET OFFICE ON 2ND FLOOR. CONVERT EXISTING 5,400 SQUARE FOOT RESTAURANT INTO OFFICE SPACE. SITE IMPROVEMENTS INCLUDE ACCESS DRIVES, PARKING STORMWATER MANAGEMENT, LANDSCAPING AND LIGHTING. C-2, 1,338 ACRES

Utilizing the aerial, Mr. Loeper illustrated the location and various aspects

of the Pasquale Properties site at the Village Mart, along Shoemaker Road. The application includes a 5,400 square foot building which will have a state of the art Laundromat on the first floor. The second floor will be 1,000 square feet and house the offices for Pasquale Properties. The actual impervious coverage is reduced slightly in this application; however, the applicant will be installing an underground detention basin, primarily to deal with peak flows. The green area is well in excess of what is required. There will be new sidewalks and new lighting that will contribute to an upgrade for the site. The proposed plan was discussed at the Planning Commission meeting on October 12 at which time it was pointed out that the proposed laundromat will be a state-of-the art facility unlike a traditional laundromat.

Mr. Jenaway commented that he was at last night's Planning Commission meeting and reported that the applicant provided an in depth discussion of the plan. There were a number of minor issues that were brought to the applicant's attention, and the applicant indicated a willingness to look at and work through those issues.

Referred back to staff.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from September 1, 2011 to September 29, 2011, in the amount of \$1,205,632.91 and the Payroll for September 2, September 16 and September 30, 2011 in the amount of \$1,813,208.60 for a total of \$3,018,841.51. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

UPPER MERION AREA SCHOOL DISTRICT NEW FEE SCHEDULE

Mr. McBride stated that the Upper Merion Area School District at their last school board meeting introduced and adopted a fee schedule for the use of school district property. At that meeting Mr. McBride addressed the school board and expressed concern over the impact of these fees on the Upper Merion Township Park and Recreation Department programs and the hundreds of residents who would be impacted negatively because of increased fees that would have to be passed onto them. As an example, the swimming program was \$50 per person, and it would have to go up to around \$80 per person as a result of their new fee structure. In addition, the school district is asking for a \$10 impact fee. The school board refused to reconsider the proposed fees and approved the fee schedule with very little discussion. Mr. McBride explained in the past the township was able to use their facilities without a fee. In exchange, the township waived certain permitting and other fees in a spirit of cooperation. The beneficiaries were the residents.

Mr. Dan Russell, Director, Park and Recreation, stated he and his staff have been working hard to assess how the new fee schedule and policy will affect Park and Recreation programs and ultimately affect the fee structure and the participants in township programs. Utilizing the aerial, Mr. Russell went over the new rental fee schedule in detail and provided examples of the deleterious effect of the new fees on various programs. For example, with the popular Adventure Day Camp location at Upper Merion Middle School this past summer there were 200 participating children who use the auditorium, the gym, the classrooms, the pool and the outdoor fields. A calculation of charges per space use in addition to a per person impact fee would result. Mr. Russell pointed out that just under 3,400 children participated in Park and Recreation programs

utilizing Upper Merion Area School District facilities. When a calculation is done for all of the spaces at the school district it would come to just under \$104,000 in fees that would have to be increased by the Park and Recreation Department. Mr. Russell noted some examples on how this would affect some other programs. With regard to the popular youth basketball program, a program starting in November and running until the end of March, it is 95% volunteer driven and takes place on Fridays and Saturdays at Roberts Elementary, Caley Elementary, Candlebrook Elementary and the Upper Merion Middle School and Upper Merion High School. The new fees assessed on the youth basketball program will be \$17,500. Current registration for youth basketball is \$90. With the new fees scheduled to go into effect January 1, 2012, this program would have to be increased by \$47.30 which would bring the new price for next year should these fees be implemented to \$137.29. The next example Mr. Russell provided are the programs the township runs for special needs children. The adaptive basketball program started two years ago as a free program and has been extremely popular. With the new school district charges it would cost the township \$380 to run this program which would then in turn require going back to the residents for a fee of \$29 per child for this program to be able to pay for itself. Because of the new fee schedule the Park and Recreation Department would no longer be able to run programs for seniors, children with disabilities or any programs in the school district without a charge attached.

Mrs. Spott asked what the alternatives are.

Mr. McBride asked Mr. Wagenmann to go back to the Superintendent to ask the School Board for a reconsideration of their vote and waive the proposed fees. Mr. McBride indicated that he would be willing to talk to some of the school board members because they may not have realized the impact of their vote on the residents.

Mr. McBride pointed out that there is a printing deadline for the Park and Recreation Program Guide that includes a fee schedule. He asked for a motion to accept not changing the Park and Recreation fees for this season between now and the beginning of next year until further discussions are held with the school district. If this is not resolved, then the Board of Supervisors will have to reconsider this next year.

Mr. Bartlett commented that he supports this approach.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Bartlett, all voting "Aye" to waive any increases for the next season of Park and Recreation activities and direct the Chairman of the Board of Supervisors and Township Manager to schedule meetings with the appropriate Upper Merion Area School Board members and staff to begin discussions about the impact the proposed school district fees will have on the residents of Upper Merion Township. None opposed. Motion approved 5-0.

Board Comment following vote:

Mr. McBride expressed appreciation to Mr. Russell for his prompt help in compiling the fee information so that the Board of Supervisors would be able to consider this issue at this meeting.

PARK AND RECREATION "CHALLENGER DAY"

Mr. Bartlett urged residents to attend Challenger Day on Saturday, an event for disabled children.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:36 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered: