

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
AUGUST 3, 2017

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, August 3, 2017, in the Township Building. The meeting was called to order at 7:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway, Erika Spott and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Dan Russell, Director, Park and Recreation.

CHAIRMAN'S COMMENTS:

Chairman Jenaway stated an Executive Session was held prior to this meeting dealing with litigation and personnel issues.

DISCUSSIONS:

UPPER MERION FARMERS MARKET PRESENTATION

Dawn Francis, representative of the Upper Merion Farmers Market Committee, discussed a potential transfer of leadership from Farmers Market Committee to new hands and offered some recommendations for sustaining the market in the future. A PowerPoint was shown.

Highlights as follows:

- The Upper Merion Farmers Market is currently in its 8th season.
- In season the farmers market is held every Saturday from 9 a.m. to 1 p.m. from May through November with an average of 30 vendors.
- The winter market begins in December and is held every other Saturday from 9 a.m. to noon.
- The 10-member Farmers Market Committee is an all-volunteer organization.
- Upper Merion Farmers Market was voted a top 10 Farmers Market by American Farmland Trust and recognized by Montco Happening as one of the BEST markets in the county.

Ms. Francis discussed the role of the market manager and event

coordinator on-site and off-site which involves approximately 15 hours per week and 10 hours per week respectively. Ms. Francis indicated there are three people who handle marketing communications in the areas of social media, website management and community outreach. The volunteers in the communication roles work 15 hours a week in season and down to 5 hours a week off season. The individuals in these named positions are supported by a cadre of volunteers with various assignments to assist with the logistics and keep the market running smoothly.

Ms. Francis stated the Farmers Market has been an all-volunteer organization and they are looking to transfer management to “new hands.” It is envisioned having two paid positions of market manager (to encompass the event coordinator tasks) and marketing communication coordinator. She suggested seeking sponsorships and contributions from local businesses to fund these salaries. It was also recommended having the Park and Recreation Department pay part-time summer employees to set up and break down the market each week. A base of active volunteers would be maintained.

Ms. Francis pointed out time is of the essence in making a decision since the vendors need to know if there will be a continuation of the farmers market for the winter season and beyond.

Mr. Philips asked about the salaries for the proposed positions. Ms. Dan Sardinias responded, “\$30,000 for a market manager.” She noted in some areas of the northeast it goes up to \$38,000 to \$40,000. The starting salary for a marketing communication coordinator would be \$38,000.

Mr. Jenaway commented this would not include the benefit package and would be full-time. Ms. Dan Sardinias responded in the affirmative.

Mrs. Spott asked for clarification on the marketing communication coordinator as to whether it would be full-time or part-time. Ms. Dan Sardinias responded she provided the salary for that position as full-time and indicated it could be reduced by half for part-time. Mr. Waks asked if some of the cost could potentially be absorbed by the Park and Recreation Department or the Public Information Office. Mr. Philips commented it would only be 15 hours a week.

Mr. Kraynik asked if it is proposed that the marketing position be full-time. Ms. Dan Sardinias responded, “not necessarily.”

Mr. Jenaway asked if any individual companies have been identified to help with the funding for the rest of the year since it cannot be included in this year’s budget.

Mr. Kraynik asked if it is envisioned these two positions would be township employees. Mrs. Spott felt they would be since the market is not a legal entity.

A member of the Farmers Market Committee mentioned during the first season there were 8-10 companies contributing the original seed money and there were additional sponsorships over time. It was also noted there were grants over a period of time. The thinking was a full time manager would have to fund their own job and be somewhat self-supporting.

Mrs. Spott recalled there was quite a bit of funding the first year from that all-out effort. She also expressed appreciation to everyone who helped make the farmers market a reality which has become such a valuable amenity for this community and should continue.

Mr. Philips asked if the future of the market is in jeopardy if the recommendations are not implemented for post-2017 season. Some in the group agreed it would be in jeopardy.

Mr. Jenaway commented the Park and Recreation Department needs to develop a plan on moving this forward first to sustain the market before the first of the year and then budget going forward accordingly.

Mr. Philips asked where the money goes. Mr. Russell responded both the operating expenses and the revenues for the farmers market are within the park and recreation budget. Any donations would flow through the Foundation.

Mrs. Kenney commented the farmers market was never meant to be a money- organization, but rather an amenity. It was hoped to be self-sustaining.

Mrs. Spott commented the volunteers present at this meeting have sustained the farmers market from the ground up with an incredible sense of creativity and "can do" attitude. She mentioned some of the older farmers markets that have been around for 25 years have an interesting structure with an executive committee that serves in an advisory capacity.

Mr. Philips commented he anticipates it would not run like any of the current citizen boards with a staff liaison, but with more of an executive board structure.

Ms. Francis said their next step will be to work with Dan Russell on how to move this forward.

Mr. Kraynik stated he will discuss with Mr. Russell and the Public Information Officer and develop a plan.

Mrs. Kenney asked Sally Slook, Assistant Township Manager, to look into possible grant opportunities. Mr. Kraynik remarked while it is unusual to get grant funding for staffing this would be explored.

REVIEW CURRENT TREE ORDINANCE

Ann Marchino, Shade Tree Commission, stated while the current tree ordinance adequately addresses parking lot plantings, street trees and other development requirements it lacks “teeth” in terms of tree preservation. The ordinance is also somewhat confusing and the Commission is working to address these deficiencies and offer a recommendation as to how to work within the current structure.

As a landscape architect, Ms. Marchino said she has read and written a lot of landscape codes and knows what to look for on a plan. During the three years she has served on the Commission she has seen 20-24 projects come through by a dozen or so different companies and everyone interprets the code differently.

Ms. Marchino pointed out an example in the SALDO at C(1)(d) indicates “Each freestanding mature tree, tree mass, or woodland on the site shall be designated “to remain” or “to be removed” in accordance with the following criteria: [1] A mature tree, tree mass or woodland shall be designated “to remain” **only** if it meets all of the following criteria.” Ms. Marchino said the use of the word **only** should be reviewed because it is not allowing for trees to remain that are overhanging current sidewalks or driveways that have been established for a long time.

Mrs. Spott commented that text is such that it promotes removal rather than retention.

Mrs. Kenney said it is the opposite of the legislative intent under “A.”

Mr. Philips did not necessarily read it as remove and provided his reasoning.

Mr. McGrory suggested it would be more productive for Ms. Marchino to meet with Mr. Loeper and come up with a marked up version of an ordinance so that the supervisors would have something in front of them with suggested language and revisions.

Mrs. Spott asked to hear the rest of the summary.

Ms. Marchino said subsection [2] indicates if the trees “do not fit the above criteria they are designated to be removed. These trees will be removed in the field during the construction process.” She said that is where you want a sentence that says, “if they are removed you need to go to the tree replacement section at C (4) on the next page.

Mr. Philips commented about the importance of looking for native species for tree replacement. Ms. Marchino responded the code does have a high native percentage and most of the plans they review have a high percentage of native plants.

Barley Van Clief commented there is a tree list in the Appendix and if it needs to be updated from time to time it is not necessary to open the entire ordinance for review. Mr. McGrory referred to this as an Appendix amendment. Mr. Loeper said it would not be difficult to amend when adding or removing a tree from the list. He indicated he has seen codes that have specific trees that are not permitted such as invasives.

Ms. Marchino suggested referencing something like the Department of Conservation and Natural Resources (DCNR) invasive list which they keep updated.

Ms. Marchino indicated there are natives listed in the code and if the Commission sees something they do not like they write it up as a comment. She said the issue is the Commission is not provided with enough teeth with developers with respect to replacement plants and she has never seen any designated replacement plants on the plan. She said she has done planting plans where an "R" or a cross hatch indicates the number and location of replacement plantings.

Mr. Philips stated C(4)(b) indicates proposed replacement tree plantings shall be listed on the plans and this is not being done. Ms. Marchino responded the Commission never sees it. She said they see all the other plants that are required, but not replacement plantings.

Mr. Loeper stated there is a table of required plantings that was last updated in 2001. He referred to the top of page 3 for C (3) (a) referring to a credit for preserved trees which has not been as effective as they had hoped. Ms. Marchino said the Commission never sees anyone taking credit.

Mr. Loeper emphasized it is necessary to tighten up the requirements for what has to be put on the plan so that it is easier for everyone to review.

Mr. Jenaway stated everyone is in agreement the next step is for Ms. Marchino, Ms. Van Clief and Mr. Loeper to meet and work up a draft.

A discussion followed with regard to tree removal on private property. Ms. Marchino indicated this meeting is focused on land development.

Mr. Loeper pointed out there are three ordinances that are almost contradictory and additional discussion dealing with the subdivision standards is a good first start.

PRESENTATION OF A STORMWATER POLLUTION PREVENTION PLAN BY T&M ASSOCIATES, AS PART OF THE TOWNSHIP'S NOTICE OF INTENT, TO APPLY FOR A PADEP 2018 STORMWATER (MS4) DISCHARGE PERMIT

Ms. Monica Wall, T&M Associates, T&M Associates stated the Township has an existing NPDES Permit for the Township's MS4 Program which regulates discharges to the watercourses through the Township's storm-sewer system. This existing permit had a 5-year term which is due to expire early next year and the application for permit renewal is September 16th of this year. This next permit term is also 5 years, and the renewal process has a new requirement called a Pollution Reduction Plan, also referred to as a PRP.

The first step in developing the PRP is to determine the boundary of the PRP which DEP refers to as the planning area. The planning area must include all areas of the Township which discharge through the storm-sewer system into watercourses that DEP has determined are polluted. DEP refers to these water courses as "impaired watercourses." The DEP determined that all the water courses located within the township are impaired; therefore based on these criteria the planning area is almost the entire Township excluding Valley Forge National Historical Park.

Mr. Philips asked what is making our streams impaired. Ms. Wall responded DEP has determined the cause of the impairment is "siltation." The pollutant the township is required to reduce is "Total Suspended Solids" also known as sediment.

Ms. Wall stated the next step was determining how much sediment the PRP Planning Area generates annually. This includes determining the impervious and pervious area in the planning area. DEP provides the loading range for each type of cover. The areas are multiplied by the sediment loading rates and added together for a total of 4,191 tons of sediment per year. It was noted a typical above ground basin will remove 60% of the sediment that flows to it.

Mr. Philips asked if that is before BMPs or after BMPs. Ms. Wall responded, "after BMPs."

Mr. Philips asked about a traditional basin with no BMPs. Ms. Wall responded before 2006 there were no water quality requirements and above ground basins removed 10% of the sediment. After 2006 DEP had water quality requirements which removed 60% of the sediment.

DEP allows a credit for sediment removed by existing basin. There were 79 existing basins/BMPs identified in the PRP planning area for a credit of 250 tons of sediment per year. Therefore, the total sediment generated by the PRP

Planning Area is 3,941 tons per year.

DEP now requires the Township to reduce this sediment load by 10% over the next 5-year permit term. Therefore, the Township is required to reduce sediment by 394 tons per year. This will be accomplished by the following:

- Vacuum sediment from existing inlets; reduction of 197 tons per year.
- Street sweeping: impervious area would need to be swept 25 times/year. Only the King of Prussia Mall parking lots currently meet this requirement; reduction of 6 tons/year. *(Note: Township currently sweeps two times a year – therefore cannot be counted).*
- Convert old existing dry basins (10% sediment removal effectiveness) to dry extended detention basins (60% effectiveness); reduction of 47 tons/year.
- Streambank restoration; reduction of 147 tons/year. There are 16 old basins with no water quality requirements.

Mr. Philips asked if the old basins are in private or public hands. Ms. Walls responded they are in private hands, but there may be agreements providing access to the Township and this would have to be researched.

Ms. Wall stated it is proposed taking the 16 old basins and retrofitting them so their effectiveness increases from 10% to 60%. This would be more cost effective than installing new basins with almost the same impact.

Ten (10) stream bank restoration projects have been identified which is the most cost effective method of sediment removal.

Ms. Wall pointed out the PRP is a planning tool and DEP emphasized it is a fluid document that can be updated annually. If there is a particular project the Township does not favor it can be replaced with a different project by updating the PRP.

Approximate costs for proposed BMPs:

- Inlet vacuuming: \$8,000/year for Township staff time; (2 vacuums already available). *(This will provide 197 tons of credit)*
- Street Sweeping: \$0/year (Mall parking lots are swept by the property owner – therefore no cost to the Township). *(If Township were to decide to increase street sweepings to two times a month it would be necessary to access additional sweepers and operators.*
- Basin Retrofits: Average \$100,000/basin x 3 retrofits/year = approx. \$300,000/year. *(Basins could be prioritized that do not need permits and basins that already have access rights for the Township).*
- Streambank Restoration: Average \$200/LF x 1,320 LF/year = approx. \$264,000/year.

- Total Annual Cost for proposed BMPs = \$572,000

Ms. Wall noted if the Township wanted to take credit for existing basins they would have to be inspected to make sure they are functioning properly. Staff has indicated that would cost about \$15,000 a year.

Mrs. Kenney asked who would have to inspect existing basins. Ms. Wall responded public works staff could do this.

Ms. Wall mentioned the annual cost estimate does not go in the PRP, but DEP is interested in seeing a list of the funding sources. The PRP will include a list of grants, potential stormwater fee and adoption of an ordinance requiring developers to provide the 10% reduction as part of their land development.

Mr. Philips questioned the 10% reduction for developers in view of MS4 regulations and the new model to infiltrate the sediment rather than sending it downstream. After a brief exchange with Ms. Wall, Mr. Philips clarified under the ordinance developers would be able to discharge for larger storms equal to the predevelopment discharges minus the 10%.

Ms. Wall discussed public participation as follows:

- 30-day public comment period is required (August 3rd – September 2nd)
- Comment period must be advertised on or before August 3rd.
- Township shall accept written comments throughout the 30-day period.
- The PRP is on the Township's website and two paper copies are available at two separate locations in the Township Building.
- The Township is required to accept verbal comments at a public meeting (which is scheduled for August 24th Board of Supervisors meeting).
- A list of comments and responses will be compiled and included in the permit application (due September 16th).

Mr. Jenaway asked if the supervisors will get a copy of all the comments. Ms. Wall responded in the affirmative.

Mr. Philips asked about the number one generator of sedimentation issues. Ms. Wall responded, "impervious surface."

Mr. Philips stated the siltation being discussed does not come off impervious surface; it comes out of construction sites.

Mr. Philips asked if Ms. Wall is saying that if impervious surface were significantly reduced it would significantly reduce sedimentation based on calculation of impervious. Mr. Wall responded in the affirmative.

Mr. Philips shared a different view and said silt does not come off of

impervious surface it comes off the ground.

Mrs. Kenney asked if any of the siltation is coming from other communities upstream and if that affects anything in the computations. Ms. Wall responded with an example that a neighboring township would have to do their own 10% reduction and in theory it would be 10% less coming to Upper Merion Township.

Mrs. Kenney asked if there is a list of the 16 old basins. Ms. Wall responded it is in the PRP as table #7.

Mr. Loeper stated he will meet with Ms. Wall and public works staff and go through the map as there might be some other basins that have not been identified. Ms. Wall commented it is possible there are several more basins.

243 S. HENDERSON ROAD. ALTERNATE PLAN FOR DEVELOPMENT OF 1.9 ACRES GC GENERAL COMMERCIAL PROPERTY WITH A FAST FOOD RESTAURANT AND AUTO SERVICE STORE

Denise Yarnoff, Esq. reviewed the two issues previously discussed regarding the maximum front yard and the residential abutment for the property located on Henderson Road (adjacent to the Peco substation).

At the suggestion of the Board of Supervisors, Ms. Yarnoff indicated her client applied for a variance before the Zoning Hearing Board. The Zoning Hearing Board denied the application.

Ms. Yarnoff stated a zoning amendment was filed to remove the maximum front yard from the General Commercial (GC) District and reduce the residential buffer. Since this additional effort was not successful, her client has been looking at different options which would not require zoning relief and would meet the ordinance.

William Rountree stated he tasked his team to come up with a plan that would be ordinance compliant and they came up with an option that avoided the two areas of relief and meets with the support of both NTB and Wendy's.

The revised plan calls for the buildings to be closer together and situated right on the 25 foot maximum setback line. The entrance remains lined up with Saulin Boulevard with the full breadth of intersection improvements (over \$600,000) that have been previously discussed.

Mr. Rountree discussed the circulation around the proposed buildings and through the site.

Mr. Rountree indicated they have not submitted this plan for any review as yet since it has not been evaluated by their consultants and only evaluated

internally and by their tenants. He said while there is a slight preference for the other plan from a circulation standpoint, improvements-wise it will be the same.

Mr. Rountree asked for some initial comments and feedback so it can be determined how to proceed.

Ms. Yarnoff indicated Mr. Rountree has begun discussions with the adjacent property owners. It was noted new sidewalks will be installed along the frontage as well as stormwater improvements and landscaping. Mr. Yarnoff asked if the supervisors had any comments and if their preference is for them to proceed with the by right plan as well as looking further into the public transit issues. She said they did meet with the county and went through the county's recent report which shows the various potential new ramps throughout Montgomery County – two of which are funded. It was noted the potential ramp at Henderson Road is not yet funded. County officials have advised additional studies (two year study) are being done along Henderson Road to see what the additional traffic would be if the ramp would be in this location. If all went well, it would be a minimum of 10 years and a maximum 15-20 for that ramp to be installed. Mr. Rountree commented there is uncertainty how much of their property would be impacted and said it is impossible to wait years for this to come about.

Mr. Jenaway observed the circulation Mr. Rountree outlined is not much different than the Burger King on US 202.

Mr. Jenaway noted the 25 foot setback and emphasized the importance of keeping it at 25 feet. Mr. Rountree responded it is their best interest to have it right on the 25 foot line.

Mr. Jenaway stated while it is still not known what the buildings would look like he emphasized the importance of making these buildings as attractive to the street size as possible, especially no service doors on the street side.

Looking at the plan, Mr. Philips asked for clarification about the sidewalk. Mr. Rountree responded the sidewalk will extend along the entire frontage.

Prompted by questioning from Mr. Philips, a discussion followed with regard to the right-turn in. Mr. Rountree indicated they will take another look at the right in. He said they are still tweaking internally and the connections are not 100% established.

Mr. Rountree said there was also discussion during the Zoning Hearing Board and subsequent meetings about trying to provide some sort of access to their neighbor in the back and they have not finalized their evaluation.

Mr. Philips asked if there will be a retaining wall. Mr. Rountree responded

there will be a retaining wall around three sides. Mr. Philips asked about the height of the retaining wall. Mr. Rountree responded they are not sure of the tallest point in the back, but it should be similar to the last plan which was 17 feet maximum at the back corner. He said a lot of the wall would be non-visible.

Mrs. Kenney asked what is between the two buildings. Mr. Rountree responded there would be 15 feet. He pointed out the location of the proposed sidewalk to Wendy's, the connection to the sidewalk in front of the property, and how people would get from the rear parking lot to Wendy's.

Mrs. Kenney noted Wendy's patrons coming from the rear parking lot would have to cross the drive-thru. Mr. Rountree commented he would be surprised if any of the rear parking was used for Wendy's customers. In order to provide a compliant plan they are showing all the required parking.

MONTCO. DEPT. OF PUBLIC SAFETY DEVELOPMENT PLAN, 310 HUGHES ROAD. CONSTRUCTION OF A 150' WIRELESS EMERGENCY MANAGEMENT COMMUNICATIONS TOWER AND SUPPORTING EQUIPMENT, 2.9 ACRES, R-1 RESIDENTIAL. ZONING RELIEF GRANTED MARCH 1, 2017. Plan Expiration: October 10, 2017

Mr. Michael Stokes, Assistant Director, Montgomery County Planning Commission, discussed the 310 Hughes Road site that has been the location of a communications system operated by the Commonwealth of Pennsylvania. The site currently has two antennas (70 foot and 90 foot) as well as a 10 foot by 12 foot building which is centered in the middle of the lot. This particular location is the high point in Upper Merion Township making it ideal for a communications site. It is proposed to upgrade this facility with a new tower, new control building and new enclosure. The state's communication system will remain on the site. Equipment on this site supports a variety of emergency management purposes and will also be the location for the county's 30th new 800 MHz system providing essential safety communications system for the entire county. The importance of this system is that it will serve many of the areas that are currently underserved in Upper Merion Township. Mr. Stokes indicated there will be a foundation system supporting a 150 foot lattice structure tower for both the antennas for the Montgomery County system.

Mrs. Kenney asked where the proposed new antenna is compared to the existing ones. Mr. Stokes responded the existing 10 foot by 20 foot brick building and two antennas would be located just to the south and left of that building and centered toward the front of the site.

Mr. Stokes indicated all that is on the site now is a building, tower and rough gravel driveway. A 45 foot by 60 foot fence is proposed for the enclosure and the 11 foot by 26 foot tower equipment storage building for the county's emergency management equipment as well as the system operated by the

Commonwealth of Pennsylvania. Both systems will be a secure situation. The only other improvements will be two generators. Each equipment system will have a backup power source in case of tower interruption and would also be located in the compound. Mr. Stokes said this is the same plan that was shown to the supervisors within the last couple years and the same plan went to the Zoning Hearing Board.

With concerns raised over tree removal, Mr. Stokes indicated the whole site is wooded. All the trees on the site are marked and their diameter registered thereby providing a record of trees on the site. The trees were also evaluated with respect to their existing health conditions to see which trees are diseased or dead. It was noted there are a couple of dead trees along the road and in and around the compound that will have to be removed.

Mr. Waks asked if any of these trees are ash trees. Mr. Stokes did not think there were any ash trees.

With regard to fencing, Mr. Stokes said they are open to looking at other fence treatments.

Mr. Stokes mentioned the generators have a very low noise exhaust system.

Mr. Philips asked what will happen with the existing enclosure. Mr. Stokes responded it is his understanding the building houses the state equipment.

Mr. Philips asked if photographic evidence would be provided for the large dead trees that are taken down and if there is any intent to replace trees. Mr. Stokes responded that is something they would be willing to work out with staff.

Mr. Jenaway commented whatever can be done to replenish the vegetation would be expected, particularly in view of the stormwater management presentation prior to this discussion.

Mrs. Kenney said the trees are also important as a screening from the road and for the benefit of neighbors.

An unidentified resident asked about the distance of the structure from the road. Mr. Stokes responded it is approximately 100 feet.

With regard to fencing, Mr. Waks indicated he did not favor the appearance of a chain link fence and suggested looking into some type of decorative fence.

A discussion followed with regard to various types of fencing that could be

considered.

Mr. Waks suggested the approach of presenting the various fencing options to the adjacent residents for comment.

With regard to the chain link fence, Mr. Philips suggested using arborvitae as a screen. Another member of the group suggested Leland Cypress trees.

Mr. McGrory asked if the existing structure would remain. Mr. Stokes responded it is something that can be discussed with the state.

Mr. McGrory asked if the towers would be coming down. Mr. Stokes responded in the affirmative.

Mr. McGrory asked if the county would entertain a note on the plan indicating within six months the towers and building would come down. After a brief discussion with Mr. Stokes and the unidentified gentleman who accompanied him it was agreed that the note could read six months from the time the equipment goes online successfully. Mr. Stokes indicated construction is about 45-60 days.

Mr. McGrory said the review should include the aforementioned note.

An unidentified woman who has lived on Hughes Road for 30 years expressed the view the tower should not be in a residential area.

Another resident suggested moving the tower back about a half or a third way down the mountain. Mr. Stokes responded currently the tower is 150 feet above ground level which is the minimum height required to get signal coverage for the state and county public safety system. If the tower were moved 60 feet lower into the ground the tower would have to be 60 feet taller to maintain 150 feet from the street level height.

Mr. Jenaway stated this is a technical issue since the radio systems have been upgraded over recent years. It was noted the 800 MHz system requires different technology. Currently the police, fire and EMS do not have the ability to effectively communicate in this part of the township.

Another resident asked if there is any chance signals from this tower would interfere with general day-to-day communications such as cell phones or wireless. Mr. Stokes responded in the negative. He said this particular band width is reserved for public safety purposes.

Mrs. Kenney asked if it would make a difference if the new building were turned sideways to get it farther from the road. Mr. Stokes responded the building could be turned to the highway.

Mrs. Kenney commented if the building were turned it would also block the view of generators from the street. Mr. Stokes responded, "that can be done."

Mr. Philips asked why everything is placed close to the road. Mr. Stokes responded behind the existing tower and the building the property drops off drastically towards the Schuylkill Expressway.

Mr. Philips asked for clarification about the removal of the old towers. Response: The plan note agreed to is that the old towers would remain for 6 months after the system goes live, active and working properly and will come down thereafter.

Mr. Jenaway stated the planning commission will review and comment on the county's presentation [next week] and the general public is welcome to attend.

Mrs. Kenney asked if this plan would go before the Shade Tree Commission. Mr. Jenaway responded the Shade Tree Commission should review and comment on the plan.

REFINANCING OF THE SERIES 2011 BOND – MICHAEL WOLF OF BOENNING & SCATTERGOOD, INC.

Mr. Michael Wolf, Boenning and Scattergood stated the 2011 bonds (which became callable on June 1st) were a refunding of an earlier 2006 series which was electoral debt for open space. Rates have gone up steeply after the November general election and reached their high on December 1st. Since then rates have drifted much slower and are 50 basis points (0.5%) lower than they were on December 1st. When the series 2011 was done the advance refunded the 2006 bonds and realized a savings of \$235,000 net which was approximately 5.3% of refunded principle. Now there are fewer bonds outstanding and getting closer to final maturity. By refunding them today at today's interest rates another \$200,000 net would be saved and another 5.3/5.4% of refunded principle.

Mr. Wolf recommended that he come back at the August 24th business meeting and present a Parameters Ordinance for the consideration of the Board of Supervisors. The ordinance will specify a bond issue not to exceed a certain size and savings not less than 3%.

Mr. Wolf asked if there are any new capital projects that need to be financed.

Mr. Jenaway commented there is always a need for financing in view of stormwater requirements and the variety of other outstanding capital projects.

Mr. McGrory asked if something specific has to be identified. Mr. Wolf responded it has to be identified and spent in three years and does not have to be electoral debt. It could be sewer or other capital.

Mr. Kraynik asked about the specificity required in identifying the spending. Mr. Wolf responded there is "including, but not limited to" language that has been used in the past. If the broad defined purpose becomes inadequate all that is necessary is a Board-approved resolution indicating the revised purpose.

A discussion followed about possible capital projects for the bond issue as well as the funding parameters.

Mr. Wolf stated his next step is to "get in line" at Moody's.

BOARD MOTIONS REGARDING THE 2017-2020 HVAC SERVICE CONTRACT

Mr. Kraynik stated on June 1, 2017, Upper Merion Township conducted a competitive bidding process for a Heating/Ventilation/Air Conditioning Service Contract. In going out to bid there were 28 bid items covering the township's entire operation. One of the items was for emergency and non-preventive HVAC maintenance. Specifically, the alternate bid requested bidders provide a quote for an estimated 100 hours of such labor, itemized for three year periods. There were six bidders. Three of the six bidders billed it out incorrectly and put an hourly rate instead of the hourly rate times 100 hours of service. When the bids were tabulated electronically by PennBid the numbers were skewed and the tabulation was not detected until after the contract was awarded. It was such a significant amount that the Solicitor recommended the Board of Supervisors take three actions tonight.

1. Rescind the June 15, 2017 award of the HVAC Service Contract to Hightec due to Hightec not being the lowest bidder;
2. Reject all bids for the 2017-2020 HVAC Service Contract due to the bid amounts received exceeding the Township's expected costs;
3. Rebid the 2017-2020 HVAC Service Contract.

A discussion followed during which Mr. Kraynik and Mr. Ed O'Brien, Public Works Director responded to related questions from the supervisors.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to rescind the June 15, 2017 award of the 2017-2020 HVAC Service Contract to Hightec, Inc. in the amount of \$49,886.61 due to Hightec not being the lowest bidder. None opposed. Motion approved 5-0.

It was moved by Mr. Philips, seconded by Mrs. Spott to reject all bids for the 2017-2020 HVAC Service Contract due to the bid amounts received exceeding the Township's expected costs. None opposed. Motion approved 5-0.

It was moved by Mr. Waks, seconded by Mrs. Spott to rebid the 2017-2020 HVAC Service Contract. None opposed. Motion approved 5-0.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 10:32 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

rap
Minutes Approved:
Minutes Entered: