

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
FEBRUARY 5, 2015

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, February 5, 2015, in the Township Building. The meeting was called to order at 7:35 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Greg Philips, and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Rob Loeper, Township Planner; Scott Greenly, Associate Planner; John Walko, Solicitor's Office. Supervisor Bill Jenaway was absent.

CHAIRMAN'S COMMENTS:

Chairman Philips reported an Executive Session was held prior to this meeting to discuss potential litigation.

DISCUSSIONS:

SEPTA – KING OF PRUSSIA RAIL PROJECT – POSSIBLE TOWNSHIP RESOLUTION

Ms. Liz Smith, Manager, Long Range Planning SEPTA, provided an update on the King of Prussia rail project and discussed milestones and timelines. She said a more detailed overview of the project status will be provided in March and will focus on feedback from the November meetings, project milestones and a possible township resolution. Highlights as follows:

- Number of alternatives were further reduced.
- US 202 option still exists and will be undergoing further study.
- Business park area includes changes to take advantage of the road diet that the township and Business Improvement District are currently considering.
- North Gulph Road options were truncated further south and in order to reduce project costs stopping just north of First Avenue.
- There will be some type of circulated bus service to serve the Towers in order to get commuters down to the extension.
- public meetings with a combined attendance of 120 people were well attended and were held in November 2014 – one on the 17th which included public officials at the Radisson Valley Forge, one on the 19th in

- Norristown, and one at the King of Prussia Mall on November 23rd to make sure input was received from those who were not able to make it out in the evening to attend the other meetings.
- 41 comments were received as a result of the meetings and they were overwhelmingly in support of the project; however, comments also included pro and con on certain alternatives.
 - The largest number of comments were in non-support of an alternative in association with the Peco alternative primarily from residents of Kingswood Manor.
 - Project is still in the planning phase, alternative analysis and draft environmental impact statement; in about a year and a half will go into a final environmental impact statement with a record of decision from the Federal Transit Administration which would allow moving into engineering and then into construction.
 - The earliest the King of Prussia rail could be in operation would be 8-10 years from now.
 - Draft environmental impact statement will be released for public comment in December 2015 and represents a big milestone for the project. There will then be a federally required public hearing as well as a public comment period.
 - Draft environmental impact statement will not contain a recommendation for a locally preferred alternative, but will provide differences between the various alternatives and the associated technical information.
 - Public comments and technical information in the draft environmental impact statement will be used to start discussions on selection of locally preferred alternative. This process will take about 4-6 months and conclude around April 2016.
 - More public meetings associated with that process outside of the DEIS public hearings will probably occur in late winter or early spring of 2016.
 - Once decision on a locally preferred alternative has been made the township as well as the Delaware Valley Regional Planning Commission will adopt that recommendation in order to move this project into the next step of the final environmental impact statement.
 - The next set of public workshops coming up in March 2015 will be in an interactive workshop format.

With regard to the possible township resolution, Mr. Smith stated a resolution was adopted in 2011 in support of the project and the discussion at this meeting is whether or not the township should pass a second resolution in non-support of the US 202 alternatives. She said since this is a federally funded process and a federally mandated process, it is required to be technical in nature and the decision made in terms of eliminating alternatives has to be based on technical data. For this reason it will not be possible to eliminate the 202 alternatives at this point in time based upon the resolution; however, that resolution along with the resolution that was prepared in 2011 will be part of the DEIS document and will be part of the decision making that occurs in the

selection of the locally preferred alternative. Passing the resolution now would still require continued study of those alternatives as part of the DEIS to satisfy federal requirements.

Mr. Philips stated the issue is having SEPTA rail go down US 202 and what that would look like. He favors having the Board's comments as an important part of the process.

Mr. Byron S. Comati, Director, Strategic Planning and Analysis, SEPTA, stated the resolution of non-support for a particular alternative should be framed in language to preserve the original intent of the first resolution.

Mr. Waks stated he agrees with Mr. Philips that it is important for the Board to make their views known even though it is early in the process.

Mrs. Spott commented there is still much information needed such as what the alternative would entail, how many stops, and said it would be premature to voice opposition without knowing what the end result would be.

Mr. Byron S. Comati, Director, Strategic Planning and Analysis, SEPTA, stated they spent six months evaluating the US 202 alternative from a traffic study perspective and at grade would be incredibly challenging.

Mrs. Spott commented the Board will hear a lot more in March and consideration of this resolution is premature.

Mrs. Spott asked if the businesses along US 202 have provided any feedback either pro or con regarding the US 202 alternative. Ms. Smith responded obtaining feedback for this project has been difficult and there is a disparity between the comments received at each meeting from the comments the supervisors are hearing out in the community.

A discussion followed regarding some of the comments being voiced in the community ranging from not wanting SEPTA at all to realizing something needs to be done to negate the traffic both present and future.

Mr. Waks pointed out the places needed to negate the most traffic are the King of Prussia Mall and the King of Prussia Business Park and these would be served by three or four other options being presented.

It was generally agreed not to consider a resolution at this meeting.

Mr. Philips stated he is totally against an elevated line; however, he would want to have more information if there is a way to do this at grade in line with the urbanization of US 202.

Mrs. Kenney noted one of the slides indicated 11 people were in favor of the US 202 option and one was opposed and asked if these respondents were residents or businesses. Ms. Smith responded many of the positive comments were from nonresidents.

A discussion followed about linking the survey on the SEPTA website with the township website in order to get a good cross section of comments in the township.

Mr. Comati discussed the format of the workshops to be held in March. He said attendees would be seated 10 to 15 people at each table where they would have the benefit of details on land use, proximity, elevation and the physical footprint. This is being done not only to be in compliance with the DEIS and process, but also because it will be helpful and useful for residents, businesses and stakeholders to see the impact rather than just a map which is what they have been shown to this point. Mr. Comati said this is usually a pivotal step in this process as far as hearing comments.

Ms. Smith wanted to make it clear when they return to the Board of Supervisors in March these workshop meetings will still not have occurred. The presentation to the supervisors in March will provide details on the November meetings as well as a more detailed summary of the comments they received. They will return after March to discuss the March SEPTA workshops.

Mr. Philips asked if elevations will be provided. Mr. Comati responded in the affirmative and said three dimensional visualizations will also be provided.

Mrs. Kenney commented at this point she is not ready to vote on a resolution either pro or con since more information is needed. She noted her concern about the built in constrictions and limits of having four lanes of traffic on US 202 being reduced as well as the proximity of some businesses to the road. Mrs. Kenney also wanted to make sure SEPTA was reaching out to businesses along US 202. Ms. Smith outlined the various ways contact has been made with the businesses about the public meetings. Mr. Comati said they took advice from the Greater Valley Forge TMA and the Business Improvement District (BID) and they helped canvass and publicize the meetings.

Mr. Comati stated the lack of business response may be due to the fact that some are not seeing this as real as yet and are not inclined to take a position one way or the other. He feels when they have an opportunity to see the mapping and all the relevant information they will start thinking seriously about the impacts for their business, both pro and con and what their footprint development plans might be for the future.

Mr. Philips stated from an architectural standpoint it is a barrier to the other side of the road having rail at grade and it would have to be elevated.

Mrs. Spott asked for more details about the BID's comments. Ms. Smith responded they have been working very closely with the BID throughout the process and they have been helping SEPTA as much as possible with contact information. The BID does not want to speak for these businesses as yet. There will be a March workshop targeted just for BID members with a heavy solicitation by the BID to attend and provide input.

Mr. Waks asked when that workshop would occur. Ms. Smith responded they are still in the process of confirming dates, but it will most likely be the third week in March.

It was the consensus of the Board of Supervisors to wait a month before considering the resolution until more information is forthcoming.

Mr. Philips commented things will change since everything now is all conceptual.

Jody L. Holton, Executive Director, Montgomery County Planning Commission, stated the county is a project partner with SEPTA in funding the rail project. She said she does not see a problem waiting another month to make a decision on the resolution. Ms. Holton emphasized the importance of the economic development this project could mean and how it can sustain the township's economy in the long run.

FED EX GROUND DISTRIBUTION FACILITY, 600 RIVER ROAD, 315,897 SF, 65.39 ACRES, LI/HI, *Plan Expiration 3/3/15*

Mr. Matthew N. McClure, Ballard Spahr, stated this is the third time the applicant is back at a workshop meeting. Several changes were made since the last workshop. He noted Mrs. Kenney had several questions regarding trip generation at that time. Since then there were meetings with the Upper Merion Planning Commission during which trip generation was discussed as well as details as to timing of trips, type of trucks and vehicles and operation of the facility. The Planning Commission recommended approval of the plan. Residents of Swedeland who at first were interested or concerned are now fully supportive of the project.

With regard to the potential right of way, Mr. McClure indicated the team did some homework and had long discussions with FedEx Ground and are prepared to discuss what the applicant can do with regard to the right of way.

Dan Desario, Traffic Engineer, Langen Engineering, provided an abbreviated version of the traffic presentation to the planning commission. The

proposed facility will be partnered with a hub facility in Hagerstown, Maryland from which the larger trucks will be coming to the facility. These larger trucks (not delivery vans) will make their way from Maryland to the Pennsylvania Turnpike, onto the Schuylkill Expressway and then access the PA-23 corridor via the interchange with Matsonford Road and use the PA-23 corridor via Front Street and then River Road to get to and from the site. Mr. Desario indicated he confirmed with conversations with FedEx that they will not be using PA-320. Utilizing the aerial, he pointed out the projections in terms of vehicles, both passenger cars, vans, delivery vans and the larger trucks known as spot trailers and line haul trucks. Once the facility opens it will be about 5 years to ramp up to full operation at the facility.

Mr. Desario provided a sample schedule for automobile traffic for employees who are sorting packages, office personnel, management as well as van drivers. He said there are three times of day when employees will be coming to the facility. Package handlers will arrive at the facility at 2 a.m. There will be another influx of both package handlers, office workers and van drivers between the hours of 6-8 a.m. and then another influx of primarily package handlers between 5-6 p.m. Cars will be departing the facility between 7-8 a.m. and again between 4-5 p.m. Van drivers will leave in the morning between 6-8 a.m. and return between 4-6 p.m. Other than those three times, Mr. Desario indicated there would not be a lot of auto or van traffic coming into the facility. The spot trailers are more active towards late afternoon or evening and the larger line haul trucks are primarily active later at night at 10 p.m.

Utilizing the aerial, Mr. Desario described the van fleet which is comprised of several different vehicle types. He said passenger cars and delivery vans are evenly split north and south and he feels the amount of traffic generated at this facility is not going to be significant.

Mrs. Kenney asked for clarification about the designated truck route. Mr. Desario responded the spot trailers and line haul trucks will be using the mandated designated route. The majority of vans are passenger vans and single unit trucks and if they are making local deliveries they will use a local road to get to their destination.

Mr. Waks asked for clarification about the route from the Pennsylvania Turnpike to the Schuylkill Expressway to Conshohocken and Matsonford Road. Mr. Desario responded the trucks would make a left on Front Street.

Mr. Waks asked what will happen if there is a Henderson Road off ramp. Mr. Desario responded he assumed that exit might be tolled and he believes FedEx will use Schuylkill Expressway rather than pay the additional toll to get off at Henderson Road.

Mrs. Kenney followed up with regard to the traffic and number of trips. Estimating a total of 3,000 trips with about 500 trips for spot trailers and line hauls, she expressed concern that it still leaves 2,500 trips for passenger cars or vans of various sizes that will not be taking the designated route and will be going through various areas of the township. Mrs. Kenney also asked about a possible additional routine for another ingress and egress from Flint Hill to River Road to provide more disbursement of traffic.

Mr. McClure commented the traffic numbers presented were representative of the highest level of activity which is relegated to a relatively short time of the year in November and the three weeks leading up to the holiday season.

Mr. Desario said in terms of the passenger cars and vans they will be split evenly more or less between the north and south and a lot of them will access the Schuylkill Expressway, especially if they have deliveries towards Philadelphia.

A discussion followed during which it was noted by a member of the project team that if this project were not a distribution facility, but rather a 400,000 square foot office building there would be a more pronounced impact on traffic. It was noted by a few of the supervisors that the highlighted peak hours are still occurring during rush hour.

Mr. Desario indicated the applicant is proposing some time changes and one of the things being proposed at the intersection of Matsonford and Front Street (coming south) is a right turn lane from Front Street onto Matsonford Road. He said there is no reason why there should not be a green arrow for that right turn while the lefts on Matsonford and Lafayette are proceeding through. Mr. Desario indicated this would be a good opportunity to provide a way to improve and facilitate traffic leaving the facility in the evening because a lot of the traffic will be making that same right turn.

Mr. Philips asked if the applicant is willing to work with the Borough of West Conshohocken on this issue. Mr. Desario responded in the affirmative.

Mr. Waks asked for additional clarification about the light. Mr. Desario responded it is already signalized. The applicant proposes a right turn arrow and a change in the phasing to allow the right turn when Lafayette and Matsonford have traffic making left turns. Drivers currently make a right on red today, but having a green arrow will make traffic flow smoother and more efficiently.

Mr. Waks asked if there is adaptive signalization at the intersection. Mr. Desario was not sure and will have to look into this.

Mr. Mark McKee indicated he is not opposed to the project and wanted to make sure the ultimate plan works most efficiently in the long term for FedEx and everything that is needed to protect the residential neighborhoods. Mr. McClure indicated the applicant will work with the Solicitor on whatever conditions are needed to assure that PA-320 will not be used for the required routes.

A discussion followed about the number of trips generated by the various delivery vehicles and personal vehicles.

Mr. McKee stated River Road is not going to work for trucks departing the area in the afternoon as they will find getting through West Conshohocken problematic to get on the expressway. He said the facility is 1.2 miles from the proposed Henderson ramps off the Turnpike and this should be factored into the planning process. Mr. McKee also discussed the road connection from River Road to Flint Hill Road.

Mr. McClure stated at the last workshop the applicant was requested to look at doing a right of way along this area. In working with FedEx the applicant received agreement to certain concessions after making some modifications to such things as parking spaces and FedEx has agreed to a revised plan.

Utilizing the aerial, Mr. Chris Hager, Civil Engineer, pointed out the bile retention area, stormwater, and location of their natural resources and steep slopes. Since a 40 foot right of way was not possible it was first decided to split the difference with 20 feet on township property and 20 feet on the applicant's property. This was not workable since it offset Hertzog Boulevard. The next option was to take the entire 40 feet on their property by making 5 foot reductions in certain places and reducing 36 parking spaces (from 600 to 565) to provide a better alignment with Hertzog Boulevard. It was critical to keep the driveway aligned opposite the Inquirer. The plan was reviewed by the township's traffic engineer and they have issued a review which summarized the plan would be beneficial toward the possibility of constructing any future connector roadway in this area.

Mr. McClure indicated the site has been totally reengineered and this is an accommodation the applicant can make and a deed of dedication would be offered to the township so as not to preclude the option for a road.

Mr. Philips asked if the deed of dedication has been worked out with the Solicitor. Mr. McClure responded it was discussed at the last meeting that one year after recordation the applicant would offer the deed of dedication. He indicated the applicant would like to suggest the later of one year after recordation or three months after Certificate of Occupancy to make sure if something happens on the site and there is a delay to make sure the dedication is not offered until they are finished.

Mr. Philips asked if there is any way the applicant would provide some preliminary grade on that road. Mr. McClure responded that is not their intent.

Mr. McClure indicated the applicant is not making any site adjustments whatsoever to gear up for any access to that road. He said the applicant is accommodating the emergency access and has already had discussions with the fire marshal about how that will be keyed for a lock box. It will be a locked entrance for emergency only.

Mrs. Kenney commented about the possible road north of the applicant's property and followed up on Mr. McClure's comment that the access is not needed. She pointed out in the future when Henderson Road Turnpike ramp appears the applicant might be inclined to want that as a short cut for the vans and spot trucks for a faster trip either down Hertzog Boulevard or up Flint Hill to get to the Henderson ramp. Mr. McClure indicated Mr. Desario can answer that from an outside traffic perspective and for a site perspective it is not able to be accommodated because of the way the site is designed and because of the grade changes. Mr. Desario said it is basically a FedEx operation issue. Everyone who goes into and out of that property has to go through a guard house. He indicated putting in the road does not preclude FedEx drivers from getting to it [future Henderson ramp]. They would just go out the main driveway and turn left onto River Road.

Mr. Waks commented whether a second ingress and egress is built or the FedEx drivers have to go past the one guard house he believes that if the road gets built the economics in a few years with the Henderson off ramp will dictate using that road.

Mrs. Kenney stated she appreciates the efforts the applicant has been making to provide more information and make more accommodations. While she supports the idea of the FedEx facility, she wants to protect the township, the residents and all the people using our roads. With the anticipated build out of the FedEx facility in about five years there will also be changes in the township and it is important to keep the big picture in mind not just the initial first year or what it looks like without that Henderson Road ramp exit.

Mr. Waks asked if the applicant had a timeline regarding construction. Mr. Jonathan Greene, Vice President, Development, responded as soon as all the approvals and permits are in hand they are targeting early to mid-April to begin a very aggressive construction schedule. The obligation with SunCap Property Group is to build the building shell and by November Fed Ex Ground at that point will want to access the building to start installing their conveyor system which is the inner works of the building. That process takes anywhere from 4-6 months. This is a larger building for Fed Ex so it is likely a six month window and they will begin operations late spring/early summer 2016.

Mr. Philips asked that this plan be placed on the February 26th agenda for consideration by the Board of Supervisors.

IFLY INDOOR SKYDIVING DEVELOPMENT PLAN, 300 GODDARD BOULEVARD, 5,929 SF, INDOOR SKY DIVING FACILITY, 16.42 ACRES, LI LIMITED INDUSTRIAL, *Plan Expiration: 3/23/15*

Mr. Rob Loeper, Township Planner, stated IFLY is a company headquartered in Austin, Texas engaged in building indoor skydiving facilities in various locations throughout the United States and the world. The applicant is proposing a facility at 300 Goddard Boulevard at the far end of the parking lot near the IMAX Theater. The actual area of disturbance is approximately 1.07 acres; and the building structure is about 6,000 square feet. There will be an area where some existing parking will be removed, the new building constructed and then parking reconfigured for the site. The applicant went before the Zoning Hearing Board and received a special exception for construction for the recreational use. There are two waivers which the applicant will review.

Debra A. Shulski, Esq., Riley Riper Hollin & Colagreco, stated Cody Smith, PE, Kimley-Horn and Marcus Hurley are in attendance. She indicated the applicant is here for the initial review of the land development application for this very innovative recreational use. The proposed facility will be located within the existing parking area next to the existing United Artists Theater. The applicant has been coordinating with township staff and the Zoning Officer with respect to the parking and it is fully compliant with all applicable zoning regulations with respect to the minimum parking required.

Marcus Hurley, AIA, LEED, Project Manager, Mark G. Anderson provided an overview about the IFLY experience and a video was shown.

Mr. Philips asked what happens when the power goes out, and Mr. Hurley described the safety features and periodic safety checks.

Mr. Hurley indicated the impervious area is actually decreasing. The footprint of the building is approximately 6,000 square feet and the occupiable area is all on the ground floor. The majority of the building is the mechanical area.

Mr. Hurley noted there are currently 33 tunnels operating, including one on a cruise ship, 12 are company owned and 21 are franchised. This will be the first location in Pennsylvania and will be a medium build (in terms of height).

Mr. Waks asked about the height of the structure. Mr. Hurley responded it is 57 feet high.

Mrs. Kenney asked for additional details about the ride inside the tunnel and if it is only for one person at a time or two or three people at once. Mr. Hurley responded the only time that would occur would be for experienced people. The typical skydive is 45 seconds of free fall.

Mrs. Kenney asked how many customers could be handled in an hour or in a day when in operation. Mr. Hurley responded about 20 people every 30 minutes and generally they look for groups of about 20. In a peak period there would probably be 40 people going through in an hour. Normal hours are from about 10 a.m. to 9 or 10 p.m.

Mrs. Kenney asked if walk-ins are accepted. Mr. Hurley responded that opportunity exists; however, 90% of their business is by reservation.

Mrs. Spott asked about the cost, and Mr. Hurley responded it would be about \$50 for between 45 seconds and a minute. He noted there is also a party room in the building. Prices are subject to a certain amount of discount based on the number of people in the group and that becomes a business decision based on the specific market in which the facility is located.

Mr. Waks suggested working with the Park and Recreation Department with regard to ticketing for residents.

Mr. Waks asked when the IFLY is anticipated for opening. Mr. Hurley responded the big season is between Thanksgiving and New Year's. If all goes well construction should start sometime in April and the construction period is typically about 180 days. With an April 2, 2015 start date an October 30th opening is anticipated.

Ms. Shulski stated two waivers were originally requested and a third waiver will be requested with the resubmitted plans. Two of the waivers are standard – one is for grading within 5 feet of the property and the other one was for reduction of the parking stall (from 9.5 feet to 9.0 feet).

With regard to the waiver for grading within 5 feet, Mr. Hurley mentioned one of the issues that have come up in their technical review is the lack of a loading space. The applicant would like to have the ability to call out the loading space within the drive aisle since any loading would take place within five minutes and the vehicle would then leave the site.

Mr. Waks noted his appreciation for the sidewalk. Mr. Hurley commented there is an existing sidewalk that runs all the way down to the parking lot, and the applicant made an effort to align their front walk so there is a continuous pedestrian connection between the theater and this facility.

John Waters, Director, Safety and Codes, stated giving the height of the proposed structure, it is worth considering a possible agreement with the applicant if needed in the future for a public safety radio antenna to be placed on the roof of the structure along with the ancillary equipment. Ms. Shulski asked if would be like a whip antenna. Mr. Waters responded in the affirmative. While the project team did not have the authority to speak for the owner it would be presented to the owner as a very reasonable request.

Mr. Philips asked where else in the township 9 foot stalls are located. Mr. Loeper responded they are located at the mall and other locations but did not have the other locations readily available. He mentioned most of the nearby communities use 9 feet and staff can provide information on what some of the other communities are doing about parking stall space.

Mr. Hurley stated the typical IFLY facility calls for 36 spaces; however, for the proposed facility 44 are planned and would be adequate for this use.

Mr. Philips asked that this plan be placed on the February 26th business meeting agenda for consideration by the Board of Supervisors.

KINGSWAY PROPERTIES, 344 S. HENDERSON ROAD, ERECT A 6,000 SF METAL POLE BARN ON EXISTING ASPHALT, 2-ACRES, HI

Mr. Loeper stated this plan is proposed by Shreiner Tree Service (across from Franklin Maps). The applicant proposed to construct a 6,000 square foot pole barn (three-bay garage open in the front) in the far corner of the lot. This pre-fabricated metal building would keep equipment out of the elements. There is also a closed area which would be used for smaller equipment.

There would be no change in impervious on the site; however, the applicant will be installing a rain garden behind the building as a measure to control storm water in the area.

The applicant is requesting the Board to waive formal land development approval since it is a prefabricated storage building for the tree service.

Mrs. Spott asked why a permit would not be more appropriate versus land development. Mr. Loeper responded this discussion has occurred previously and it was determined to follow this practice for the Board's interest and information.

Mrs. Spott asked if this would normally be required to go through land approval. Mr. Loeper responded in the affirmative and said technically since it is an improvement on the site it would be called land development and similar facilities were treated like this. In the past they were called minor plans and more recently the formal land development process would be waived.

Mr. Waks asked if it is zoned Heavy Industrial and Mr. Loeper responded in the affirmative.

Mr. Philips asked if formal land development is waived what would occur with review of the rain garden. Mr. Loeper responded the plan would still be reviewed. He noted there is no increase in impervious.

Mr. Philips observed in reading the plan it is all impervious. Mr. Loeper indicated the site is primarily impervious.

Mr. Philips said this means there is no stormwater management on the site, and Mr. Loeper indicated this is an old site and that is correct.

Mr. Philips commented there is a 6,000 square foot building and asked why there wouldn't be a requirement to start managing the stormwater given the stringent MS4 requirements. Mr. Loeper responded that is why the applicant is installing the basin.

Mr. Philips asked if there is a sufficient comfort level that the basin is large enough. Mr. Loeper responded staff would have to double check with Mr. Joseph Estock that the basin is in fact large enough for that size building which he noted was sitting on existing impervious.

Mr. Walko stated this does not sound like a semi-permanent structure so land development would generally be necessary. If this Board has concerns and those concerns could be met through a process that is not formal land development there will still be an engineering review and the matter could proceed the way the Township Planner is proposing.

Mr. Waks asked about the height of the proposed structure. Mr. Loeper responded it is 16 feet to the eave.

Mr. Waks asked if Henderson Road is the nearest road. Mr. Loeper responded in the affirmative.

Mr. Philips asked what is behind the property, and was informed Competitive Edge wraps around the site.

Mr. Waks commented the structure will be located in an area not visible to the public.

After obtaining a general consensus from the Board on how to proceed, Mr. Philips asked that a resolution be prepared and placed on the agenda for consideration by the Board of Supervisors at the February 26th business meeting.

USE OF FOOD TRUCKS IN THE TOWNSHIP

Mr. Waks stated last spring after encountering a food truck while he was biking the King of Prussia to Philadelphia Schuylkill River Trail; he began exploring the idea via social media of a food truck service in Upper Merion Township. The reaction so far has been positive. He recalled food trucks would occasionally come to the Farmers Market and have been very popular. Mr. Waks noted he recently came across a conversation on line and became aware there are residents in this township who operate food trucks and realized there are some potential positives to providing an alternative for people who don't have time to sit down in restaurants or have a liking for typical fast food. In view of the fact there are 53,000 people who work in this township, but do not live in this township there might be some interest in some additional food options.

Ms. Ellen Pringle, a resident of four months, owns a food truck with a full kitchen and provided an overview of her experience and how a food truck operates.

A discussion followed as to whether or not this is something the township would want to allow on township property or find a place in the township where food trucks could operate and how to regulate.

Mr. Walko stated any negatives can be addressed by proper regulations. Questions to be asked are where they would be parking, are they blocking fire lanes, are they taking too many parking spots during busy prime areas, how are they getting rid of their sewage and their water, are their tanks properly inspected. The vendors would have to register and go through state and county health inspections. An issue to be addressed is whether to classify these under the solicitation ordinance which is a \$350 yearly licensing since they are not just permanently here doing business in Upper Merion Township, but are mobile. Mr. Walko believes this is hawking goods and wares as if they were to show up at a sporting event and sell hot dogs. Since this could be opening a door to others, a formal program may be necessary.

Mrs. Kenney asked if there are other townships in the county who have an ordinance for this use. Mr. Kraynik responded he is not aware of a local municipal ordinance on this particular subject. Mr. Walko commented most of the places are cities with departments of licenses and inspections.

Mr. Kraynik asked if Mr. Walko would recommend a free standing ordinance for this or utilize the solicitation permit. Mr. Walko responded it depends on the scope of the program; however, it is premature at this point to have an ordinance because there is a person who wants to have a food truck.

Mr. Waters commented it is unlike an ice cream truck that goes around and stops for a few customers. Mr. Kraynik said we may only want to issue a permit if they are on a public street, or public property at a park.

Mr. Philips noted there is a difference between the trucks that show up on the construction site that have prepackaged food and are not preparing food and those with kitchens. Mr. Kraynik said the truck with a kitchen is going to get a permit.

Mrs. Kenney said the issue is where the food truck is going to be and how it will be regulated.

At a minimum, Mr. Kraynik stated there should be a requirement for proof of a county license.

Mr. Philips stated a review is needed on how temporary use permits are issued. Mr. Waters said the question is when a temporary use permit is triggered, for example, if trucks are there for one, two or five hours a day.

Mr. Walko asked the vendor if the health department inspects her truck as well, and she responded in the affirmative. Mr. Walko asked if the special license is for the truck. The vendor responded in the affirmative and said they can show up at any time.

Mr. Philips asked if anyone who gets a permanent use permit is required to provide insurance. Mr. Waters responded in the affirmative.

Mr. Philips asked staff and the Solicitor's office to look at the temporary use permit and see if it needs to be "tweaked" and if that is acceptable to the Board it would be good to have a regulation to make sure the citizens have the benefit of the health department inspection.

Mr. Walko stated the Solicitor's office will look to see if temporary use language needs to be revised by simply adding food trucks and doing something internal if necessary to provide proof of insurance and proof of certification.

ADDITIONAL BUSINESS

From the Public:

Township Flag

Mr. Ralph Volpe, resident, noticed that there is only one township flag in the rear of the Township Building and stated his views on why a township flag is

needed in the front. He pointed out when the township flag is lowered to half staff it should be visible from both sides of the Township Building.

Mrs. Kenney stated there should be a township flag in the front and in the back. Mr. Kraynik said there is only one flag pole out front so there should either be two flags on the one flag pole or look at adding another flag pole.

Mrs. Spott said the township flag could also hang underneath the U.S. flag. Mr. Kraynik responded that could be done. Mr. Kraynik said that would be the most appropriate option and staff will look into this next week.

ADJOURNMENT:

Without further comment from the Board and public, the workshop adjourned at 10:30 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

Minutes Approved:
Minutes Entered: