

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 20, 2014

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, February 20, 2014, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:33 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to approve the January 6, 2014 Reorganization Meeting Minutes, January 9, 2014 Zoning Workshop Meeting Minutes, January 9, 2014 Workshop Meeting Minutes, and the January 23, 2014 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting to discuss potential litigation. Also, while it is not a normal process to pass resolutions at a workshop meeting, because of the urgency of the situation caused by the recent ice storm, the Board of Supervisors passed Resolution 2014-11, Declaration of Emergency so as to be prepared in the event funds became available.

NEW BUSINESS

BRIEF ANNOUNCEMENT RE: MARCH 15, 2014 DEADLINE DATE FOR APPLICATION FOR BOARD OF COMMUNITY ASSISTANCE GRANT

Mr. Waks announced the March 15, 2014 deadline date to apply for funds from the Board of Community Assistance and asked Scott Milner, Chairman, Board of Community Assistance (BCA) to provide additional information.

Mr. Milner provided some background on the history and membership of the BCA. He stated the reason the BCA was established was to accept applications from high school seniors and organizations. Funds are allocated from the Valley Forge Casino Resort to organizations for projects that are benefitting Upper Merion Township and to high school seniors to further their secondary education. Last year the BCA allocated \$128,000 for projects to over 20 organizations and 9 high school seniors. Some of the projects that were funded through the BCA and approved by the Board of Supervisors included funding for:

- school supplies to elementary students who could not afford it
- winter clothing to the needy
- local sporting organizations to allow for a safe and competitive environment to play youth sports for Upper Merion Township residents,
- an organization providing free legal advice to abused and neglected children
- local fire companies with needed renovations including roof repair.

Mr. Milner indicated \$145,000 is available this year for worthy organizations and interested Upper Merion high school students and encouraged them to apply before the March 15th deadline.

Mr. Waks noted the School Board meeting on March 3rd and suggested it might be of interest to either attend or view the meeting on television.

CONSENT AGENDA:

1. Resolution 2014-10 re: Filing of Liquid Fuels Reports online via PennDOT's Electronic System
2. Change Order for Additional Demolition of Community Center Property – Eastern Earthmovers, LLC - \$42,250.00
3. Awarding of Township Project re: Municipal Building Crack Repairs to Old Philadelphia Associates - \$44,128.00
4. Purchase of Replacement Ambulance for Lafayette Ambulance Squad - \$85,887.00
5. Accept Resignation of William Clements from the Zoning Hearing Board
6. Approve Appointment of Judy Vicchio to the Zoning Hearing Board

Board Comment:

Mr. Philips asked for clarification on item #2. *Mr. Russell indicated this is for additional demolition work that will be taken out of the general contractor's contract and for an affordable price takes advantage of Eastern Earthmovers already being on the site. Savings were realized as a result.*

Mr. Waks commented item #6. He stated normally when there is a vacancy on a Board, there is a lengthy application process. Having just had an application process for another vacancy on the Zoning Hearing Board there were only two applicants at the time. It was a difficult decision to place someone at the time because both were outstanding applicants. When the second vacancy occurred it was a very natural fit to appoint the other applicant who based on her experience and involvement in Upper Merion Township is extraordinarily well qualified to serve on this Board.

Board Action:

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

RESOLUTION 2014-12 RE: GRANTING EXEMPTION FROM PROPERTY TAXES ON PARCEL #58-00-17134-00-7, KING OF PRUSSIA INN, FOR TAX YEARS 2014, 2015, 2016, 2017 AND 2018

Board Comment:

Mr. Philips recused himself from the vote on this matter since he is a member of the Board of Governors for the Montgomery County Chamber of Commerce which is the owner of the King of Prussia Inn. The Memorandum of Voting Conflict will be incorporated in the minutes of this meeting.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, to approve Resolution 2014-12. Mr. Philips abstained. Motion approved 4-0-1.

HEARING TO ADOPT MS4 ORDINANCES RE:

1. Amending the Code of Upper Merion Township by Adding New Chapter 140A Entitled "Stormwater, Grading and Erosion Control – Residential"
2. Amending the Code of Upper Merion Township by Adding New Chapter 140B Entitled "Stormwater, Grading and Erosion Control – Multi-Family, Commercial, Industrial, Institutional"
3. Amending the Code of Upper Merion Township by Revising Chapter 1, Article III Entitled "General Penalty Provisions" in Accordance with New Code Sections Pertaining to Small Municipal Separate Stormwater Systems

Mr. Joseph McGrory, Township Solicitor, opened the hearing for each of the aforementioned ordinances. He indicated all of the ordinances are similar as they involve stormwater management requirements the DEP has imposed upon all municipalities commonly referred to as the MS4 ordinances. There was a presentation from the engineer who authored these ordinances at the last public meeting during which the content of the ordinances and the necessity for these changes were discussed. Mr. McGrory opened the floor for public comment and seeing none he closed the hearing and reconvened into the public meeting portion of the agenda for the Board's consideration of the ordinances.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Philips, all voting "Aye" to approve the three MS4 Ordinances en bloc. None opposed. Motion approved 5-0. Ordinance 2014-816, Ordinance 2014-817, and Ordinance 2014-818 were adopted and will be filed in Ordinance Book #16.

RESOLUTION 2014-13 RE: VILLAGE AT VALEY FORGE/BOZZUTO DEVELOPMENT PLAN, 4-STORY, 365 UNIT APARTMENT BUILDING WITH DECK PARKING, 6.94 ACRES

Mr. Rob Loeper, Township Planner, stated this application was presented to the Board of Supervisors at their last meeting. It is a four-story apartment building located at the Village at Valley Forge containing 365 dwelling units and wrapped around a four-story parking garage on three sides. There are a special set of provisions which govern the approvals and design standards for the Village at Valley Forge. The plan was presented to the Planning Commission and has been reviewed by the Township Engineer for compliance with the resolution.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2014-13. None opposed. Motion approved 5-0.

RESOLUTION 2014-14 RE: ARDEN COURT

Mr. Scott Greenly, Associate Planner, stated the Arden Courts plan has been before the Board of Supervisors for workshop meetings and the two main issues associated with the Deer Creek Homeowners Association have been resolved. Utilizing the aerial, Mr. Greenly pointed out the issue with the dumpster has been addressed with buffering in the back and the relocation of the pad and the dumpster. Agreement has also been reached with maintaining the stormwater basin located on the Deer Creek Homeowners Association property.

Mrs. Kenney asked about previous comments about noise in relation to the dumpster and the hours of use. Mr. Greenly responded the dumpster pad will be repoured and surrounded by an 8 foot PVC fence that will be more secure than what is there now. Wheels will be installed on the gate so that they roll instead of drag to mitigate any noise. Mr. Greenly indicated the applicant stated they want to be a good neighbor and are working with their management. Mr. McGrory emphasized there is no special provision in the resolution regarding the noise and it would be addressed by whatever is in the ordinance.

Mr. McGrory asked Neil A. Stein, Esq., Kaplin Stewart, if the applicant has an executed agreement with Arden Court. Mr. Stein responded in the affirmative.

Mr. Waks noted the presence of residents from Deer Creek in the audience and asked if they are pleased with the agreement that has been reached. An affirmative response was provided from the audience.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution 2014-14. None opposed. Motion approved 5-0.

HEARING RE: APPLICATION FOR LIQUOR LICENSE TRANSFER – CANTINO LAREDO, L.P., TO COURT AT KING OF PRUSSIA. RESOLUTION 2014-15

Mr. McGrory, Township Solicitor, opened the hearing for consideration of an Intermunicipal Liquor License Transfer, and introduced into the Record the following exhibits:

1. Application - **Exhibit 1**
2. Proof of Publication dated February 8, 2014 and February 13, 2014 – **Exhibit 2**
3. Proposed Resolution – **Exhibit 3**

Ken Butera, Esq., representing Cantino Laredo, L.P., introduced his witness Mr. David Wierman, Consolidated Restaurant Operations (CRO) who was sworn in as witness for Cantino Laredo, L.P.

Mr. Butera asked if CRO owns Cantino Laredo. Mr. Wierman responded in the affirmative.

Mr. Butera asked how long Mr. Wierman has worked there. Mr. Wierman responded since August 1986.

Mr. Butera asked how many restaurants CRO owns. Mr. Wierman responded 119.

Mr. Butera asked if there are other brands in the company. Mr. Wierman responded there are eight total brands ranging from high end steak houses to upper end Mexican and casual Mexican.

Mr. Butera asked how many Cantino Laredo restaurants there are nationwide. Mr. Wierman responded there are 34 restaurants.

Mr. Butera asked if this restaurant will be a franchise or company owned. Mr. Wierman responded it will be company owned and operated.

Mr. Butera asked where the restaurant will be located. Mr. Wierman responded it will be located at the King of Prussia Mall. Mr. Butera asked if it would be located at the Court at King of Prussia. Mr. Wierman responded in the

affirmative.

Mr. Butera asked what type of restaurant this will be. Mr. Wierman responded will be an upscale Mexican restaurant and will serve enchiladas, fajitas, beef, and seafood.

Mr. Butera asked how many seats they expect to have. Mr. Wierman responded 251.

Mr. Butera asked if it is a family restaurant. Mr. Wierman responded in the affirmative.

Mr. Butera asked if Cantino Laredo serves alcohol. Mr. Wierman responded in the affirmative.

Mr. Butera asked if the concept works without a license. Mr. Wierman responded in the negative.

Mr. Butera asked what percentage of sales he expects to be food versus alcohol. Mr. Wierman responded 75% food and 25% alcohol.

Mr. Butera asked if Mr. Wierman considers Cantino Laredo to be a bar. Mr. Wierman responded in the negative.

Mr. Butera asked if Cantino Laredo is considered a club. Mr. Wierman responded in the negative.

Mr. Butera asked if there will be dancing. Mr. Wierman responded in the negative.

Mr. Butera asked if there will be outdoor dining. Mr. Wierman responded not at this time.

Mr. Butera asked the hours of operation. Mr. Wierman responded they will open every day at 11 a.m. and close at 10 p.m. during the week, 11 p.m. on the weekends and 9 p.m. on Sunday.

Mr. Butera asked if the kitchen hours mirror the bar hours. Mr. Wierman responded in the affirmative.

Mr. Butera asked how many employees they expect to employ. Mr. Wierman responded approximately 120 to 130.

Mr. Butera asked if the servers have special training regarding alcohol service. Mr. Wierman responded in the affirmative.

Mr. Butera asked Mr. Wierman to explain what type of training they have. Mr. Wierman responded it is outlined in an exhibit they could provide titled, "Serving Alcohol Responsibly". Mr. Wierman stated everyone who serves alcohol, including bartenders and all management staff, have to have this training and pass with a score of 100 in order to be certified to wait tables. In addition, management goes through training in Dallas at the Texas Alcohol Beverage Commission training as well. Mr. Butera asked if the managers have additional training. Mr. Wierman responded they go through the Responsible Alcohol Management Program that is sponsored by the state.

Mr. Butera asked if Cantino Laredo treats the service of alcohol seriously. Mr. Wierman responded in the affirmative.

Mr. Butera asked if they have had any citations associated with any of their restaurants. Mr. Wierman responded in the negative.

Mr. Butera asked if Cantino Laredo will adversely affect the health, welfare, peace or morals of the community. Mr. Wierman responded in the negative.

Mr. Butera asked if Cantino Laredo will provide an economic benefit. Mr. Wierman responded in the affirmative.

Mr. Jenaway asked for a more specific location of the Cantino Laredo at the King of Prussia Court. Mr. Wierman responded it will be in the space near the California Pizza Kitchen.

Mr. McGrory asked if there were any questions from the public. Seeing none, Mr. McGrory closed the hearing portion of the agenda and returned to the public portion of the meeting for the Board's consideration of the Resolution.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to approve the Liquor License Transfer, Resolution 2014-15. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve the Accounts Payable for invoices processed from January 15, 2014 to February 12, 2014 in the amount of \$827,820.64 and the Payroll for January 31, 2014 and February 14, 2014 in the amount of \$1,360,716.55 for a total of \$2,188,537.19. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

STORMWATER MANAGEMENT

In view of the amount of snow cover remaining, Mr. Jenaway encouraged residents to assist in keeping the storm drains clear in front of their homes or development in view of heavy rains that are predicted.

SNOW STORM AFTERMATH

Mrs. Kenney thanked residents for their patience during the several recent snow storms and offered some suggestions for shoveling their sidewalks and making more space available to snow plows by being a "good neighbor."

UPPER MERION MAP

Mrs. Kenney displayed the updated Upper Merion map that will soon be distributed to residents as a helpful informational resource.

Mr. Waks thanked everyone who had a hand in compiling the map, particularly, Carla Showell-Lee, Chief Information Officer, Scott Greenly, Associate Planner, and the Media Communications Board that provided important feedback about the map.

TIME CAPSULE

Mrs. Kenney noted the Time Capsule is located in the Atrium for the placement of donations historic items. The School District will be participating in this project as well, and the interment of the Time Capsule is scheduled for the end of April 2014.

FARMERS MARKET

Mrs. Kenney indicated the next winter Farmers Market is scheduled for Saturday, March 1st from 10 a.m. to noon.

GREAT JOB BY PUBLIC WORKS SNOW REMOVAL CREW

Mr. Philips commended the great job of the Public Works snow removal crew during the recent back-to-back major snow storms. He also encouraged residents to make an effort in keeping their cars off the street so that the crews can clean the streets properly and offered some other helpful tips.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of upcoming Township meetings and events. He also announced the Big Bingo at the Senior Center which was originally scheduled for March 1st has been postponed until Saturday, October 11, 2014.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 7:49 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered