

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 14, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 14, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:38 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: 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; Judith A. Vicchio, Assistant Township Manager, Angela Caramenico, Assistant to the Township Manager. Supervisor Spott and Supervisor Philips were absent.

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the October 10, 2013 Workshop Meeting Minutes and the October 17, 2013 Business Meeting Minutes as submitted. None opposed. Motion approved 3-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting to discuss legal and personnel matters.

NEW BUSINESS

CONSENT AGENDA:

1. Waiver re: Tricentennial Bonfire in Township Park
2. Resolution 2013-25 re: Disposition of Police Records
3. Resolution 2013-26 re: Homestead Exclusion Act
4. Purchase of a Replacement Ambulance 317-3 from the Fire Apparatus Acquisition Fund in the amount of \$87,887
5. Bid Recommendations re:
 - a. 2013-2016 Uniform Services Contract
 - b. 2014-2016 for a 3 Year Supply of Liquid Sodium Hypochlorite Contract – Buckmans Inc. - \$213,300.00 and Liquid Sodium Bisulfite Contract – Univar USA, Inc. - \$52,875.00
6. Award Professional Services Contract re: Comprehensive Parks & Recreation Master Plan – T&M Associates - \$71,167.00
7. Authorization to Sign Settlement Stipulation re: Liberty Property LP v. Upper Merion Area School District
8. Resolution 2013-27 re: Reducing Police Officers' Contributions to the Police Pension Plan for the Year 2014

9. Equipment Replacement Request re:

- a. Police Department – Three Unmarked Police Vehicles - \$76,362
- b. Public Works Department – Medium Duty Dump Truck with Snow Plow Package - \$85,473
- c. Public Works Department – Heavy Duty 10-Wheel Cab/Chassis Vehicle with Snow Plow Package and Hook Loader - \$251,806
- d. Public Works Department – Replace Major Components – Heat Pumps - \$28,069

10. Adoption of Resolution 2013-29 re: 707 Flint Hill Road Land Development Plan

11. Award Construction Contract re: Allendale Road Bridge Replacement – Eastern Highway Specialists, Inc. - \$686,092.40

Board Comment:

Mr. Jenaway commented there is a potential reimbursement for the bridge construction on Allendale Road from the state.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting “Aye” to approve the Consent Agenda as submitted. None opposed. Motion approved 3-0.

AUTHORIZE PREPARATION OF RESOLUTION RE: SIMON PROPERTIES – KING OF PRUSSIA MALL

Mr. Loeper presented the land development plan to connect the King of Prussia Plaza and the King of Prussia Court. He noted that the plan has been reviewed several times at prior meetings with the Board of Supervisors, and has been through reviews with both the civil engineer and the highway traffic engineer. The applicant proposes an above ground connection from the back of Neiman Marcus to the Macy’s and Bloomingdales area at the Court. The connection will span Mall Boulevard with a total square footage of approximately 183,000 square feet. Mr. Loeper described some of the circulation and other changes associated with the plan.

Mr. Jenaway commented the Allendale Road Bridge project will begin before the Connector project gets underway. Both projects are being managed so traffic around the Mall will not be hindered. Mr. Loeper stated there have been numerous meetings during the course of this plan, including meetings with PennDOT and one of the key items of concern was coordination of construction to make sure there will be minimal disturbance of existing traffic patterns on the local roadway while these projects are under construction.

Mr. Waks stated he has received several questions from residents who were concerned about the reduction of parking space. He noted during the workshop discussions on this plan he suggested encouraging employees to park at the upper level parking deck or working out alternative parking off site. Mr. William Jackson, Simon Property Group, responded the applicant has a management plan in place to handle peak parking issues. They will also seek other locations off site for employees during peak hours as well as encourage employees to park on the upper decks in the outer parking lot. Mr. Jackson indicated shuttle services will be provided for employees, if necessary, so the prime parking locations will be available for customers.

Mr. Waks mentioned at the last workshop meeting the supervisors were shown photographs of the empty parking spaces on the upper deck of the parking lot, even on days like Black Friday. By directing employees to park there

that would leave additional spots in closer proximity to the Plaza and the Court Connector. Mr. Jackson agreed.

Mrs. Kenney reiterated the question she raised at the workshop meeting about obtaining improved way finding signs within the entire Mall complex. Mr. Jackson responded the applicant is going to replace all the way finding signs with additional improved, more visible signage. After working this out with a graphics consultant and the architect, the applicant will come back and present their signage plan to the Board of Supervisors.

Mrs. Kenney asked about electronic signage indicating parking availability at multiple lots and directing people to alternate parking, particularly at times such as the busy holiday season. Mr. Jackson responded it is a new technology and they are currently looking into that type of system.

Mr. Joseph McGrory, Township Solicitor, stated for the record that the attorney for the Pavillion who was opposed to this project and the attorney for Simon Property Group met in his office and all agreed in lieu of a formal hearing to determine standing or other issues involved in land development each party would submit a legal Memorandum with attachments outlining their positions so that in the event of a land use appeal those documents would accompany the land use appeal and the judge would be able to determine those outstanding issues as the judge deems appropriate. In addition, it was agreed that the transcript from the last business meeting would be transcribed and also submitted with whatever record goes up on appeal so that the judge has the benefit of seeing the arguments of both parties at this level. This is being done in lieu of having a protracted hearing process. Mr. McGrory expressed appreciation to both attorneys involved for their cooperation in this matter.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to authorize the preparation of a Resolution re: Simon Properties development for consideration at the next Business Meeting. None opposed. Motion approved 3-0.

AUTHORIZE PREPARATION OF RESOLUTION RE: PEP BOYS – 214 EAST DEKALB PIKE

Mr. Loeper stated this is a land development application for the former Kunda Sign property located at 214 East DeKalb Pike in the vicinity of DeKalb Pike (US 202) and Saulin Boulevard. It is a 2.3 acre site with split zoning. The applicant received zoning relief for the proposed use of the automotive center.

The plan is to demolish the existing Kunda Sign building which is approximately 20,000 square feet and construct a 14,000 square foot building for Pep Boys. During the review process much of the discussion was focused on traffic and access along US Route 202. At the request of the Board of Supervisors there were two gap studies completed – one was done during the early summer and the other later in the year. Mr. Loeper noted the access into the site is from a private driveway.

Mr. Loeper stated the gap study indicated there would be adequate gaps for cars exiting onto US 202. He pointed out the building is currently right up to the right of way and the proposed Pep Boys building will be set back. It was also noted the applicant placed an easement on the plan that would allow for a future connection through the site to an extended Saulin Boulevard.

Mr. Loeper mentioned staff met internally with the traffic engineers about a longer range plan for alternate access to properties in this area which would ultimately involve the expansion of Saulin Boulevard and a connection onto Henderson Road.

Mr. Waks asked if Mr. Loeper could verify that the second gap study came back with substantially similar numbers to the original gap study. Mr. Loeper responded in the affirmative.

For the benefit of the residents watching at home, Mr. Waks asked Mr. Loeper to state the difference between the first and second gap study. Mr. Loeper responded the main difference is the second gap study took place after school was back in session and also looked at truck traffic going back on the private road. Mr. Waks said the supervisors' concern was that the first gap study was not done at an ideal time and the second gap study would be more reflective of what traffic is like on a typical day in that area.

Mr. Jenaway commented he disagreed with the first gap study as a baseline for decision making and found the second study to be more realistic.

Mr. Waks reiterated comments he made at the workshop meeting indicating that a global solution is needed dealing with all of the properties and all the ingresses and egresses on that portion of US 202.

Mr. Jenaway concurred and commented more global solutions are needed in reviewing future developments as opposed to individual property solutions for traffic management.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to authorize the preparation of a Resolution re: Pep Boys land development for future consideration by the Board of Supervisors. None opposed. Motion approved 3-0.

POSTING OF PROPOSED 2014 BUDGETS

Mr. David G. Kraynik, Township Manager, presented the 2014 Operating, Capital and Sewer Revenue budgets for Upper Merion Township. He pointed out these budgets represent the culmination of a process that started in June, and involved hours of hard work by the Board of Supervisors, department heads and township staff. Mr. Kraynik noted for the first time in this particular process some principles of zero based budgeting were incorporated and it is anticipated in going forward more of those principles will be followed. During the week of September 30, budget meetings were held with the Township Manager, Director of Finance and all the department heads during which there was a line by line detailed review of each budget. Beginning October 24 through November 7, there were four public budget workshops where the Board of Supervisors met with each department head who presented their respective budgets.

Highlights are as follows:

- The 2014 Operating Budget is balanced and there will be no property tax increase. The budget reflects a total overall increase of 3.2% over 2013.
- The General Fund component is a 4.3% increase.
- The Library Fund component is a 1.4% increase.
- The Liquid Fuel component is a 30.7% decrease and is due to the elimination of a \$225,000 onetime transfer into the fund that occurred in 2013 for additional road repaving.
- The Operating Budget did not require any diversion of real estate tax normally used for capital. This means our capital funding is at a very consistent and high level of approximately \$660,000 for next year.
- The depreciation charge for equipment replacement funding continues for the second consecutive year and is budgeted at \$468,145.

- The budget contains a 12-month projection of gaming revenue from the Valley Forge Casino of approximately \$1.6 million. This is up 30% or \$375,000 over what we budgeted this year.
- The General Fund Reserve transfer, if needed, is calculated at a little over \$1.9 million
- 3.5% funding increase for the three volunteer fire companies: King of Prussia, Swedeland and Swedesburg.
- 3.5% increase for the Upper Merion Senior Center
- Construction in 2014 for the construction of the Community Recreation Center on West Valley Forge Road and the Multi-Use Trail from Heuser Park to Valley Forge National Historical Park
- 2014 Operating Expenses total \$29,401,539. The three largest categories of expenditures are Police with a little over 45% or \$13.4 million, Public Works at just under 14% or a little over \$4.1 million and Administration at 9.81% or \$2.8 million.
- 2014 Operating Revenues total \$29,401,539 which represents a balanced budget. The three highest categories for the revenues are
 - Act 511 taxes which represents 47.6% of the operating revenue
 - permits, fees, interest and miscellaneous at \$4.4 million representing 15.21%
 - Grants in aid at \$2.9 million or a little over 10%.
- The real estate tax dollar is made up of three components: Township, School District and County. The township's share of that tax dollar is 9.27%, the millage rate is 2.15 mills and has stayed very consistent for several years. The tax bill for the average property is \$324.
- The average commercial tax bill is \$6,908 for the township portion of the tax dollar.
- The 2014 Capital budget totals \$15.3 million
- There are a number of major capital projects in 2014 as follows:
 - Placement and design of an electronic bulletin board. This is a project undertaken by the Media Communications Advisory Board and it is an effort to continue to enhance the communication between the township and its citizens
 - IT Department to continue important document imaging at \$74,500.
 - Police Department has a camera scheduled for purchase at Route 202 and North Gulph Road.
 - A comprehensive stormwater management study is contemplated out of the Public Works budget at \$175,000.
 - A contract awarded earlier this evening for the Allendale Bridge redecking at \$850,000
 - An evaporative cooler at the township garage for \$10,000 to maintain a more consistent and safe temperature for garage employees
 - Painting of two sewer plants at Trout Run and Matsunk at \$500,000
 - Construction and replacement of new sewer lines at \$250,000
 - Community Recreation Center at \$11.1 million and a trail system at little over \$1 million.
- The 2014 Sewer Operating Budget funds the 125 miles of sewer lines throughout this community. It was noted that 6 million gallons of sewage is treated daily at the two treatment plants; 12 pumping stations serve over 10,700 acres of the watershed for a total budget in 2014 for Sewer Operating of a little over \$6.1 million or a 1.4% increase.
- The Sewer Operating Budget contemplates for the fourth year out of five a sewer rental rate increase of \$2 per quarter from \$58 to \$60 per quarter which has been done to establish a capital project fund of capital maintenance at the two sewer plant facilities in our collection system operations. It also contemplates the gradual phasing out of over a five year period of the garbage grinder rate of \$58 a quarter and establishing an all residential rate of \$60 a quarter. 2014 will be the fourth of a five-year phase-in of that rate structure.

- 2014 Liquid Fuels Fund – total revenue anticipated to be \$525,840. These are the dollars from the Commonwealth of Pennsylvania’s gas tax that is used for the maintenance and reconstruction of township roads.

Mr. Kraynik stated the Township will continue to make prudent financial decisions in 2014. With renewed cooperation of the Upper Merion community the Board of Supervisors and township staff will continue to provide high quality services in the most cost effective and efficient manner possible. Mr. Kraynik expressed appreciation to the Board of Supervisors and department heads who worked so hard on the development of these budgets. He recognized Finance Director Nick Hiriak for his help and guidance throughout the budget process.

Mr. Kraynik submitted the proposed 2014 Operating, Sewer and Capital Budgets for Upper Merion Township. He noted that a public hearing and adoption of the budgets is scheduled for Thursday, December 5 at 7:30 p.m. in Freedom Hall.

On behalf of the Board of Supervisors, Mr. Waks expressed appreciation for all the staff work that was done in preparation of the budget and identifying efficiencies in the budget to keep costs in line.

Mr. Waks offered a general comment about the funding for the Recreation Center. He emphasized this is no longer just a Recreation Center project. It is a transportation project as well as a public safety project. Having listened to residents over the past few years at meetings and in other settings, there was a lot of concern about the safety of the intersection of Caley Road and Valley Forge Road. One of the important aspects the supervisors would like to see as part of this project is a traffic light at the intersection of Caley Road and Valley Forge Road. Mr. Waks also noted the \$11.1 million includes funding for trails going to and from the Community Center from the area of the Middle School through Volpe Commons into the Community Center as well as some sidewalks.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting “Aye” to approve the posting of the 2014 Budget. None opposed. Motion approved 3-0.

RATIFICATION OF POLICE CONTRACT

Mr. Waks discussed some of the details of the new police contract which calls for an increase of 15% in their annual base salary through incremental wage increases over the four-year term of the contract. The contract maintains the current health care plan with increased contributions from the officers. The contract also provides any eligible employee can seek health benefits for a same sex spouse providing all the criteria set forth in the Upper Merion Township’s Member Benefit Handbook are met.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting “Aye” to approve the police contract as stated. None opposed. Motion approved 3-0.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting “Aye” to approve the Accounts Payable for invoices processed from October 9, 2013 to November 14, 2013 in the amount of \$1,150,509.92 and the Payroll for October 11, 2013 and October 25, 2013 in the amount of \$2,424,588.86. None opposed. Motion approved 3-0.

ADDITIONAL BUSINESS

UPPER MERION VOTED 2ND BEST PLACE TO LIVE

Mr. Jenaway noted the release of a study of the ten best cities to live in Pennsylvania and announced that King of Prussia, Upper Merion Township, ranked second in the Commonwealth of Pennsylvania due to a series of noteworthy criteria including amenities, shopping, dining, entertainment, park and recreation, cost of living, lack of crime, education, median income and home value.

EVENT ANNOUNCEMENTS

Mrs. Kenney announced several events which provide additional reasons why Upper Merion Township has been chosen as one of the best places to live in Pennsylvania. Also noted was the holiday commemorative CD that was done in conjunction with the Tricentennial, the Upper Merion School District, and the music department of Upper Merion High School. Mrs. Kenney also called attention to the Tricentennial mural that is featured on the Colonial Electric Building as well as the Holiday Hoopla events scheduled for December 6.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of upcoming Township meetings and events.

CAMPAIGN SIGNS

Mr. Waks expressed appreciation to everyone who exercised their right to vote on Election Day and encouraged residents who posted signs on their lawns to recycle the signs at selected municipal buildings in the county; he provided the appropriate contact information which is also posted on the township web site.

CONGRATULATIONS TO UPPER MERION YOUTH VIKING POP WARNER PEE WEE CHEERLEADER SQUAD

Mr. Waks congratulated the Upper Merion Youth Viking Pop Warner Pee Wee Cheerleaders on advancing from the Regional competition held this past weekend in Trenton, New Jersey and will now compete at the National Championship Competition in Florida.

SHADE TREE

Mr. Waks recruited volunteers to assist the Upper Merion Shade Tree Commission in planting trees in three township parks on Saturday, November 23, starting at 9 a.m. in Heuser Park.

BOARD OF COMMUNITY ASSISTANCE

Mr. Waks stated the Board of Community Assistance is now receiving applications for organizational grants and scholarships for high school seniors. He reported last year the Board of Community Assistance through funds received from Valley Forge Casino as part of an agreement with the township gave a total of \$128,000 to the community as part of grants to organizations and scholarships to high school seniors.

MDP CRAFT FESTIVAL

Mrs. Kenney provided information on the Mother of Divine Providence Craft Festival as well as the King of Prussia Fire Company's Breakfast with Santa.

From the Public:

Two members of the student council of Upper Merion Area High School requested help with their community service "Meals on Wheels" project and provided informational flyers for interested citizens. Mr. Waks stated the flyer will appear on UMGA-TV in the next few days for the information of all residents and he expressed appreciation to the students and their teacher for helping those in need.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 3-0. Adjournment occurred at 8:29 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered