

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
DECEMBER 5, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, December 5, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:36 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the October 24, 2013 Workshop Meeting Minutes, October 29, 2013 Workshop Meeting Minutes, and the November 6, 2013 Budget Workshop Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting to discuss legal and personnel matters. He then turned the meeting over to Vice-Chairperson Erika Spott.

NEW BUSINESS

POLICE SWEARING IN CEREMONY – OFFICER MICHAEL DAVIS BY DISTRICT JUSTICE MARUSZCZAK

Chief Tom Nolan introduced Officer Michael Davis to the Board of Supervisors and the public. Officer Davis is the newest member of the Upper Merion Police Department. Chief Nolan stated the Upper Merion Township Police Department has set very high standards that a candidate must meet to become part of the Department. He noted the hiring process began in March 2013 with nearly 300 applicants who applied for the position of police officer. Over the past five months the potential candidates worked their way through a process of a written examination, a physical agility test, a lie detector test, a comprehensive background investigation, and a Command interview process. Of the original pool of candidates only 13 individuals made it through to the Command interview.

Officer Davis is a 2000 graduate of Delaware Valley College with a Bachelor's degree in Criminal Justice Administration. In 2012 he graduated from Eastern University with a Master's in Business Administration. He has been employed as a police officer with the Warminster Township Police Department from 1991 to 2004, and in 2004 he was hired as a special agent with the Pennsylvania Office of the Attorney General where he worked in the insurance fraud section. Chief Justice William Maruszczak officiated at the swearing-in ceremony.

PRESENTATION OF RETIREMENT PLAQUES TO OFFICER MARLON LAHJALA AND DETECTIVE RICHARD GEHMAN

Chief Nolan announced the retirement of Officer Marlon Lahjala and Detective Richard Gehman and presented retirement plaques to each of them

after providing a brief outline of their respective law enforcement careers. Highlights as follows:

Detective Richard Gehman retired on September 5, 2013 after 30 years of service with the Upper Merion Township Police Department. Detective Gehman began his career as a Patrolman in 1983. Throughout his career he worked in the Patrol Division, Traffic Safety Unit and in the Investigations Division as a detective. He was an original member of the department's SWAT Team, as well as a PR-24 instructor, EVOG Instructor and Firearms Instructor for the police department. During his career he received a Unit Citation and a Chief's Commendation for exemplary service and was selected as the 1996 Police Officer of the Year.

Detective Gehman was also presented with a retirement award from the Fraternal Order of Police Lodge 14 in recognition of his 30 years to the Upper Merion Police Department.

Officer Marlon Lahjala will be retiring on December 10th after 26 years of service with the Upper Merion Township Police Department. Officer Lahjala began his career as a Patrolman in 1987. Throughout his career he worked in the Patrol Division. In addition to his patrol duties Officer Lahjala was an Expandable Baton Instructor for the police department. During his career he received an award for Bravery, five Unit Citations and two Chief's Commendations for exemplary service. He was also selected as the 2012 Police Officer of the Year.

Officer Lahjala was also presented with a retirement award from the Fraternal Order of Police in recognition of his 26 years of dedicated service to the Upper Merion Police Department.

On behalf of the Board of Supervisors, Mrs. Spott expressed appreciation to Detective Gehman and Officer Lahjala for their years of faithful and dedicated service in preserving the safety of our community. She also extended best wishes to the newest addition to the police force.

APPRECIATION AWARDS/TRICENTENNIAL COMMITTEE

On behalf of the Board of Supervisors and as Supervisor Liaison to the Tricentennial Committee, Mrs. Kenney expressed appreciation to the members of the Tricentennial Committee for their hard work in planning the various events and activities that began in 2010 as part of a subcommittee of the Economic and Community Development Committee (ECDC) and evolved into the Ad Hoc Tricentennial Committee which ultimately executed the wonderful year of events and activities. Mrs. Kenney thanked Judy Vicchio for her leadership as Chair of the Tricentennial Committee and noted her imminent retirement as Assistant Township Manager with her attendance at her last Board of Supervisors meeting.

Ms. Judy Vicchio, Assistant Township Manager and Chair of the Tricentennial Committee presented appreciation awards to the following Tricentennial Committee members: Jessie Bereda, Ruth Ann Berry, David Broida, Emma Carson, Donna Chapman, Jeff Chapman, Barbara Choc, Jean Ehlinger, Rev. James Evans, Rosemarie Gallo, Kush Gupta, Gary Gutkowski, Pete Hand, Marianne Hooper, Nancy Kehler, Joan Kellett, Robin Kelsh, Tom Kohler, Bob Littlewood, Fran Littlewood, J. Michael Morrison, Pam Parker, Eileen Rodrique, Frank Rodrique, Dan Russell, Lydia Dan Sardinas, Dr. Carl Schultheis, Faith Seymour, Brenda Shepperd, Mark Shepperd, Terry Stevens, Patti Volpe, Don Herbert, Staff Liaison; Rob DeFelice, Salesman; Frank Luther, Secretary; Jim Ruddy, Treasurer; Nick Hiriak, Ex Officio Treasurer; Michelle Gallagher, Judy Vicchio, Chairperson; Carole Kenney, Supervisor Liaison.

Mrs. Spott thanked all the members of the Tricentennial Committee for a truly memorable event-filled year.

PRESENTATION RE: GRANTS TO UPPER MERION TOWNSHIP SPORT ORGANIZATIONS

Mr. Dan Russell, Director, Parks & Recreation, presented the various sports organizations with grants approved for 2013. He provided a brief history of the grant process which involves the application and data collection from the various sports organizations and the Park and Recreation Board recommendation to the Board of Supervisors. Each organization was called to the podium and thanked the Board of Supervisors for their support. Mr. Russell emphasized how much all the organizations rely on volunteerism. On behalf of the Park and Recreation Department and the Park and Recreation Board, he expressed appreciation for their support in the community. The following were presented with 2013 grants:

King of Prussia Soccer Club
King of Prussia Football Association
Upper Merion Aquatic Club
Upper Merion Baseball Association
Upper Merion Crew Boosters
Upper Merion Lacrosse Club
Upper Merion Youth Wrestling
Valley Forge Generals

Mrs. Spott underscored how important these programs are for our youth who learn sportsmanship, leadership, cooperation, sports agility in addition to the health benefits of being out in the fresh air participating in activities. She also thanked all the volunteers in their respective specialties for their important contributions to the fabric of our lives.

CONSENT AGENDA:

1. Resolution 2013-30 re: Adoption of 2014 Capital Improvement Budget
2. Resolution 2013-31 re: Adoption of 2014 General Operating Budget
3. Adoption of Sewer Revenue Fund Budget – *Mrs. Spott stated the budgets were presented at the meeting on November 14 and they have been available for public review.*
4. Cingular/AT&T – 234 Mall Boulevard – Consider One Year Extension until 1/31/15
5. Resolution 2013-32 re: Consider Adoption of Resolution to Continue Participation in the Waste System Authority
6. Awarding of Demolition Contract re: Community Center – Eastern Earthmovers, LLC - \$97,500
7. Resolution 2013-35 re: 2014 Fees Schedule
8. Equipment Replacement Request re: Replace Carpet in Codes/Public Works and Police Departments - \$4,473
9. Supplemental Budget Transfer re: Police Department – Equipment for (8) Market Patrol Vehicles - \$28,120
10. Approval of Memorandum of Understanding with the Police Command Officers (*re: 2014 compensation issues*)

Board Comment:

Mr. Waks stated there is no tax increase for 2014 associated with the budgets. He noted the highlight of the Capital Improvement Budget is the building fund set aside for the Community Center, the new Senior Service Center, the light at Caley and Valley Forge Road and a trail system that will go from the Middle School/Volpe Commons Area into the property where the new Community Center/Senior Service Center will be located (formerly known as Gold's Gym).

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

DEVELOPMENT PLANS RE: PEP BOYS, 214 EAST DEKALB PIKE; DP 2013-02 CONSTRUCTION OF A 14,372 AUTOMOTIVE SERVICE AND RETAIL FACILITY WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS, DEMOLITION OF FORMER KUNDA SIGN BUILDING. 2.13 ACRES, CO & HI, RESOLUTION 2013-33

Mr. Rob Loeper, Township Planner, asked if any further discussion is needed on this matter.

Mrs. Spott commented while Pep Boys put a lot of work into the process, she would like to have had more commitment on potential future plans for that area. It is her understanding there is language in the Resolution agreeing to cooperate going forward; she would hope that Pep Boys will follow through in the future.

Mrs. Kenney commented this development plan has been before the Board of Supervisors previously at public workshop meetings when the applicant submitted their initial plans. Discussions and questions were raised and changes were made. She reiterated Mrs. Spott's concerns and hopes in going forward with Pep Boys in the future.

Mr. Waks stated in addition to workshop meetings, Pep Boys and their counsel came to business meetings to present their proposal as well. He asked if the Resolution were to pass this evening if there is a target date for an opening. Response from the audience: third quarter 2014.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, to approve Resolution 2013-33 as submitted. Mrs. Spott opposed. Motion approved 3-1.

DEVELOPMENT PLAN RE: SIMON PROPERTIES; DP 2013-05; KING OF PRUSSIA MALL CONSTRUCTION OF BUILDING TO CONNECT THE PLAZA AND COURT CONTAINING RETAIL, RESTAURANTS AND COMMON AREAS. (183,937 SF) SC SHOPPING CENTER, 127 ACRES, RESOLUTION 2013-34

Mr. Loeper stated this application calls for a physical connection of the King of Prussia Plaza and the King of Prussia Court containing retail, restaurants and a common area which will bridge Mall Boulevard. The total square footage of the connection is 188,000 square feet; however, the net increase is approximately 66,000 square feet because of the demolition of the former John Wanamaker Store. The 127-acre property is zoned SC Shopping Center. With this development the total square footage of the mall will be 2,927,968 square feet. This application provides for a reduction in the parking calculation for the Mall. Once the construction is completed the Mall will have a total of 12,444 spaces or a ratio of 4.25 spaces for every 1,000 square feet of Gross Leasable

Area (GLA). Mr. Loeper noted this plan has been before the Board of Supervisors and Upper Merion Planning Commission several times.

Board Comment:

Mr. Jenaway commented the applicant received an extensive review at the Planning Commission and was cooperative.

Mrs. Spott observed the last time this matter came before the Board of supervisors there was discussion from a third party about land interests and she asked the Solicitor for his comments. Mr. McGrory responded the claim was that the Pavilion is owned by a different owner; the Simon Group record plan does not show the Pavilion as an owner; it only shows land owned by the Simon Group. The overall master plan shows the Pavilion as an owner. In an effort to preserve this argument in the event of a land use appeal, testimony that was transcribed from a prior meeting would be included. In addition, the brief and written documents submitted by Mr. Kaplin on behalf of the Pavilion and by Mr. Kelsen on behalf of the applicant would be submitted at such time a resolution was needed in the Court of Common Pleas to determine standing and the parties' property interests.

Mrs. Spott asked if this would hinder the Board in any way or subject the township to potential issues by taking action tonight. Mr. McGrory responded if the land use appeal is reversed, it would not create liability on behalf of the township. That would be a matter for the applicant to undertake and defend.

Amee Farrell with Kaplin Stewart, attorneys for PS Court Associates, the owners of the Pavilion, stated she wanted to "echo" Mr. McGrory's comments. Ms. Farrell indicated they are here tonight simply to reiterate and lodge their objection on the record so that there is no question as to whether or not they acquiesce. She indicated her client does not acquiesce and continues to believe that the amendment to the recorded land development plan cannot be approved without her client's approval and the consent.

Board Comment:

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.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting "Aye" to approve Resolution 2013-34. None opposed. Motion approved 4-0.

VILLAGE AT VALLEY FORGE; DP 2013-09, PLAN FOR CONTINUATION OF INTERNAL STREET (MARKET STREET, BRYCE LANE & SOMERSET PLACE)

Mr. Loeper stated this plan does not include the construction of any buildings. The Village at Valley Forge (former Valley Forge Golf Course) is subject to a court stipulated settlement agreement that regulates the use of the property as well as changes the normal land development approval process. The application is for the approval of a plan that includes the continuation of the primary internal roads within the commercial area of the property. Bryce Lane will connect Swedesford Road with Village Drive, Market Street will be extended north to Somerset Place and Somerset Place will connect Market Street with Goddard Boulevard. These roadways will constitute the core of the internal circulation system of the commercial area of the site; however, additional internal circulation is anticipated. The plan also proposes the construction of Basin "C" at the southeast corner of Swedesford Road and Guthrie.

Mr. Jenaway commented the applicant reviewed the roadways before the Planning Commission. He noted there are also bike and walking paths associated with the plan.

Utilizing the aerial, Mr. Loeper pointed out the existing street network as well as the proposed internal roads, CHOP Specialty Care Center, Basin "C", and the commercial core downtown area.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to direct the Solicitor to prepare the Resolution for the roadway plan as presented. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from November 6, 2013 to November 26, 2013 in the amount of \$1,231,859.49 and the Payroll for November 8, 2013 and November 22, 2013 in the amount of \$1,244,357.04 for a total of \$2,476,216.53. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

CHAIRPERSON WAKS COMMENTS ON TRICENTENNIAL YEAR AND MS. JUDY VICCHIO'S RETIREMENT

Mr. Waks commented what an honor it was to be Chair during this Tricentennial year. He also expressed appreciation to Judy Vicchio, Assistant Township Manager, who is retiring after 48 years of dedicated service to Upper Merion Township.

JUDY VICCHIO'S FAREWELL

Ms. Vicchio expressed appreciation to the Board of Supervisors for all the confidence the various Boards have placed in her in all the positions she has held in the township since 1965. She noted her attendance at 1,887 meetings from December 1977 to the present as well as the opportunity to work with 18 sets of Boards of Supervisors. Ms. Vicchio recognized the dedicated employees she has worked with over the years. The capstone of her career in Upper Merion Township has been her service as Chairperson of the Tricentennial Committee.

Mrs. Spott thanked Ms. Vicchio for her faithful service and wished her all the best in retirement. She noted Ms. Vicchio's institutional knowledge will be a valuable resource in the future.

PARK AND RECREATION GRANTS

Mr. Jenaway announced the receipt of two Park and Recreation grants. The first one is a \$40,000 grant from the Department of Community and Economic Development to cover the cost of a portion of the Master Plan scheduled for next year. The second item is \$100,000 grant from the Department of Conservation and Natural Resources (DCNR) for a portion of the trail from Heuser Park to Valley Forge National Historical Park.

SIGNIFICANT ROLE OF POLICE AND FIRE DEPARTMENTS FOR A FIRE AT 263 SOUTH GULPH ROAD

Mr. Jenaway reported on the significant role of the Police Department and King of Prussia Fire Department in responding to a serious fire at 263 South Gulph Road. Because the police provided critical information to the fire company, they were allowed to make and change strategic decisions en route to

the call. Their efforts saved three lives while safeguarding civilians and firefighters.

HOLIDAY SEASON SAFETY

Mr. Jenaway cautioned residents to be safety minded during this holiday season and wished everyone a safe and happy holiday.

25TH ANNIVERSARY OF UPPER MERION'S LEADERSHIP ROLE IN RESIDENTIAL SPRINKLERS

Mrs. Kenney noted the 25th anniversary of Upper Merion's leadership role in requiring residential sprinklers for new buildings which has greatly increased the safety of those who live and work in Upper Merion Township.

HOLIDAY HOOPLA

Mrs. Kenney reminded everyone about the various activities associated with the Holiday Hoopla scheduled for Friday, December 12th.

WINTER FARMERS MARKET

Mrs. Kenney noted the Winter Farmers Market begins on Saturday, December 14th from 10 a.m. to 2 p.m and will be held twice monthly during the winter.

BREAKFAST WITH SANTA

Mrs. Kenney mentioned that Breakfast with Santa will be held at the Swedesburg Fire House on Sunday, December 15th.

HOLIDAY CD

Mrs. Spott discussed the Holiday CD that was produced and performed with the cooperation and collaboration of the talented students of the Upper Merion Area School District. A portion of the proceeds will go to the music department at the high school.

From the Public:

Elliott Crowley, 617 Crossfield, took issue with the PowerPoint presentation shown to the supervisors about single hauler, municipal hauler and open market. Mrs. Spott indicated staff will look into the issues raised.

UPCOMING EVENTS IN TOWNSHIP

Mrs. Spott announced a number of upcoming Township meetings and events and noted the King of Prussia Mall is offering complimentary holiday shuttle service for customers and provided details.

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 4-0. Adjournment occurred at 9:12 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered