

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JULY 21, 2011

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 21, 2011, 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: Greg Waks, Joseph Bartlett, Edward McBride, and Erika Spott. Also present were: Ron Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner; Russ Benner, Township Engineer; Angela Caramenico, Assistant to the Township Manager. Supervisor Bill Jenaway was absent.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. Bartlett, all voting "Aye" to approve the June 16, 2011 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman McBride reported on an executive session dealing with legal matters.

NEW BUSINESS

PRESENTATION RE: IAN FERGUSON – EAGLE SCOUT

On behalf of the Board of Supervisors, Mrs. Spott read and presented a proclamation to Eagle Scout Ian Ferguson in recognition of his efforts and dedication to Upper Merion Township. This Eagle Scout project consisted of the rehabilitation of 18 radiators for his school, Archbishop John Carroll High School.

POLICE COMMENDATIONS

Police Chief Ron Fonock recognized and presented a Unit Commendation to police officers and telecommunicators for their excellence in handling a significant incident at the King of Prussia Plaza. He reported that on March 23, 2011, at 12:04 a.m. Upper Merion Township Police received a call from a motorist who was being followed by a suspicious vehicle. According to the caller, he was approached by a male at the King of Prussia Plaza who stated he was wanted by police and asked to use his vehicle. The caller believed his vehicle was about to be stolen and drove away. When the suspicious male followed him, he called 911 and drove toward the Upper Merion Police Department.

Officer Tobias Fisher was at the police station when the call was received, and went to the upper level parking lot where he observed two occupied vehicles. As Officer Fisher approached the first vehicle to talk to the driver, the suspect's car drove around it toward the officer. When Officer Fisher signaled to the suspect to stop, he accelerated and the right side mirror of his car struck the officer.

Officer Fisher immediately notified other officers of the incident and that the suspect vehicle was fleeing the scene. Officer Jonathan Jimenez observed the suspect vehicle turning left from Valley Forge Road to North Henderson Road and attempted to stop it. The suspect continued to flee from police at a high rate of speed until he lost control of his car and crashed near the Abrams pumping station.

The suspect then attempted to escape on foot, but was caught by Officer Jimenez after a 100 yard chase through Crow Creek. As the suspect struggled with Officer Jimenez, Officer Jerome Staquet arrived and assisted with taking him into custody. Other officers of the A Night Team provided valuable assistance with the investigation, and telecommunicators Matthew Gallagher and Bridget Ervin were instrumental in supplying critical information to responding officers.

The following officers and telecommunicators were recognized for their alertness, professionalism and excellent teamwork which resulted in the successful arrest of a dangerous suspect: Sergeant Paul Cooper, Officer Robert Smull, Officer Tobias Fisher, Officer Jonathan Jimenez, Officer Jerome Staquet, and Telecommunicators Bridget Ervin and Matthew Gallagher.

CONSENT AGENDA:

1. Equipment Replacement Request re: Replace Chairs in Board Room and Freedom Hall - \$11,360
2. Equipment Replacement Request re: Replace Chairs for Communication Center - \$2,708
3. Request to Award Matsunk Trickling Filter Rehabilitation Final Design, Bidding & Construction Management Professional Service Agreement to ARRO Consulting, Inc. - \$30,000
4. Request to Award Printing Bid re:
 - a. 511 Tax Packages
 - b. Sewer Invoicing

Board Action:

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

HEARING AND RESOLUTION 2011-18 RE: INTERMUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE – CRAB ADDISON, INC.

Joseph Pizonka, Township Solicitor, stated that this hearing was properly advertised in the Times Herald on July 5 and July 12, 2011. The applicant, known as Joe's Crab Shack, intends to locate this business at 244 Mall Boulevard.

Mark E. Kozar, Esquire, with the firm of Flaherty and O'Hara, Pittsburgh and representing Crab Addison, Inc., requested approval of the Resolution permitting the intermunicipal transfer of a liquor license from outside the township pursuant to the revised Liquor Code, Title 47, Section 461(b.3) for use at a new location at 244 Mall Boulevard adjacent to the Hotel Sierra and Capital Grille. Section 461(b.3) permits the Liquor Control Board to approve the transfer of a liquor license from any other township in Montgomery County to within Upper Merion Township so long as the receiving municipality issues a Resolution approving the transfer.

Mr. Kozar provided some background on Crab Addison, Inc. and stated it is a wholly owned subsidiary of Ignite Restaurant Group, Inc. a privately held company headquartered in Houston, Texas. Ignite owns and operates over 100 Joe's Crab Shack restaurants in 29 states including two in Pennsylvania and

seventeen Brick House Tavern and Tap restaurants. Joe's Crab Shack features a wide variety of seafood served in a casual family-friendly surf-inspired atmosphere; a separate children's menu is provided among their offerings.

In addition to a restaurant of approximately 8,000 square feet, there is a 1,000 square foot playground area. There is no live music and no take out beers. The restaurant is open for both lunch and dinner Mondays through Thursdays 11 a.m. until midnight, Fridays and Saturdays from 11 a.m. until 1 a.m., and Sundays 11 a.m. to 10 p.m. The indoor seating capacity will be 213 people and 301 when combined with the outside area. This restaurant will employ 150-175 people full-time, with a combined total of 225 full and part-time. Alcohol is served as a complement to the food at Joe's Crab Shack and not as the main attraction. The percentage of alcohol sales to total sales is 13% at Joe's Crab Shack. Everyone who serves alcohol or tends bar at Joe's Crab Shack will be RAMP-certified by the Pennsylvania State Police Bureau of Liquor Control Enforcement.

Mr. Bartlett asked where the license is being transferred from. Mr. Kozar responded it would be coming from North Wales.

Mr. McBride asked for clarification about the RAMP certification for bartenders. Mr. Kozar responded the Responsible Alcohol Management Program (RAMP) was developed by the Pennsylvania State Police Bureau of Liquor Control and Enforcement to help licensees and their employees serve alcohol responsibly. RAMP explains how to detect signs of impairment and intoxication, identify underage individuals, detect altered, counterfeit, and borrowed identification, etc.

Mr. McBride asked who provides the training, testing and certification. Mr. Kozar responded that the program was developed by the state and there are trainers throughout the state certified by the Pennsylvania State Police Bureau of Liquor Control Enforcement.

Mr. Waks observed that some of the items on the menu are actually cooked with alcohol. Mr. Kozar responded in the affirmative.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, to approve the Resolution 2011-18 approving the Intermunicipal Liquor License Transfer. Mr. Bartlett opposed. Motion approved 3-1.

MOORE HOUSE AGREEMENT

Mr. Scott Sibley, Economic and Community Development Committee, provided a background on the efforts of the Moore-Irwin House Subcommittee to preserve this historic site located near Moore Road and 8th Avenue. He noted the specific interest of the King of Prussia Players in developing and restoring the property for their theater and entertainment purposes. After two years of working through the details, the proposed Memorandum of Understanding was drawn up between Upper Merion Township and the Players which outlines all the responsibilities and conditions between both parties.

Mr. Waks thanked the King of Prussia Players for their cooperation and commended the members of the Moore-Irwin Task Force for their hard work in obtaining the favorable outcome for this property. Janet Medrow, Stan Channick, Paul Volpe and the Park and Recreation Department were recognized for their singular efforts.

Mr. McBride thanked everyone involved in negotiating the Memorandum of Understanding and asked for a motion to approve the agreement.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting “Aye” to approve the Agreement. None opposed. Motion approved 4-0.

RESOLUTION 2011-17 RE: ACCEPT COUNTY RADIO PROGRAM

Mr. Ron Wagenmann, Township Manager, stated the Montgomery County Commissioners are considering whether to upgrade its radio system equipment that serves the police departments throughout the county. The county not only offered to upgrade the system, but they would be willing to finance the purchase of the portable equipment. In order for this to occur the county has asked municipalities to adopt a resolution in support of the upgrade since they will not move ahead with the project unless 80% of the communities are in agreement. Mr. Wagenmann indicated that Upper Merion Township would be acquiring the radios, but are going to keep the option open until the last moment as to whether the township will purchase the radios and do its own financing or lease from the county. Ten additional towers would be added to address the gap problem that would make the portable radios useable throughout the county. Mr. Wagenmann pointed out that Upper Merion will get a price for mobile radios and that price according to Motorola will be held for the term of the contract so if at some point the portables are still experiencing gaps in coverage, the township will have the option to purchase mobile radios. Mobile radios are about ten times more powerful than portables and that is the reason for keeping this option open.

Mr. McBride commended the staff for looking into the entire program and stated that our equipment is far superior to what other municipalities are currently using and at this time it is not necessary to make a financial commitment.

Mr. Bartlett asked for clarification about portable and mobile radios, and Mr. Wagenmann explained the difference.

Board Action:

It was moved by Mr. Bartlett, seconded by Mr. Waks, all voting “Aye” to approve Resolution 2011-17, re: Accept County Radio Program.

PLAN AMENDMENTS/MINOR PLANS RE: BNY MELLON, DEVELOPMENT PLAN. 760 MOORE ROAD. RESTRIPE EXISTING PARKING LOT TO ACCOMMODATE AN ADDITIONAL 51 PARKING SPACES. SM – SUBURBAN METROPOLITAN, 25.4 ACRES

Mr. Rob Loeper, Township Planner, followed up on last week’s review of this application and indicated Bank of New York Mellon is proposing to move approximately 250 people from outside the township into the building at 8th and Moore in Upper Merion Township. In order to better accommodate their employees the applicant proposes additional parking and hired McMahon Associates perform a parking study at the facility. While there is adequate parking there are so few vacant spaces that at times it creates a parking issue. McMahon determined that by re-striping the parking lot they would gain an additional 51 spaces which would give them the cushion they feel they need. The re-striping will require two waivers. One to allow the stalls to go from 9 ½ feet to 9 feet wide and the other to allow additional stalls between the islands from 20 to 21. As a follow up to Mr. Waks’ question about the traffic impact at last week’s meeting, Mr. Loeper discussed the issue with Dan King, Meyer Design, Inc. and John Yurick of McMahon Associates. A letter to Dan King from Mr. Yurick explains their analysis of the traffic situation in the area and included a chart showing the parking analysis.

Mr. McBride asked Mr. Yurick to provide an overview of the letter. Mr. Yurick responded that McMahon Associates were tasked with reviewing the parking and circulation issues at the site and last month provided the Board with a summary of their parking findings and the need to provide additional parking. When the question arose about the traffic implications of the additional employees from the Malvern site McMahon went back and looked at driveway counts conducted at the site last month when they first became involved with the project. Since ITT Technical School is a subtenant at 760 Moore Road, their traffic was combined with BNY Mellon in the driveway count. Mr. Yurick explained the process that determined the trip generation at different times of the day; calculations were summarized in terms of the traffic generation out on the adjacent roadways and at the driveways that would equate to less than 2 new trips per minute during the peak hours.

Mr. Dan King, Meyer Design, stated that the BNY Mellon is aggressively pursuing several measures to reduce parking demand. These include:

- working with Greater Valley Forge TMA on car and van pooling.
- SEPTA transportation seminars scheduled for August and October.
- buying into the King of Prussia shuttle system.
- forming an on site transportation committee among their managers in an effort to reduce parking demand.

Mr. Waks said he understands that there is still more than enough space for every single transferred employee to park in the lot although a little more difficult at times than if the spaces were added. He also commented that he appreciates the efforts to encourage public transportation. For the benefit of those residents watching on UMGA-TV, Mr. Waks asked Mr. Wagenmann to provide more information on the Business Improvement District (BID) shuttle.

Mr. Wagenmann stated that the BID is working with the Transportation Management Association (TMA) and a number of companies to create a shuttle service that will be tying into the SEPTA facility in Norristown as well as the train service. It is still in the planning stage, but is being actively pursued.

From the public:

Mr. Roland Collins, King of Prussia, Manager at Valley Forge Towers, expressed specific concerns about traffic in the area.

Board Comment:

Waks commented that because of the traffic at that intersection there are two police officers stationed on Moore Road. He also noted that although SEPTA provides bus service directly to the site, use by BNY Mellon employees is relatively low compared to ITT users. He encouraged the applicant to work on greater use of public transportation. Mr. Waks reiterated that even if the Board did not approve the variances there is still enough parking space. Mr. Yurick responded that Bank of New York Mellon will be providing SEPTA transportation seminars. Greater Valley Forge TMA will also offer orientation for the employees at the site before and after the move to make them feel comfortable using public transit and some of the other options. The additional parking spaces are being requested because the applicant realizes although there might be just enough parking spaces for the new employees, industry standards indicate that when you get to about 90/95% that is when the parking lot is perceived to be full and they want to avoid employee frustration finding parking spaces throughout the site. They want to provide the additional spaces now rather than face a problem after the move and have to do it after the fact.

Without further comment from the Board of Supervisors the plan is able to proceed following approval of the requested two waivers.

Board Action:

It was moved by Mr. Bartlett, seconded by Mrs. Spott, all voting “Aye” to approve the two waivers as previously stated. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mr. Bartlett, all voting “Aye” to approve the Accounts Payable for invoices processed from June 2, 2011 to July 7, 2011, in the amount of \$816,501.15 and the Payroll for June 10, 2011, June 24, 2011, and Holiday Pay in the amount of \$1,436,435.83 for a total of \$2,252,936.98. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

MOORE IRWIN HOUSE

In addition to those previously mentioned, Mr. Waks expressed appreciation for the work of Barbara Schafer and her involvement in the Moore Irwin House.

WEATHER ALERT

Mr. Waks commented that he will forego his usual Friday evening and Saturday morning bike ride due to the heat wave and cautioned residents to be careful and not exert themselves.

Mr. Mc McBride asked residents to be sensitive to seniors and check on anyone with frail health.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:19 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

rap

Minutes Approved:

Minutes Entered: