

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JULY 19, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 19, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:35 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Erika Spott, and Carole Kenney. Also present were: David Kraynik, Township Manager Designee; Bernadette A. Kearney, Township Solicitor; Tom Beach, Township Engineer; Judith A. Vicchio, Assistant Township Manager. Supervisor Bill Jenaway was absent.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the May 24, 2012 Architect Interview Meeting Minutes, the June 7, 2012 Workshop Meeting Minutes, the June 14, 2012 Business Meeting Minutes, and the June 21, 2012 Business Meeting Minutes as submitted. None opposed.

CHAIRPERSON'S COMMENTS:

Chairperson Spott reported on an Executive Session which was held prior to this meeting during which litigation matters were discussed and the Executive Session will resume after this meeting.

NEW BUSINESS

CONSENT AGENDA:

1. Resolution 2012-24 re: Master Casting Agreement 2011-14
2. Permission to Advertise re: Ordinance 2012-xxx. An Ordinance Amending Chapter 133, Sewers, of the Upper Merion Township Code, Article IV, Sewer Rents, Section 133-29, Penalties for Delinquent Payments. *Hearing Date: August 16, 2012*
3. Appointment to Citizen Board re: Smriti Chauhan - Environmental Advisory Council - Student Member Position

Board Action:

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

AUTHORIZE AGREEMENT RE: PARKING AND TRAFFIC MONITORING AGREEMENT BETWEEN VALLEY FORGE COLONIAL, LP AND UPPER MERION TOWNSHIP

Mrs. Spott asked for a motion to accept and enter into the agreement for the parking and traffic monitoring at the Valley Forge Casino.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to accept the Parking and Traffic Monitoring Agreement as presented. None opposed. Motion approved 4-0.

HEARING RE: RESOLUTION 2012-23 - INTERMUNICIPAL LIQUOR LICENSE

TRANSFER - 143 SOUTH GULPH ROAD

Bernadette A. Kearney, Solicitor, read the hearing notice for the public meeting to consider approval of the transfer of Pennsylvania Liquor Control Board Retail Restaurant Liquor License No. R-9578 currently owned by WSA 11, LLC with an address of 235 Washington Street, Conshohocken, Pennsylvania for use at Rodizio Grill located at 143 South Gulph Road, King of Prussia, Pennsylvania. Ms. Kearney marked the following exhibits:

T-1: a letter from attorney, Theodore J. Zeller III dated June 12, 2012 requesting the Intermunicipal Liquor License Transfer and the public hearing.

T-2: Proof of Publication indicating the notice had been published on July 5 and July 12, 2012 in the Times Herald.

T-3: information provided by applicant's counsel which includes menu options, floor plans, background material, and a reference to the restaurant that is to open at that location.

Kevin O'Leary was sworn in as a witness. He is one of the two owners of American Gaucho LLC which will trade as a Rodizio restaurant. The other owner is Charles LaRosa.

Mr. Zeller stated Mr. O'Leary and Mr. LaRosa are the local owners of a Melting Pot on Allendale Road. Mr. O'Leary has an eleven year experience with four Melting Pot restaurants locally in Philadelphia and in the Lehigh Valley. Throughout those years there have been no liquor license citations. Mr. Zeller indicated the purpose of this hearing is to determine whether or not the applicant meets the township's requirements for a liquor license holder for the transfer from Conshohocken to Upper Merion Township, presently the space of Desi Village and Peace of Pizza, at 143 South Gulph Road (between vacant Lone Star Steak House and the Best Western Hotel, across the street from the newly renovated Wawa). In the rear of the site is a Pennsylvania Wine and Spirits store.

Mr. Zeller described certain elements of the proposed restaurant as follows:

- 250 seat site.
- Would have only 12 bar stools in addition to the 250 seats.
- Proposed hours of operation would be 11 a.m. to 11 p.m., seven days a week.
- No live entertainment or dancing.
- Family oriented restaurant
- Alcohol to food ratio experienced nationwide for these restaurants (except for Utah) is only 15%.
- No "take out" beer.
- Brazilian cuisine.
- It is a higher end franchise restaurant started in Denver and there are eight restaurants nationally.

Mr. Zeller asked Mr. O'Leary if he is in agreement with the foregoing Summary. Mr. O'Leary responded in the affirmative.

Mr. Zeller asked if he [Mr. Zeller] stated anything inaccurately. Mr. O'Leary responded in the negative.

Mrs. Spott asked if the liquor license sought by the applicant is along the same lines as other restaurants in the area such as Capital Grille or Sullivan's. Mr. Zeller responded it is the same quality of license as being an R license.

Mrs. Spott asked if the applicant intends to remodel the proposed building once it is vacated. Mr. O'Leary responded he has already had conversations with the Zoning Officer to increase the curb appeal of the building and signage. Mr. O'Leary noted the state store will remain in the back.

Mrs. Kenney asked for clarification about the establishments that will vacate. Mr. O'Leary responded the plan is for the applicant to take over the spaces now occupied by Peace of Pizza and Desi Village.

Mrs. Kenney asked about the timetable for closing the vacating establishments. Mr. Zeller responded there is no exact projection as to when the tenants are vacating and this is just one of the first steps in the process.

Mrs. Spott asked for a motion to close the hearing.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to close the public hearing. None opposed. Motion approved 4-0.

Mrs. Spott asked for a motion to accept Resolution 2012-23 for the Intermunicipal Liquor License Transfer for 143 South Gulph Road.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to approve Resolution 2012-23 for the Intermunicipal Liquor License Transfer - 143 South Gulph Road. None opposed. Motion approved 4-0.

HEARING RE: ORDINANCE NO. 2012-806 AMENDING ORDINANCE NO. 2012-803 - PENNSYLVANIA INFRASTRUCTURE BANK (PIB) LOAN - S. HENDERSON ROAD WIDENING PROJECT

Ms. Kearney read the hearing notice for the Ordinance No. 2012-806 amending Ordinance No. 2012-803 to increase the indebtedness of Upper Merion Township by the guarantee of a Pennsylvania Department of Transportation Pennsylvania Infrastructure Bank Loan in the amount of \$3,500,000 issued to the Upper Merion Transportation Authority for the South Henderson Road Widening project. Ms. Kearney marked as Exhibit T-1, the Proof of Publication.

Mrs. Spott stated the Transportation Authority will execute a loan agreement with the state to pay off the loan. The state requires the municipality to be the backup guarantor of that loan and the ordinance will comply with that requirement. The loan is to cover the work being done to widen South Henderson Road and relieve the bottleneck and make the road more accessible for residents and businesses.

Mr. Philips commented the widening of Henderson Road is vital for improved traffic flow as it is currently a major bottleneck at rush hour both in the morning and evening.

Mrs. Spott asked for a motion to close the hearing.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to close the hearing and resume the public meeting. None opposed. Motion approved 4-0.

Mrs. Spott asked for a motion to approve the Ordinance No. 2012-806 amending Ordinance No. 2012-803 regarding the Pennsylvania Infrastructure Bank (PIB) Loan. None opposed. Motion approved 4-0.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve Ordinance No. 2012-806. None opposed. Motion approved 4-0.

Ordinance 2012-806 was adopted and will be filed in Ordinance Book #16.

ACCOUNTS PAYABLE & PAYROLL:

Mrs. Spott asked for a motion to approve the Accounts Payable and Payroll.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to approve the Accounts Payable for invoices processed from June 7, 2012 to July 5, 2012, in the amount of \$699,369.30 and the Payroll for June 8, 2012 and June 22, 2012 in the amount of \$1,491,535.58 for a total of \$2,190,904.88. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

ALEX'S LEMONADE STAND

A representative of the Valley Forge Towers Community Association announced and invited the community to attend the third annual Alex's Lemonade Stand, a childhood cancer benefit, to be held on Saturday, July 21, 2012 from 11 a.m. to 3 p.m. She provided the background for this worthwhile cause.

UPCOMING EVENTS IN TOWNSHIP

Mrs. Spott announced a number of Township meetings and events.

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 4-0. Adjournment occurred at 8:04 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered