

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JULY 18, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 18, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 8:42 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; Judith A. Vicchio, Assistant Township Manager, 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 May 9, 2013 Joint Meeting Minutes, May 16, 2013 Business Meeting Minutes, and the May 30, 2013 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 a legal matter and personnel matter.

NEW BUSINESS

SWEARING IN OF NEW POLICE OFFICERS BY JUDGE FRANCIS BERNHARDT

Chief Tom Nolan introduced three new officers and gave a brief biographical sketch of each. The three officers sworn in were: Jennifer Kobe, Breanna Stemler, and Dennis Carroll. The hiring process began in March 2013 with nearly 300 applicants who applied to be a police officer in Upper Merion Township. Over the past five months the potential candidates worked their way through a process of a written examination, a physical agility test, an oral interview board, lie detector test, a comprehensive background investigation, and a Command interview. Out of the original pool of candidates only 13 individuals made it through to the final Command interview.

Mrs. Spott offered welcoming comments to the newly sworn in officers and wished them well.

CONSENT AGENDA:

1. Request of Waiver for Parking Spaces at Community Center
2. Resolution 2013-17 re: Grant Application – Township Park and Recreation Master Plan - \$40,000
3. Resolution 2013-19 re: ATT New Cingular Wireless, 541 Flint Hill Road (*discussed at last Board of Supervisors Business Meeting*)
4. Resolution 2013-20 re: Application for Signal Modification DeKalb Pike/Allendale Road, 620 W. DeKalb, LLP, Relocate driveways and install median on Allendale Road

5. Equipment Replacement Requests re:
 - a. Replace Two Marked Police Vehicles - \$55,444
 - b. Change-overs (Striping/Details) for Police Vehicles - \$11,370
 - c. Replace Major Components – 2 Steel Roll Up Public Works Garage Doors - \$15,000
 - d. Replace Major Components – Heat Pump in Police Department and Two Steel Entry Doors in Township Building - \$24,000
 - e. Replace IT Equipment – Printers - \$15,000
6. Award Contract – Road Repaving Program – Glasgow, Inc. - \$426,828.00. Streets to be repaved are: Bluebuff Road, Gunport Road, Colonial Place, Broadview Road, Dewitt Road, Jones Road, Pugh Road, General Washington Road, Eighth Avenue West, Eighth Avenue East, Ninth Avenue
7. Resolution 2013-18 re: Traffic Adaptive Signals Funding Program
8. Acceptance of Resignations from Citizen Boards re:
 - a. Tad Hershey from Transportation/General Authorities
 - b. Robin Ross from Economic & Community Development Committee
 - c. Tom Kohler from Economic & Community Development Committee
9. Appointment to Economic & Community Development Committee – Alanna Strohecker

Board Comment:

Mr. Philips noted the resignation of Tad Hershey after twenty years of dedicated service on the Transportation and General Authorities. Mr. Philips remarked that Mr. Hershey was one of the key players responsible for many of the road improvements enjoyed today. Also noted was the resignation of Tom Kohler who served on the Economic and Community Development Committee. Mr. Philips said both gentlemen will be sorely missed in their respective positions.

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 5-0.

ASSIGNMENT OF EASEMENT TO THE KOP CHAMBER OF COMMERCE FOR THE KING OF PRUSSIA INN, CONTINGENT UPON APPROVAL BY PECO

Board Comment:

Mr. Philips recused himself from any discussions and/or vote on this matter due to his role as General Counsel for the Montgomery County Chamber of Commerce. The Memorandum of Voting Conflict will be incorporated in the minutes of this meeting.

Mrs. Kenney recused herself from any discussions and/or vote on this matter due to her membership in the Chamber of Commerce. The Memorandum of Voting Conflict will be incorporated in the minutes of this meeting.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, to approve the Assignment of Easement. Mr. Philips and Mrs. Kenney abstained. Motion approved 3-0-2.

APPROVAL OF GRANTS AND SCHOLARSHIPS TO NON-PROFIT ORGANIZATIONS AND STUDENTS AS RECOMMENDED BY THE BOARD OF COMMUNITY ASSISTANCE

Mr. Waks stated the funds for the Board of Community Assistance (BCA) comes from a separate funding stream than the revenue received from gaming. Under state law, what is known as the local share assessment, the township receives 2% of the revenue from slot machines and 1% from table games. This is very different from the funds received for the Board of Community Assistance in the Community Fund. Mr. Waks explained the funds received for the BCA are the result of two separate agreements. The first agreement was reached first with the slot parlor at the time and subsequently with the casino. Under this agreement for the first year approximately \$143,000 was available to the BCA. The BCA decided to distribute \$128,000 and retain approximately \$15,000 in reserve for later this year or for roll over to 2014 since this is an annual event.

Mr. Waks expressed appreciation to all the members of the Board of Community Assistance: Lydia Dan Sardinias, Chairperson; Scott Milner, Vice Chair; Robryn Briggs, Member; Mike Bowman, Valley Forge Casino Resort (VFCR) and Ira Lubert (VFCR). As Board Liaison to the BCA, Mr. Waks indicated he sat in on all the meetings during which some very tough decisions were made. He commended the BCA for the excellent job they did balancing needs versus wants and thoroughly examining each application.

The following grants and scholarships were announced:

Sports Organizations

1. Upper Merion Baseball Association - \$7,000 to repair dugout roofs at Walker Park
2. King of Prussia Football Association - \$5,000 for new helmets
3. King of Prussia Soccer Club – \$5,000 for Baxter and Bob Case Park Maintenance and Improvements
4. Upper Merion Crew Boosters - \$5,000 for equipment
5. Upper Merion Skate Park Project – the Board of Community Assistance decided this was to be determined for an engineering study when they get closer to their overall funding goal

Other Organizations

1. Historic Philadelphia - \$1,000 for “Once Upon A Nation Valley Forge” programming
2. Upper Merion Senior Service Center - \$5,000 for cultural programming
3. King of Prussia Volunteer Fire Company - \$10,000 for a roof replacement
4. Upper Merion Mother’s Club - \$1,000 for “Operation Back Pack” to provide school supplies to elementary school children in need
5. Upper Merion Tricentennial Mural Project - \$10,000 to restore and display a historic mural
6. Upper Merion Area School District - \$5,000 STEM (Science, Technology, Engineering and Math) After School Extra Curricular Academic Teams
7. Optimist Club of Valley Forge - \$2,000 for “Bring out the Best in Upper Merion Youth”
8. Montgomery County Advocacy Project – \$5,000 to provide free legal services to abused children
9. The Outdoor School in Horsham - \$10,000 better known as the Upper Merion Area School District Camping Trip

10. Christ Church (Old Swedes) - \$1,000 for historic preservation
11. Neighborhood Meals on Wheels - \$2,500 for delivery of food to the needy
12. Colonial Meals on Wheels - \$1,000 for delivery of food to the needy
13. Lafayette Ambulance and Rescue Squad - \$10,000 for the "Green and Secure Program"
14. Mission Kids – Child Advocacy Center - \$5,000 to help children who are victims or witnesses to child abuse or violent crime
15. Upper Merion Emergency Aid - \$3,000 for back to school projects for people in need

Mr. Waks noted that the 2013 grant recipients have to apply again for 2014 if they have a different project and in 2014 everything starts anew.

Before announcing the scholarships, Mr. Waks stated there were three factors that the Board of Community Assistance considered: grades, financial need and community service (both community service performed in the community so far and a community service project that was proposed by the applicant as required by this program).

Scholarships:

1. Annina M. Baker will be attending Villanova University - \$5,000
2. Jessie Bereda will be attending Temple University - \$3,000
3. Mitchell Derby will be attending Rochester Institute of Technology - \$1,500
4. Samantha Garzillo will be attending American University - \$2,500
5. Jeremy Gurbatow will be attending Susquehanna University - \$5,000
6. Amanda Hankin will be attending Immaculata University - \$1,500
7. Alina Lewandowski will be attending Temple University - \$3,000
8. Matthew Owens will be attending University of Scranton - \$3,000

Board Comment:

Mr. Jenaway commented he is an officer and has a leadership role at the King of Prussia Fire Company; however, the grant actually goes to the non-profit foundation which is a 501(c) (3) of which he is not an officer, and he is able to vote on this tonight.

Mrs. Kenney commented she was pleased with the decisions made by the Board of Community Assistance and would like to see an increase in the number of students applying for scholarships next year.

Mr. Waks stated under the rules of the BCA, the maximum any organization could have received was \$20,000 and no organization received more than \$10,000. The maximum scholarship any high school graduate could have received was \$10,000 and no one received more than \$5,000. Mr. Waks noted only eight high school graduates applied for scholarships under the BCA even though this program was well promoted. All eight scholarship applicants who applied did receive a scholarship and while that does not mean the 100% ratio is going to continue in the future, there was more room to hand out scholarship money this year if there had been more applicants.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the grants and scholarships recommended by the Board of Community Assistance. None opposed. Motion approved 5-0.

FIRST REVIEW: LAFAYETTE AT VALLEY FORGE CLUB HOUSE;
DP 2013-04, 967 PENN CIRCLE; CONSTRUCTION OF A 3,300 SQ. FT.
CLUBHOUSE ADJACENT TO EXISTING SWIMMING POOL. 26.31 ACRES,
HR – HIGH RISE RESIDENTIAL

Mr. Rob Loeper, Township Planner, stated this 26-acre property is owned by Westover Companies and is zoned HR, High Rise Residential and located in the northwest corner of the township adjacent to The Towers. The property comprises 7 buildings with a total of approximately 600 residential units and a swimming pool is available for the residents. The applicant is proposing the construction of a 3,300 square foot clubhouse adjacent to the existing swimming pool for use by tenants. The clubhouse will include a rental center, lounge with kitchenette, fitness facility and restroom.

The applicant submitted plans to the Township Engineer for review and submitted revised plans primarily to address comments regarding stormwater management so that it will tie into existing stormwater management. The Montgomery County Planning Commission (MCPC) submitted comments recommending that a closer look be taken with regard to the definition of a clubhouse. The MCPC also had some technical comments regarding some of the plan notations which coincide with some of the Township Engineer's comments.

The applicant is asking for one general waiver from §145.26 (Procedure for Review) regarding various plan requirements for a combined preliminary/final plan. Mr. Loeper noted this is the type of plan that in the past would have been referred to as a minor plan. He indicated the applicant states they are developing only a small portion of the site and will not impact the current operations. The Township Engineer has reviewed the plan and issued a second letter to the applicant on July 17.

Mrs. Kenney asked for clarification about the rental center. Ken Kauffman, Westover Companies, responded the rental in one of the existing buildings will be relocated to the new building. He explained there are three components to the plan which will involve a rental center, resident lounge, and a fitness center.

Mr. Waks asked Mr. Loeper if there is any difference in the amount of impervious. Mr. James V. Boyer, PE, David Miller & Associates, responded there will be an increase in impervious of approximately 3,545 square feet and the applicant is proposing a stormwater detention facility in the front yard.

Mr. Waks commented almost the entire space is being turned from a grassy or pervious surface to an impervious surface. Mr. Boyer responded a small portion of the building is being constructed over some existing concrete patio, but with the additional patio being constructed and the sidewalks, it is basically approximately 3,500 square footage of impervious.

Mr. Waks asked if additional stormwater mitigation is being installed. Mr. Boyer responded in the affirmative. Mr. Beach pointed out this is just a small piece of a very large site so the amount of additional impervious in relation to the entire site is minimal. Mr. Waks asked if this meets with the Township Engineer's satisfaction, and Mr. Beach responded in the affirmative.

Mr. Jenaway asked the Township Engineer if there is an opportunity with this application for pervious concrete to be used in lieu of the impervious surface. Mr. Beach responded that it would not be likely since the majority of impervious surface is the building itself and there is very little sidewalk.

Mr. Waks commented at the last workshop meeting there was a presentation about pervious concrete which is one of the options that this Board of Supervisors is looking into to try to potentially deal with some stormwater options long term in Upper Merion Township.

Mrs. Kenney stated if it is at all possible to consider pervious concrete for the patio and sidewalks even though it might be a minimal area it would be one more building block to point to as being part of an overall stormwater plan.

Mr. Waks asked if there was any objection to placing this plan on the Consent Agenda for the next meeting. Without objection, Mr. Waks directed the Township Solicitor to prepare the appropriate Resolution on the agenda for the next business meeting.

FIRST REVIEW 707 FLINT HILL ROAD; DP 2013-06 DEMOLISH EXISTING DWELLING AND CONSTRUCT 2,000 SQ. FT. TWO-STORY BUSINESS GARAGE AND OFFICE. 0.35 ACRES, LI – LIMITED INDUSTRIAL

Mr. Loeper stated this 0.35-acre property is on Flint Hill Road in the LI Limited Industrial District and located just to the south of Summit Street between Summit Street and Swedeland Road. Utilizing the aerial, Mr. Loeper pointed out the large stormwater conveyance structure located on a portion of the property. The current property has an existing dwelling which is vacant and the applicant is proposing to demolish the existing vacant dwelling and build a 2,000 square foot, two-story garage/office building with associated parking.

Prior to submitting a land development application the applicant obtained relief from the Zoning Hearing Board (ZHB) to allow encroachments into the required front yard, the required side yard to allow parking in the front yard and within 50 feet of a residential district (across the street), eliminate front yard buffer requirements, off-street loading requirements, eliminate screening for parking, and allow the building to be within 150 feet of a residential zoning district. Mr. Loeper noted the ZHB approval is conditioned upon the planting of shrubs, street trees and other landscaping.

The applicant is requesting three waivers from: (1) sidewalks, (2) buffers and screening requirements which corresponds with the buffer and screening relief granted by the ZHB (waiver from associated Subdivision/Land Development Ordinance), and (3) land reserved for park and recreation purposes in nonresidential land developments.

The applicant is requesting to provide a fee in lieu of stormwater. Utilizing the aerial, Mr. Loeper pointed out the area where Matsunk Creek flows through the property. The entire rear of the property is the stone stormwater conveyance area.

The increase in impervious is approximately 900 square feet.

Reviews have not been received as yet.

With regard to the 900 square feet of impervious, Mr. Philips asked if the porous concrete could be used in this case. Mr. Beach responded there is a concern with sinkhole areas and how it gets designed. Because of the close proximity to the creek, there may be some erosion issues to consider. He said he would take a look at this during the engineering review. Mr. Philips commented he would like the Township Engineer to review since it is not just a creek bed, it is a man-made conveyance that needs a lot of work.

Mr. Philips questioned the sidewalk waiver and noted the number of people who walk down Flint Hill Road. Mr. Francis E. Schultz, Jr., applicant, indicated what his concerns were; however, he indicated if the Board of Supervisors wants a sidewalk, he would comply.

Mrs. Spott asked about the effect of waiving the buffer and screening requirements. Utilizing the aerial, Mr. Loeper indicated the actual buffer areas in question located on the perimeters of the site which are areas within the flood plain. He pointed out the stone bed area that conveys stormwater and said it would be difficult to get plantings in there and be able to maintain them. Mr. Loeper indicated he believes that is why the Zoning Hearing Board asked for the condition that the applicant plant landscaping in the areas outside of that

stormwater structure.

Mrs. Spott asked if a two-story garage and an office building is a permitted use. Mr. Loeper responded in the affirmative.

Mrs. Spott asked for more information on the kinds of businesses that will operate on the site. Mr. Schultz responded he will be running the property and there are electricians and a small plumbing contractor who are interested in leasing. He said it would not be a high volume businesses and just a small garage.

Mrs. Spott commented on the very narrow area it occupies. Mr. Schultz responded originally they were going to redo the house, but it is not conducive to residents there.

Mrs. Spott asked if discussions were held with the neighbors across the street. Mr. Schultz responded in the affirmative and indicated they are his tenants.

Mr. Philips asked if Mr. Schultz owns the spillway. Mr. Schultz responded in the affirmative. In looking at Google Earth Mr. Philips observed the stone area goes behind the vehicle storage and then up through Summit Street, and he asked for more details about the area at the end of the stone spillway Mr. Schultz explained that is an emergency spillway for which he received a permit a few years ago. It is the outflow structure for a large detention basin that was to be built on that area. Mr. Schultz described the situation which fell apart when the old auto auction decided not to do anything with it and it is still "up in the air."

Mr. Philips indicated he is aware the residents along Summit Avenue are not happy with the situation, and he asked if this is in the applicant's control then what is the plan for completing the detention basin. Mr. Schultz responded he needs the cooperation of his neighbor (former auto auction).

Mr. Philips asked for clarification if it is correct that this was not a township or state project, but rather something Mr. Schultz was trying to do. Mr. Schultz provided some background on the issue and said it started when he and his partner wanted to build a structure on 588 Swedeland Road. When they started pursuing land development there was an error in the Gannett Fleming mapping. When Mr. Schultz and his engineers looked into it they realized they were in a flood area and had to do something for the stormwater. Mr. Schultz bought an easement of the 2 ½ acre triangle site which he has control of and was working with the auto auction until they said they were not doing anything and everything stopped in its tracks and it never went anywhere.

Mr. Philips asked if this was a privately funded endeavor. Mr. Schultz responded in the affirmative. He said there is a 48-inch pipe, and when the outflow structure was built he was requested to put a piece of wood in there and backfill against it. The pressure blew the wood out and it washed the dirt out so he put in a barrier to block it, but it has washed out more. Mr. Schultz indicated he should block that off again and do something a little stronger and grade some dirt down. He indicated, in his view, that is not a sinkhole; it is what washed through the spillway.

Mrs. Spott asked if the spillway is entirely on Mr. Schultz' property. Mr. Schultz responded in the affirmative.

Mrs. Spott asked about the plan for the spillway. Mr. Schultz responded he would like to construct his part of the basin and the auto auction construct their part of the basin.

Mrs. Spott followed up and asked about Mr. Schultz' plan since the neighbor does not want to do it. Mr. Schultz responded it does not do any good

for him to dig a hole and no water is getting into it. He said the problem is that if there is an overflow that goes down through an old creek through the property where the pipe is now, when this is done it is supposed to eliminate that pipe, not totally eliminate it because there is a little runoff from properties along Flint Hill Road. Then the water is rerouted along the back, but it does no good if the auto auction is not involved.

Mr. Philips commented his concern is that there is a half-finished basin that goes from Flint Hill Road all the way up to the back of Summit Street. There have been a number of complaints from the residents along Summit Street. Mr. Schultz put down some geotechnical fabric down and knocked down all the trees and what they were looking at from the back of their houses was just big hole with geotech fabric on it. Mr. Philips said he knows Mr. Schultz has done a lot of work in this area and urged him to act whether the auction auto gets on board or not. He said if Mr. Schultz were a normal developer this would have been done.

Mr. Philips stated his point is Mr. Schultz is half done, and he emphasized this issue needs to be resolved. He said Mr. Schultz is asking the supervisors to approve waivers, but there is still a big outstanding issue on this area and he really wants to know what the plan is for finishing it whether Tri-Auto gets together with Mr. Schultz or not because the residents need to know that it is completed to their satisfaction, the Board of Supervisors satisfaction and the applicant's satisfaction. Mr. Schultz responded he will work with township staff to formulate a plan of how to go forward to get this done.

Mr. Waks commented this is a matter to be discussed further with Mr. Loeper.

Mr. Loeper said he would have to do more research to get the proper facts as to exactly who was responsible to do what and what DEP's position is on this issue.

Mr. Waks commented the Board of Supervisors will await the results of the Township Planner's research.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mrs. Kenney, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable for invoices processed from June 12, 2013 to July 11, 2013 in the amount of \$1,386,493.98 and the Payroll for June 7, 2013 and June 21, 2013 in the amount of \$1,525,595.15 for a total of \$2,912,089.13. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

GOALS AND OBJECTIVES

Mr. Waks provided an overview of the annual Goals and Objectives meeting the Board of Supervisors held with the Township Department heads on Tuesday, July 9. Topics discussed included going to a zero based budgeting plan, coming up with a sustainability plan, addressing issues of future demographics of Upper Merion Township, and public safety issues. Mr. Waks stated according to Mr. Jenaway's summary of all the items discussed it came down to five overall issues: business planning, public safety, personnel management/reorganization, facility of capital infrastructure plan and interaction by increasing community involvement. Mr. Waks said a follow-up meeting is being proposed for the supervisors and the department heads for later in the year.

NEW TRICENTENNIAL ITEMS

Mrs. Kenney announced two new Tricentennial items – the historic audio tour (and accompanying booklet) of Upper Merion Township and a Tricentennial afghan. The audio tour CD which is narrated by Mark Shepperd, was produced by Upper Merion High School senior, Kush Gupta, and was done as part of his Eagle Scout project. UMGA-TV host and Tricentennial volunteer Mark Shepperd provided additional details (including ordering information) about the Tricentennial afghan which was made in Frackville, Pennsylvania, and features the historic and iconic areas of Upper Merion Township.

FARMERS MARKET

In addition to the usual food and fun, Mrs. Kenney noted the Farmers Market this coming Saturday will feature a butterfly exhibit.

UPPER MERION SWIM CLUB AWARD

Mr. Jenaway reported the Upper Merion Swim Club has been awarded “Best in Class for Montgomery County” this year. He recalled about three years ago the Board of Supervisors decided to work to reopen the old swim club which at the time was overgrown and many said unusable facility. After many trials and a lot of hard work the swim club received a new lease on life for the enjoyment of many.

ZUCCHINI 500 WINNERS

Mrs. Spott congratulated the Zucchini 500 winners on their engineering skills – First Place was Abby Leister and Second Place was Abby McGahey. The exciting race was held at the Farmers Market last week.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of upcoming Township meetings and included information on the new Public Works Request for Service form and the King of Prussia Road closure.

WATER MAIN INSTALLATION

Mr. Waks stated Aqua PA will install a new water main on County Line Road between Upper Gulph Road and just north of County Line Railroad Station. Work will begin on the week of July 29 from 8 a.m. to 5 p.m. daily.

IMPORTANCE OF KEEPING HOUSE NUMBERS VISIBLE

Mr. Waks encouraged residents to make sure their house numbers are visible from the street for prompt emergency response by fire, EMS and police personnel.

ALEX’S LEMONADE STAND

Ms. Totokotsopoulos announced and invited the community to attend the 4th annual Alex’s Lemonade Stand, a childhood cancer benefit, to be held on Saturday, July 20, 2013 from 11 a.m. to 3 p.m. at the Valley Forge Towers. She provided background for this worthwhile cause.

HEAT WAVE

Mr. Jenaway reminded everyone to check on the homebound or those without air conditioning during the July heat wave.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:53 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered