

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 21, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, February 21, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:33 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 Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve the January 17, 2013 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was not held prior to this meeting.

NEW BUSINESS

CONSENT AGENDA:

1. Resolution 2013-7 re: Authorizing the Emergency Management Coordinator to execute all required documentation for reimbursement for funds expended during Hurricane Sandy
2. Resolution 2013-8 re: Establishing 2013 Sewer Rates
3. Resolution 2013-9 re: Approval of US Restaurants/Burger King Development Plan. 568 DeKalb Pike. Demolish existing Burger King Restaurant and Vet Hospital and construct new 3,278 sq. ft. Burger King with drive-thru. C-1 Commercial, 1.01 acres.
4. Acceptance of DEP Recycling Grant - \$85,000 for Leaf Collector Machine

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 5-0.

PRESENTATION ON ESTABLISHING A COMMUNITY ASSISTANCE BOARD

Mr. David Kraynik, Township Manager, stated the Community Assistance Board policy has been reviewed during the last quarter of 2012 at least two public meetings and has undergone extensive analysis and study by the supervisors and township staff. The policy in its current form has also been reviewed by representatives of the Valley Forge Casino Resort and they have expressed satisfaction with it as well.

Mr. Kraynik provided an overview of the policy. Highlights are as follows:

- Purpose of the Board of Community Assistance (BCA) is to advise the Board of Supervisors on the disbursement of all monies received by the township in the Valley Forge Casino Resort (VFCR) for the use of assisting non-profit and/or 501(c) organizations as well as awarding college scholarships to appropriate recipients.
- The Township currently receives an annual amount of \$142,500 from the VFCR. Future amounts will be increased based on the Consumer Price Index for the Philadelphia Region and if there is any future gaming expansion there is a formula in the agreement that will allow for a higher annual amount.
- Membership and terms for the BCA are as follows. It will consist of five members; two members chosen by the VFCR and three Township citizens appointed by the Board of Supervisors. In addition, there will be a Board of Supervisors Liaison and a staff liaison.
- Applicant eligibility: organizations must be classified as tax-exempt under Section 501(c) of the Internal Revenue Code and not classified as a private foundation or public charity under Section 509(a). Individuals, with the exception of college scholarship recipients, and for-profit organizations are not eligible for funding. Churches and religious organizations may be eligible to receive funding for activities that are non-sectarian and benefit the larger community. Organizations must provide its services to residents of Upper Merion Township. Applicants must demonstrate documented need for the funding request that will have a positive impact on the health, safety and welfare of the community.
- Other eligible groups and opportunities spelled out in the policy include Cultural, Arts and Humanities organizations, educational scholarships for young people ages 17-25 residing in Upper Merion Township, Workforce Development/Economic Opportunity, Health and Wellness, Environmental Sustainability, and Historic Preservation.
- The amount of the grant and required matching grant varies depending on the level of funding. Grants will max out at \$20,000 with matching funds. There are lower levels of grants that can be awarded and the corresponding matching grant is reduced accordingly. Individual education scholarships will be exempt from providing a match.
- Grant applications must be submitted by June 30 of each year
- Once approved, the policy and grant application will be available on the Township website. Applications to serve on the Board can be obtained at the Township's website, www.umtownship.org, in person at the Township Building or by contacting the Township Building at 610-265-2600.

Mr. Waks noted college scholarships, which are exempt from providing matching funds, will max out at \$10,000 and the maximum grant for organizations shall be \$20,000. Mr. Waks said he is not aware of any other municipality in the area that has such a unique funding program which he envisioned when he sought public office.

Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the Community Assistance Board. None opposed. Motion approved 5-0.

LAND DEVELOPMENT RE: THE VILLAGE AT VALLEY FORGE. THE CHILDREN'S HOSPITAL OF PHILADELPHIA. DEVELOPMENT PLAN. 401 NORTH GULPH ROAD. CONSTRUCTION OF 134,161 SF (NLA) SPECIALITY CARE CENTER. 8.84 ACRES

Board Comment:

Mrs. Spott stated for the record that she has submitted a Memorandum of Voting Conflict in this matter and pursuant to Section 1103(j) of the Public Official and Employee Ethics Act; she recused herself from any discussions and vote on this matter. She indicated she is an employee of a business located directly across the street from this development and there are ongoing discussions

between her employer and the developer that may have a pecuniary effect on her employer's property, and as a result she is recusing herself on the basis of a conflict of interest. The Memorandum of Voting Conflict will be incorporated in the minutes of this meeting.

Mr. Jenaway also recused himself from any discussions and/or vote on this matter due to the fact that his wife is an employee of CHOP. The Memorandum of Voting Conflict will be incorporated in the minutes of this meeting.

Mr. Rob Loeper, Township Planner, stated this is an application by Realen Valley Forge Greenes for the Village at Valley Forge for the development of a 134,000 square foot Specialty Care Center that would be occupied by the Children's Hospital of Philadelphia.

Mr. Loeper provided a brief overview of the settlement agreement regarding Realen Valley Forge Greenes. He explained that the development of the Valley Forge Golf Course is governed by an agreement between Realen Valley Forge Greenes Associates and Upper Merion Township. The agreement, originally signed on April 20, 2006 was last amended on June 15, 2012. The agreement contains provisions that set the capacity and uses of the development, procedures for the review and approval of the development and standards for the site development.

The development capacity includes up to 3,000 residential units, up to 500 hotel rooms and up to 1,000,000 square feet of Net Leasable Area of commercial uses. The agreement also allows for a conversion of residential uses into commercial uses.

The plan is governed by a Master Plan which depicts the major road layout for the overall development of the Town Center, and governs the location of the entrances to the property from North Gulph Road, Warner Road, Guthrie Road and Swedesford Road. The original Master Plan is dated December 14, 2005 and approved as part of the agreement.

The next part of the agreement relates to the submission of plans and the review. It is different than the normal review governed by the Municipalities Planning Code in that it calls for submission of the plan and the standards for review to the Planning Commission, the Board of Supervisors, and also the Township Engineer. It is the duty of the Township Engineer to review the plans for compliance with the agreement, the Master Plan and the Development Standards. The agreement also contains precise language regarding disputes and the resolution of disputes and states that once the Engineer issues a revised report, or other decision that the plan satisfies the decision, the plan will be approved by the Board.

The last aspect of the agreement is the Manual of Development which replaces the normal Subdivision and Land Development code. It adopts most of the existing Land Development and Subdivision Code, but exempts certain areas and provides other sections to the Code. Mr. Loeper provided the example of the section dealing with parking which is different than in the rest of the Code. There are specific requirements regarding sidewalks, trails, etc.

Utilizing the aerial, Mr. Loeper pointed out the location of the site which is the old Valley Forge Golf Course; he noted the Wegman's store, the proposed CHOP facility as well as several other features of interest. One aspect of the plan includes the extension of Village Drive from the current intersection at Market Street in a westerly direction to Guthrie Road and the extension of Goddard Boulevard from the intersection of the existing Goddard Boulevard and North Gulph Road through the site to Village Drive. There is also stub road A on the eastern side of CHOP to which CHOP has naming rights.

Mr. Loeper indicated the actual site plan for CHOP calls for the main building with 134,000 square feet of net leasable area which is adjacent to an

area comprising 45,000 square feet of net leasable area. The front of the building facing North Gulph Road will be three stories with four stories in the rear.

The current parking configuration is 491 spaces, including 26 ADA spaces and 26 fuel efficient low-emitting vehicle spaces. When the additional square footage is built the configuration will be changed to 655 spaces.

Sidewalks are proposed connecting around the site. The main entrance to the site will be the signalized intersection at Goddard Boulevard. The site is designed primarily so that users of the site will enter, park, and then be directed by sidewalks into the front door.

Utilizing the aerial, Mr. Loeper indicated the road A driveway is to be built as a right in and right out and pointed out the location of an existing median. He also pointed out the location of an existing traffic signal which is one of the outstanding issues that has not been resolved, and noted this plan does not impact the location of the traffic signal.

Mr. Loeper stated all of the roads will have sidewalks built as part of them. Adjacent to Goddard Boulevard there is a 12-foot dedicated bicycle and pedestrian path. Originally it was going to be part of the streetscape, but then it was decided it would actually be a separate dedicated path.

Several letters have been issued by the Township Engineer regarding both the road plan and the development plan.

Mr. Philips asked if the traffic signal to enter UGI would remain the same and not be impacted under the current plan. Mr. Loeper responded the current plan is shown with no changes to the traffic signal. Mr. Loeper stated at one time there was some discussion as to whether CHOP would take access at that location and they indicated they did not want to do that. He said it would be more appropriate for CHOP representatives to explain their philosophy in terms of how they would like circulation to work and make for a very safe, easy access to the site.

Mr. Philips asked for additional details about the 26 low-emission vehicle spaces. Mr. Joseph Barron, Bohler Engineering, responded low emitting and fuel efficient vehicles is part of the LEED accreditation that the applicant would be seeking for the site.

Mr. Philips asked what type of LEED certification the applicant is seeking. Mr. Barron responded it is very early in the process; the applicant is taking into account those items under site selection that were appropriate and included that as part of the design up front.

Mr. Philips commented he appreciates the time and effort the applicant has taken with regard to pedestrian interaction on the site, landscaping, and promoting energy efficiency with the low emission vehicle spaces.

Mrs. Kenney asked for clarification about stub road A and if it is correct that there is a right in right out only because of the center median. Mr. Loeper responded in the affirmative.

Mrs. Kenney asked if there is currently a light at the main entrance at Goddard Boulevard. Mr. Loeper responded in the affirmative.

Mrs. Kenney asked once approval is received to go forward with the building of CHOP, will CHOP agree to leave the stub road as is with a right in and right out only. Mr. Dennis Maloomian, President of Realen, stated it is not and never has been their issue. He said PennDOT has requested numerous times that everyone consider moving the light which they believe is unwarranted from a traffic perspective from what was the old entrance into the golf course and the entrance into UGI, east to road A and create an alternative driveway that

would be shared between UGI and the Turnpike Commission on the north side of North Gulph Road. Mr. Maloomian stated he is well aware that UGI would rather that not happen. He emphasized that Realen is not pushing it, not requesting it, and not applying for it in this application. He said what he cannot tell the Board is that PennDOT will not force this issue. Mr. Maloomian stated they are seeking approval for a plan that does not include the light. He said they are proposing a right in, right out and an unsignalized left in off of North Gulph at road A as a secondary entrance into the CHOP facility. The primary entrance would be off of an improved signalized intersection that would be created at Goddard and the extension of Goddard which they have been asked to name South Goddard onto their property. Mr. Maloomian stated Realen has been working with UGI and they have participated in conversations with PennDOT, the Township, Peco, and the Turnpike Commission, and as of now there is no real resolution. He reiterated he cannot speak for PennDOT.

Mrs. Kenney stated she understands Mr. Maloomian cannot speak for PennDOT, but she is trying to get a sense if he [Realen] would support keeping the lights as they are now and not make a change. Mr. Maloomian reiterated that Realen would not force this issue. He said what they cannot do is accept an approval that is conditioned upon that light not being moved and having CHOP spend a considerable amount of money and start construction and then have PennDOT force this issue and then have that approval become invalid.

Mrs. Kenney asked for clarification about Mr. Maloomian's reference to a left turn unsignalized from North Gulph into stub road A since it was her understanding it was just to be right in, right out. Mr. Maloomian responded their plan is in "an effort to make peace," to construct that intersection as an unsignalized intersection, but to construct it in a fashion that in the event it was ever required to be a signalized intersection (as a result of conversations with PennDOT) in the future it could be converted. Mr. Maloomian noted their Highway Occupancy Permit has a condition that the light be moved, but the applicant is not seeking that approval at this meeting.

Mrs. Kenney asked if Mr. Maloomian can actively oppose that [HOP condition]. Mr. Maloomian responded they have been resisting it, but are not litigating it and have made efforts along with UGI, the Township and Turnpike Commission in trying to find a solution that makes sense. He said it does not make sense to UGI, and Realen has no interest in pushing it. CHOP has no interest in utilizing that existing configuration so they have come up with a way in moving forward to protect the possibility if PennDOT forces this issue and CHOP is under construction.

Mrs. Kenney stated longtime (35 years) corporate citizen UGI had a fire several years ago and they had a choice of whether or not to rebuild or to leave the township and they chose to stay and she would hope that PennDOT would take that into consideration as well. Mr. Maloomian responded that was all made very clear to PennDOT.

Mrs. Kenney commented then PennDOT is also aware of the grade involved in the other location of any potential light which would affect UGI as well.

Mr. McGrory stated he had an opportunity to speak with the developer earlier today and he assured Mr. McGrory that if there are any discussions with PennDOT he will notify the Township and ask that the Township be present at all PennDOT meetings. Mr. McGrory asked if the applicant would accept as a condition of approval that the applicant would notify the Township of all PennDOT meetings on this issue and ask that the Township be present. Response (off microphone) by Mr. Maloomian indicated his acceptance of that condition.

With regard to stub road A, Mr. Philips asked if there is any intent to wrap that around and somehow connect back to Goddard Road. Mr. Maloomian responded this is a large project with multiple phases and much of it is not yet

defined. They are working on a refinement and new thinking on the plan and will be back in in the not too distant future to begin explaining what they have in mind. Mr. Maloomian stated road A is being built to the southern end of their property line to accommodate them and it is not known where they will go from there. He said it may very well wrap back around to Goddard Boulevard, but for the time being it is a road only to service CHOP and only as a secondary means of access to CHOP.

Mr. Waks asked if this plan were approved at this meeting is there a potential start of construction date or an opening date at this point in time. Mr. Maloomian responded if this plan is approved at this meeting the developer has an obligation to move some dirt and do some site work and that will start very soon. Mr. Joseph Kiernan, Director of Facilities Planning and Project Management at CHOP stated their current target date is the end of 2014.

Mr. Waks asked about the future of the existing facility that CHOP has behind the King of Prussia Mall. Mr. Kiernan responded CHOP currently leases those facilities and he was not aware of what the landlord has in mind after they leave.

Mr. Philips asked what type of services will be rendered in the new facility. Mr. Kiernan responded they are essentially moving their existing facilities that are currently at 210 Mall Boulevard and Pulaski Drive which consists of specialty care. Their specialists rotate from the main hospital to see children in this area so that they do not have to make the trip into the main hospital. Other programs to be relocated include: the oncology program, sports medicine program, specialized imaging center, sleep study program, specialized cardiology out patient, special allergy program, physical therapy program, home care program, and a pharmacy for special pediatric medications that are taken out to the home.

Mr. Waks stated the Township is under certain obligations in regard to development on the site as a result of the settlement agreements and he asked for a motion to approve this development plan along with the stipulation mentioned previously by the Township Solicitor for the applicant to provide the Township with information with regard to meetings with PennDOT and to keep the Township informed pertaining to issues regarding the traffic light.

Mr. McGrory asked for an additional condition on the motion of approval that the applicant shall address all issues in the Engineer's review letter(s) to the satisfaction of the Township Engineer.

Mr. Philips commented CHOP is a great neighbor to have and a good corporate citizen and the fact that they are "planting their flag here," much like UGI after their devastating fire is a testament to our township and what we have been able to accomplish over the years.

Mr. Waks agreed completely with Mr. Philips' comments. He also added that last year when the Township was involved in the Hankin settlement litigation it was known there was a very strong possibility that CHOP wanted to come to Upper Merion Township and it factored heavily in his thinking as to going forward with the Hankin settlement.

Mrs. Kenney also offered encouragement and support as to having CHOP as a neighbor.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, to approve the land development plan with two conditions as previously stipulated by the Township Solicitor. Mr. Jenaway and Mrs. Spott recused themselves. Motion approved 3-0-2.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable for invoices processed from January 16, 2013 to February 13, 2013 in the amount of \$798,090.02 and the Payroll for February 1, 2013 and February 15, 2013 in the amount of \$1,361,191.83 for a total of \$2,159,281.85. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

TRICENTENNIAL GALA

Mr. Philips expressed appreciation to the Tricentennial Committee, to Tricentennial Committee Chair Judy Vicchio and the Vice Chair Michelle Gallagher and everyone who had a hand in making the Tricentennial Gala such a spectacular and enjoyable event in celebrating the 300th anniversary of Upper Merion Township's founding. He encouraged residents to get involved in participating in future events that will be held throughout this year.

Mrs. Kenney thanked the entire Tricentennial Committee in general for all their hard work and the Gala Subcommittee, in particular, consisting of Robin Kelsh, Michelle Gallagher, Frank and Bob Littlewood and Brenda and Mark Shepperd. Everyone she has talked to since the Gala said what a wonderful and impressive event it was.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of additional Township meetings and events, noted the citizen board vacancies, and provided police officer examination information for interested citizens.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:20 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered