

**UPPER MERION MUNICIPAL UTILITY AUTHORITY
(UMMUA)
June 16, 2015**

The members of the Upper Merion Municipal Utility Authority assembled for the regularly scheduled meeting on Tuesday, June 16, 2015 at Upper Merion Township, 175 West Valley Forge Road, King of Prussia, PA. The meeting convened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE

Edward Veneziale, Chairman
Stanley Channick, Vice-Chairman
James Ruddy, Treasurer
Gian Singla, Assistant Secretary/Assistant Treasurer
Steve Hann, Principal, Solicitor, Hamburg, Rubin, Mullin, Maxwell & Lupin, PC
Fred Ciottoni, P.E., Consulting Engineer, S C Engineers, Inc.
David G. Kraynik, Executive Secretary
Edward J. O'Brien, Jr., Director of Public Works
Nicholas Hiriak, Director of Finance
Janet Serfass, MIPP Administrator

ABSENT

Greg Philips, Supervisors' Liaison

VISITOR

David Shewairy, Development Manager
Darden Restaurants (Parent Company)
Yard House Corporate Restaurant (St. Pierce, Florida)

MIPP ADMINISTRATOR

COMPLIANCE/POLLUTION PREVENTION (2014 AWARDS PRESENTATION)

Recognizing industries for their efforts in maintaining compliance with their pre-treatment permit and pollution reduction/prevention activities.

COMPLIANCE AWARD RECIPIENTS

- *ARKEMA, INC.*
- *CTI FOODS KING OF PRUSSIA, LLC*
- *PPD VACCINES AND BIOLOGICS, LLC*

POLLUTION PREVENTION AWARD RECIPIENTS

- *ARKEMA, INC.*
- *GLAXOSMITHKLINE*

MEETING MINUTES APPROVAL

On a motion by Stanley Channick, seconded by James Ruddy, with all voting "aye" the meeting minutes of Tuesday, April 21, 2015 was approved. None opposed.

VISITOR: DAVID SHEWAIRY

YARD HOUSE RESTAURANT DECK (*EASEMENT*)

A plan view and elevation views of the encroachment were sent to the Authority for review and approval regarding encroachment through the UMMUA's sanitary sewer easement in the King of Prussia Mall in the area of the old Sears building.

Mr. Shewairy informed the Authority that their parent company, Darden Restaurants is interested in building a restaurant with a deck called Yard House Restaurants in the King of Prussia Mall. The restaurant will be serving upscale American food; set to classic rock and roll music in the background with approximately 110 craft beers on tap (the beers are local). In order to move the project forward, a deck needs to be built on the side of the Sears center, the west side. The issue is a sanitary sewer line which is located in that area. One major concern is that stairs will encroach into the easement area.

Mr. Shewairy proposes building a deck with outdoor seating keeping the piers/footings out of the easement, then cantilever over the easement by six feet to prevent encroaching into the easement with anything touching the ground. Darden Restaurants is requesting approval on this matter. Mr. Shewairy recently spoke with Sears (*landlord*) and was informed that Sears has an Easement Agreement with the Township. The Easement Agreement states that Sears can build up to the easement but needs the Township's approval to go over it.

Darden Restaurants is prepared to indemnify the Authority in the event something happens where the Township has to remove and/or destroy the deck in order to make repairs to the damaged sanitary sewer line. Please review the plans and ask any questions. Darden Restaurants would like to resolve the issue as soon as possible so the project can continue. Opening day is proposed to be the day before Thanksgiving, November of 2016.

The project will not move forward if the deck cannot be built. It is extremely important to their business concept. The location of the sanitary sewer line needs to be determined. The Authority's Solicitor will work with Darden representatives on a draft Indemnity Agreement. When the Solicitor is satisfied with the language, it will be reviewed by the Authority, and the Board of Supervisors.

EXECUTIVE SECRETARY'S REPORT

CARWASH (*HENDERSON ROAD & PRINCE FREDERICK STREET*)

A decision will be made by the Board of Supervisors to approve the construction of a new Carwash. As part of this proposal the Township would be given additional property to facilitate modifying the Prince Frederick Street and Henderson Road intersection.

REALEN (*VILLAGE OF VALLEY FORGE*)

Approved and under construction are 363 apartments, and 19 acres of retail space. Also, in discussion are plans to construct 136 Townhomes and 235 age restricted units. Plans have not been submitted.

HANOVER COMPANY

In discussion are plans to build 338 apartments. Plans have not been submitted.

BENTLEY HOMES

In review, with approval pending by the Board of Supervisors is construction of 330+ apartments with some retail on Vandenburg Road off of Route 23 (*Valley Forge Road and Beidler Road*).

OLD SPORTS AUTHORITY PROPERTY

The property off of Route 202 across from the Target (*previous tenant was the Sports Authority*), will be divided into three retail spaces: 1) Stein Mart Store; 2) high-end Outdoor Furniture Store; and 3) 12,500 feet high-end Wine & Spirits Store. South Gulph Wine & Spirits Store will close. Approximate opening date is during the Christmas season.

SOLICITOR'S REPORT**1008 TRINITY LANE** (*THE FERRO'S*)

The Ferro's have connected to the sewer system. The Solicitor requested approval from the Authority to enter into a settlement with Pennsylvania Department of Environmental Protection (*PaDEP*) withdrawing the appeal. The Executive Secretary informed the Director of Safety and Codes Enforcement Department (*Codes*) to make sure all permits have been addressed and adhered to. If Codes states everything is in accordance then the Solicitor will move forward in withdrawing the appeal. This Authority will to approve, pending satisfaction of all Codes issues.

On a motion by James Ruddy, seconded by Stanley Channick, with all voting "aye" the Authority has given approval for the Solicitor to enter into a settlement with Pennsylvania Department of Environmental Protection (*PaDEP*) withdrawing the appeal pending resolution of Code issues.

ENGINEER'S REPORT**YARD HOUSE RESTAURANT**

The Executive Secretary requested the Authority's Engineer and Solicitor acquire the information from Darden Restaurant, inform the Executive Secretary who will then notify the Authority. As the Authority receives the information, they will review and consider the material, and have their questions answered before the next meeting. By the next Authority meeting, an informed decision will then be made by the Authority.

REALEN (*VILLAGE OF VALLEY FORGE*)

Realen will be submitting a planning module to PaDEP for an increase of 250 thousand gallons per day.

O'NEILL PROPERTIES

O'Neill Properties will be submitting plans for the Abrams Pump Station Force Main relocation.

DIRECTOR OF PUBLIC WORKS' REPORT

MATSONFORD PUMPING STATION PROJECT *(RENOVATION/UPGRADE)*

The Director of Public Works is requesting approval from the Authority to move forward with the upgrade/renovation project at the Matsonford Pumping Station. The pumping station is 50 years old and in need of a major renovation. This is only pumping station that has not been renovated. Design has been reviewed and updated.

On a motion by James Ruddy, seconded by Stanley Channick, with all voting "aye" the Authority has given approval for the upgrade/renovation project on the Matsonford Pumping Station.

FINANCIAL REPORT

The Monthly Financial Report for May 31, 2015 was presented.

REQUISITIONS APPROVED *(JUNE 2015)*

**UPPER MERION MUNICIPAL UTILITY AUTHORITY
REQUISITIONS
June 16, 2015**

PAYEE	AMOUNT	INVOICE NO	DESCRIPTION
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN, PC	\$600.00	214892	Professional Services: General Representation <i>(March 2015)</i>
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN, PC	\$1,268.50	214893	Professional Services: EHB Appeal of D. & L. Ferro- 1008 Trinity Lane <i>(March 2015)</i>
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN, PC	\$780.00	215569	Professional Services: General Representation <i>(April 2015)</i>
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN, PC	\$88.50	215570	Professional Services: EHB Appeal of D. & L. Ferro- 1008 Trinity Lane <i>(April 2015)</i>
KLIPPER CONSTRUCTION ASSOCIATES, INC.	\$1,000.00	Pay App #11	Swedeland Pump Station Project <i>(General Contract)</i>
S C ENGINEERS, INC.	\$1,837.55	2013-01	Professional Services: General Support <i>(Jan-Feb 2015)</i>
S C ENGINEERS, INC.	\$1,122.25	2013-02	Professional Services: Chapter 94 Report <i>(Jan-Feb 2015)</i>
S C ENGINEERS, INC.	\$192.35	2013-08	Professional Services: Ferro Property- 1008 Trinity Lane <i>(Jan-Feb 2015)</i>
UPPER MERION TOWNSHIP	\$79.65	112591	Carroll's Office Supplies: Ledger Paper (Minute Copy Paper) for UMMUA

TOTAL: \$6,968.80

On a motion by Stanley Channick, seconded by James Ruddy, with all voting "aye", the Requisitions for June 16, 2015 in the amount of **\$6,968.80** were approved as presented. None opposed.

ADJOURNMENT

There being no further business to come before the Authority, the meeting was adjourned.

**DAVID G. KRAYNIK
EXECUTIVE SECRETARY**