

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
April 15, 2021

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 15, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:30 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Bill Jenaway, Carole Kenney, Tina Garzillo, Greg Waks and Greg Philips. Also present were: Anthony Hamaday, Township Manager; Joe McGrory, Township Solicitor and Leanna Colubriale, Township Engineer.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the following meeting minutes: November 12, 2020 Business Meeting, December 3, 2020 Business Meeting and the March 18, 2021 Business Meeting. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Jenaway announced that the Board held an Executive Session prior to tonight's meeting to discuss litigation and personnel issues.

NEW BUSINESS

PUBLIC SAFETY PROMOTIONS

Chief Tom Nolan, Director of Public Safety/Police Chief and Dennis Rubin, Chief of Fire & EMS were present to announce several promotions and new hires in their departments.

It was announced that Corporal Blaine Leis was promoted to Sergeant. Megan Carr was promoted to EMS Captain. Judge Gallagher was on hand to swear in Michael Mesco as Fire Prevention Inspector and Ryan Conboy as a new fire fighter. The Board of Supervisors congratulated them all on their accomplishments.

PUBLIC HEARING RE: AN ORDINANCE REGULATING THE USE AND POSSESSION OF MARIJUANA AND MARIJUANA PARAPHERNALIA TO ENABLE POLICE TO USE THEIR DISCRETION TO CHARGE A PERSON FOUND WITH A SMALL AMOUNT OF MARIJUANA INTENDED FOR PERSONAL USE WITH A SUMMARY OFFENSE AS OPPOSED TO A MISDEMEANOR.

Solicitor McGrory opened the hearing at 8:55 pm and introduced into record four exhibits – the ordinance, legal notice of the hearing, proof of publication and proof of submission to the Montgomery County Law Library.

The hearing was then turned over to Police Chief Tom Nolan for a brief explanation on the ordinance.

Public Comments:

Comments were made by Keith Kline, Julia Valenti and Michael Napolitan whom all voiced their concerns regarding this ordinance stating that they feel it sends the wrong message to the community. Mr. Ken Logan and Edward Campbell voiced their approval of the ordinance.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to adopt the ordinance as presented. None opposed. Motion passed 5-0.

PUBLIC HEARING RE: AN ORDINANCE AMENDING CHAPTER 165, TO AMEND THE TITLE AND DEFINITION OF ADULT BOOKSTORE, ADULT VIDEO STORE AND SEXUALLY ORIENTED BUSINESS AND TO AMEND TO RECLASSIFY ADULT BOOK AND VIDEO STORES.

Solicitor McGrory opened the hearing at 9:10 pm and introduced into record seven exhibits – the ordinance, legal notice of the hearing, proof of publication, proof of submission to the Montgomery County Law Library, the Montgomery County Planning Commission Review Letter, and the proof of submission to the Upper Merion Township Planning Commission.

Solicitor McGrory gave a brief summary of the proposed ordinance and asked the public for any comments. There were no comments submitted by the public.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Garzillo, all voting "Aye" to approve this ordinance amending Chapter 165. None opposed. Motion passed 5-0.

PUBLIC HEARING RE: AN ORDINANCE AMENDING CHAPTER 165, ZONING, SECTION 165-208, FENCES, TO ESTABLISH HEIGHT REGULATIONS WITHIN THE FRONT YARD AND RESTRICT HAZARDOUS FENCING TYPES.

Solicitor McGrory opened the hearing at 9:20 pm and introduced into record seven exhibits – the ordinance, legal notice of the hearing, proof of publication, proof of submission to the Montgomery County Law Library, the Montgomery County Planning Commission Review Letter, and the proof of submission to the Upper Merion Township Planning Commission.

Solicitor McGrory explained that this proposed ordinance simply prohibits fences totaling four feet in people's front yards.

Chairman Jenaway commented that the Planning Commission reviewed this ordinance and they supported this ordinance. They also commented that for certain properties where there is a belief by the homeowner that they have a unique exception and the need for such a fence they could go to the Zoning Hearing Board and state their case.

Solicitor McGrory asked for public comments. There were none.

Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Garzillo, all voting "Aye" to approve the ordinance as presented. None opposed. Motion passed 5-0.

PUBLIC HEARING RE: AN ORDINANCE AMENDING CHAPTER 165, ZONING, SECTION 165-199, NONCONFORMING USES, TO PROVIDE REGULATIONS FOR EXISTING NONCONFORMING LOTS THAT DO NOT MEET AREA, WIDTH AND YARD DIMENSIONS.

Solicitor McGrory opened the hearing at 9:25 pm and introduced into record seven exhibits – the ordinance, legal notice of the hearing, proof of publication, proof of submission to the Montgomery County Law Library, the Montgomery County Planning Commission Review Letter, and the proof of submission to the Upper Merion Township Planning Commission.

Solicitor McGrory explained that the purpose of this ordinance is primarily to eliminate some of the very small nonconforming lots in the township, traditionally, lots that go by the nomenclature of movie lot.

Public Comments:

Mr. Rodney Haynie submitted his comments through the MyUMT Application and it was read by Anthony Hamaday, Township Manager. Mr. Haynie voiced his opposition to this ordinance.

Mr. Ken Logan, 201 Matsonford Road, Ms. Lavinia Bianco, 1016 Trinity Lane and Mr. Ryan Alexaki, 171 Lincoln Avenue all voiced their opposition to this ordinance.

Board Comments:

Supervisor Garzillo commented that she is struggling with this ordinance. She noted that she can see the value of both sides - existing ownership of properties of non-conforming lots and the other side with decreasing density and not have builders find every small lot and build to the maximum that they can.

Supervisor Waks stated he has similar feelings as Supervisor Garzillo. He asked if the West End Civic Association brought this proposed ordinance to the attention of the board. Supervisor Philips stated that the WECA actually came to the Historical Commission with this proposal because they were alarmed at things that were happening in their own district.

Chairman Jenaway voice his concern that this ordinance focuses on certain areas of the township and asked if there would be unintended consequences in parts of the township where we are going to adversely restrict areas because of this ordinance. Supervisor Philips stated that he did not think so because it is the same principle that applies to every other area of the township.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks to approve the ordinance as presented. Mrs. Garzillo opposed. Motion passed 4-1.

CONDITIONAL USE HEARING (CONTINUED) – MANCILL MILL ROAD COMPANY, 850 MANCILL MILL ROAD. APPLICATION OF THE MANCILL MILL ROAD COMPANY, 850 MANCILL MILL ROAD SEEKING CONDITIONAL USE APPROVAL, PRUSUANT TO SECTION 165-135, USE REGULATIONS, OF THE TOWNSHIP CODE TO PERMIT A RESIDENTIAL-ORIENTED DEVELOPMENT (ROD) TO BE LOCATED ON THE SM-1 ZONED PROPERTY.

Solicitor McGrory opened the conditional use hearing at 9:45 pm. and then adjourned the meeting until the next Board of Supervisors Business Meeting.

RESOLUTION 2021-17 – REVISED PRELIMINARY AND FINAL LAND DEVELOPMENT PLAN – HORIZON DRIVE GROUP, LP., 3700 HORIZON DRIVE. CONSIDERATION OF A REVISED PRELIMINARY/FINAL SUBDIVISION PLAN SUBMITTED BY THE HORIZON DRIVE GROUP, AS PREPARED BY NAVE NEWELL, DATED JUNE 17, 2020, LAST REVISED FEBRUARY 23, 2021, FOR THE CONSTRUCTION OF A 74,000 SQ FT ADDITION AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY SUBJECT TO THOSE CONDITIONS OUTLINED IN SAID RESOLUTION.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2021-17 for 3700 Horizon Drive as presented. None opposed. Motion passed 5-0.

CONSENT AGENDA

1. Resolution 2021-14 re: Recognizing Arbor Day.
2. Resolution 2021-15 re: Recognizing Earth Day.
3. Homestead Exemption Request, 11307 Valley Forge Circle – Approval of the Homestead Exemption Request by the property owner of 11307 Valley Forge Circle for the 2021 Township Real Estate Tax in the amount of \$202.27.
4. Accept Resignation of Dana Augustine from the Park & Recreation Board.
5. Resolution 2021-16 re: Application for Traffic Signal Approval (TE-160) for a pedestrian crosswalk and two ADA compliant curb ramps at North Gulph Road and Guthrie Road (UDR Apartment Development)
6. Permission to Advertise – Permission to advertise a public hearing at the May 13, 2021 regular Business meeting on a proposed ordinance amending Section 165-145 of the Upper Merion Township Zoning Ordinance to modify maximum height limitations and to permit restaurants within the Light Industrial "LI" District.
7. Crow Creek Trail Project Contract Payment #5 in the amount of \$154,638.00 to Kenney Excavating for work to date on the Crow Creek Trail Project.
8. Crow Creek Trail Project Professional Services Change Order Request No. 3 – Gilmore Associates for the engineering design and permitting associated with the realignment of trail section 1C (Parke Lane to High School) in the amount of \$7500.00
9. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulation:
 - a. BRE/HV Properties, LLC, 400 American Avenue, for the tax years 2018-2021 resulting in an overpayment of real estate taxes in the amount of \$12,911.39.
10. King of Prussia Volunteer Fire Company Lease Agreement – Authorization to pre-pay the 31 remaining monthly lease payments to the King of Prussia Volunteer Fire Company for the use of the Fire Company facility at 170 Allendale Road.

11. Financial Escrow Security Release No. 3, 900 River Road LLC, 900 River Road – Approval of Escrow Release No. 3 to 900 River Road LLC in the amount of \$105,018.00 for the completion of required site improvements to date as part of the warehouse development project as recommended by the Township Engineer.
12. Financial Security Escrow Release No. 1, Ferro Corp – ESL ElectroScience, 416 East Church Road – Approval of Escrow Release No. 1 to Ferro Corp – ESL ElectroScience, in the amount of \$280,304.48 for the completion of required site improvements to date as part of the development project as recommended by the Township Engineer.
13. Financial Security Escrow Release No. 3, Craft Custom Homes, LLC, 383 Anderson Road Subdivision – approve Escrow Release Request No. 3 to Craft Custom Homes, LLC, for the completion of required public improvements to date as part of the 383 Anderson Road Subdivision in the amount of \$60,474.00.
14. 2020 Real Estate Tax Overpayment Refund Request – 575 S. Goddard Blvd, Unit 310. Approval of the request for a refund of an overpayment of the 2020 Twp. R.E. Tax in the amount of \$29.35 due to an assessment error.
15. Business Associate Contract – Access Services, Inc. – Consideration of a one (1) year contract with Access Services Inc., 500 Office Center Drive, Ft. Washington, to utilize their Mobile Crisis Support Program to assist the Police Department resolve crisis situations and cover the transfer of protected health information.
16. Citizen Board Appointments:
 - a. Beth Davis to the Farmers Market Advisory Board
 - b. Mahum Mahmood to the Park & Recreation Board as a Student Member

Board Action:

It was moved by Mr. Waks, seconded by Ms. Kenney, all voting “Aye” to approve the Consent Agenda as presented. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting “Aye” to approve the Accounts Payables for invoices processed from March 11 to April 7, 2021 and Payrolls dated March 5, 2021 and March 19, 2021 for a total of \$4,212,658.15. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS

Mr. Greg Waks commented on the current COVID pandemic. He stated to adhere to the CDC guidelines and mask up.

He also mentioned the PIO office received the top honor from PSATS – the Annual Outstanding Citizen Communications Award. He thanked the PIO Staff and the Media Communications Board for a job well done.

The Upper Merion Foundation granted two \$5,000.00 checks – one to the UMASD Social Worker Emergency Fund and one to the Upper Merion Emergency Aid.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting at 10:48 PM. None opposed. Motion approved 5-0. Adjournment occurred.


ANTHONY HAMADAY
TOWNSHIP MANAGER

cd

Minutes Approved:

Minutes Entered: