

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
NOVEMBER 18, 2021 – 7:30 PM
(AGENDA REVISED AT THE NOV. 18, 2021 MEETING)

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 18, 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, Greg Waks, Greg Philips, and Tina Garzillo. Also present were: Anthony Hamaday, Township Manager; Joseph McGrory, Esq., Solicitor and Leanna Colubriale, Township Engineer.

MEETING MINUTES:

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to approve the meeting minutes from the August 19, 2021 and September 23, 2021 Business Meetings. None opposed. Motion passed 5-0.

CHAIRMAN'S COMMENTS:

Chairman Jenaway announced that an Executive Session was held prior to this meeting to discuss personnel and another will occur after the meeting regarding litigation. He also stated that there have been questions asked about the status of Church Road. Chairman Jenaway stated that yesterday the township received a notice from PennDOT and this has been posted on all social media outlets. Wednesday, November 24th is the projected re-opening date.

Chairman Jenaway and Vice Chair Kenney met with representatives from SEPTA at an elected officials briefing that they conducted and they advised that SEPTA is going to have an open house on December 7th from 6:30 to 8:30 pm at the Alloy Doubletree Hotel, 301 W. DeKalb Pike in the Steelwork Ballroom, Lower Level. The purpose of this event is to inform residents of the project and to give them an opportunity to discuss and ask questions.

NEW BUSINESS

PROCLAMATION RECOGNIZING SWEDELAND VOLUNTEER FIRE COMPANY ON THEIR 100TH ANNIVERSARY

Chairman Jenaway announced that the real 100th Anniversary for the Swedeland Volunteer Fire Company was in 2020. Unfortunately, due to COVID, plans had to be postponed. They were finally able to have their banquet last Saturday night and the Board of Supervisors wanted to recognize the fire company at a public meeting to honor their 100 anniversary. Chairman Jenaway read the proclamation. Chief Dennis Orangers and President Rob Smith of Swedeland Volunteer Fire Company were on hand to accept the proclamation.

CONSENT AGENDA

1. Resolution 2021-29 re: Reducing Police Officers' Contributions to the Police Pension Plan for the Year 2022 to 4%
2. Resolution 2021-30 re: Authorization to Sign PennDOT Traffic Signal Maintenance Agreement
3. Citizen Board Resignations:
 - a. Maria Mengel from the Zoning Hearing Board
 - b. Edward Venezia from the Sanitary & Stormwater Authority
 - c. Lauren Maggio from the Historical Commission
4. Memorandum of Understanding with the King of Prussia Mall for 2022 Police Services – Consideration of a Memorandum of Understanding with the King of Prussia Mall for the payment and reimbursement of costs for additional police coverage at the Mall Complex for the year 2022
5. Financial Escrow Security Release No. 10, 900 River Road LLC, 900 River Road – Approval of Escrow Release No. 10 to 900 River Road LLC in the amount of \$1,330,615 for the completion of required site improvements to date as part of the warehouse development project as recommended by the Township Engineer.
6. Financial Escrow Security Release No. 1, (Final) King of Prussia Acquisition, LLC, 750 Moore Road – Approval of Escrow Release No. 1 to King of Prussia Acquisition, LLC in the amount of \$2,811,947.33 for the completion of required site improvements to date as part of the apartment complex development as recommended by the Township Engineer and \$140,597.37 for the extra inspection escrow.
7. Park ADA Improvement Project Contract Payment No. 3 (Final) to JNS Paving and Excavating Corp. in the amount of \$7,583.71 for the ADA Improvements at Bob White and Swedeland Parks.
8. Memorandum of Understanding with the Upper Merion Sanitary and Stormwater Authority regarding the Determination of Roles and Responsibilities for Stormwater related activities within the Township.
9. Business Associate Agreement with the Good Fellowship Club of Chester County, Inc – Approval of a proposed agreement with the Good Fellowship Club of Chester County, Inc for the Upper Merion Fire and EMS Department's participation in the Fellowship Clubs emergency medicine and advanced life support education and training program.
10. Authorization for the Township Manager to sign Settlement Stipulation for 139 E. DeKalb Pike for an underpayment in taxes for tax years 2014 through 2021 in the amount of \$12,421.19.
11. Resolution 2021-31 re: Authorize Supplemental Agreement with PennDOT for Winter Traffic Services.
12. Citizen Board Appointments – Kenneth Parker to the Economic & Community Development Commission and Laura Ware Adlington to the Historical Commission.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to move Items 5 and 6 off the Consent Agenda and to be placed on the agenda as stand-alone items and to add an Item to the Consent Agenda for citizen board appointments. None opposed: Motion passed 5-0.

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

Supervisor Philips commented on the Citizen Board resignations of Maria Mengel from the Zoning Hearing Board and Laura Maggio from the Historical Commission. As liaison to these two boards, Supervisor Philips thanked Ms. Mengel and Ms. Maggio for the work they did on these committees.

Supervisor Kenney also praised Ed Veneziale, who just resigned from the Sanitary & Stormwater Authority. Ed was a member for many years. He brought a wealth of knowledge to the authority and he will be missed.

CHANGE ORDER NO. 1 TO JAMES KENNEY EXCAVATING & PAVING, INC. IN THE AMOUNT OF \$28,183.50 FOR WORK DONE ON THE CROW CREEK TRAIL PROJECT

Board Action :

It was moved by Supervisor Philips, seconded by Vice Chair Kenney, to approve Change Order No. 1. Supervisor Waks and Garzillo opposed. Motion passed 3-2.

CROW CREEK TRAIL PROJECT CONTRACT PAYMENT #12 IN THE AMOUNT OF \$67,050.00 TO KENNEY EXCAVATING FOR WORK TO DATE ON THE CROW CREEK TRAIL PROJECT

Board Action:

It was moved by Supervisor Philips, seconded by Vice Chair Kenney, to approve the Payment #12 to Kenney Excavating. Supervisor Waks and Supervisor Garzillo opposed. Motion passed 3-2.

Board Comments:

Supervisor Waks commented that he would like the bridge work to be completed.

APPOINTMENT OF TOWNSHIP SOLICITOR/LEGAL SERVICES

Chairman Jenaway informed the residents that Joe McGrory, Township Solicitor has retired. The Township put out a RFP, interviews were conducted and tonight the Board will appoint a replacement for Mr. McGrory.

Board Action:

It was moved by Supervisor Philips, seconded by Vice Chair Kenney, all voting "Aye" to appoint the law firm of Sean Kilkenny Law as the new Township Solicitor. None opposed. Motion passed 5-0.

Board Comments:

Supervisors Philips, Kenney, and Jenaway all expressed their gratitude to Mr. McGrory and praised the work he did as Solicitor for Upper Merion Township.

POSTING OF THE 2022 BUDGET

Anthony Hamaday, Township Manager addressed the Board and the residents with regards to the 2022 budget. He thanked Mr. Hiriak for his oversight as well as department heads and staff for their diligence in making sure we stayed on track for the 2022 budget. He stated that this has been a tough year for all. Mr. Hamaday quoted a line from Tim McGraw, country singer, "What I really want to focus on is where we go from here". He explained that during the 2020 Goals and Objectives meetings it was agreed that we want to return Upper Merion Township to a leader in municipal government.

He gave a brief outline of the budget process that he, the staff and the board went through this past year. Tonight, is the budget posting and hopefully the board will be in a position to have the public hearing and accept the budget on December 9, 2021.

Board Comments:

The Supervisors explained the small tax increase that the residents of the Township would see. Basically, it was stated that it would be approximately \$5.00 a month increase.

In closing, Chairman Jenaway stated that during the election season he heard several things from the general public. One was the issue of open space. There is open space money in this budget. Also heard was the issue of capital projects not getting done. We now will have money to get these projects done. By borrowing we can get over the hump with limited cost to property owners of Upper Merion Township.

Board Motion:

It was moved by Supervisor Philips and seconded by Vice Chair Kenney, all voting "Aye" to post the 2022 Budget. None opposed. Motion passed 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Garzillo, all voting "Aye" to approve the Accounts Payables for invoices processed from October 7, 2021 through November 10, 2021 and Payrolls dated October 1, 2021, October 15, 2021 and October 29, 2021 for a total of \$4,211,963.59. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS:

Chairman Jenaway stated that there was a sinkhole on W. Church Road and at this time PennDOT is working with an outside contractor to assist in the repair and remediation of the sinkhole. They are shooting for a Wednesday, November 24th for the re-opening of W. Church Road.

Chairman Jenaway commented on a news article published in the Philadelphia Inquirer regarding a business that has been in Upper Merion Township since the 1970's. The article reported that a site in the township exceeds industrial air pollution. After looking into this report the Township has found no problems at that sight but we will continue to investigate this issue.

Chairman Jenaway also wished everyone a Happy Thanksgiving.

Supervisor Philips mentioned Veteran's Day and he congratulated those who served in the Armed Forces of the United States. He explained that Upper Merion Township is starting a Home Towns Hero Program which honors service men and women by placing their photo on banner which will be on display at various sites in the Township.

Supervisor Philips also stated that Citizen Board meetings are public meetings and he welcomed all residents to come to a meeting to see what the committees are working on. He urged residents to fill some of the vacancies.

Supervisor Waks also urged residents to get their COVID vaccines and if they are eligible to get their booster shot.

Supervisor Garzillo announced that Saturday, November 20th is the final day of the market season. To celebrate, the annual Chili Cookoff is on the docket. She urged residents to come out and enjoy the cookoff.

The Holiday Village will take place on December 4th from 12 to 3 at the Township Building and Santa always makes an appearance.

Vice Chair Kenney read a list of the Citizen Board Vacancies. She also wished everyone a happy and safe Thanksgiving.

Public Comment:

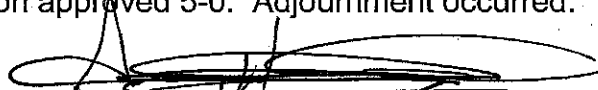
Robert Fredericks, 515 Springbrook Lane in Upper Merion addressed the Board. He stated that he came to a meeting a few months ago after the two big storms which caused significant flooding in some areas of the township. At that meeting Mr. Fredericks complained about the flooding. He recently attended a Sanitary and Stormwater Authority meeting and he gave a brief description of what occurred during that meeting. He also shared some of his suggestions to the Board of Supervisors. He presented his proposal to the Board which he feels will help the flooding problems on Springbrook and the entire area.

It was stated by Mr. Hamaday that they are looking at the Township Codes to see what changes can be made to our stormwater ordinance that may alleviate some of the problems the Township is currently facing. Supervisor Philips asked that the staff have a report within 6 months to address these issues.

Marianne Hooper, 609 Bob White Road in Upper Merion addressed the Board. She mentioned the Mayfield property by the river that may be up for sale. She also commented that the minutes from several township meetings are not on the website. Ms. Hooper asked that the Murray Associates report on the Moore Irwin House be released. Chairman Jenaway stated that the report lacked information and he stated that he would not release the report until the insurance carrier inspections are complete.

ADJOURNMENT:

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


ANTHONY HAMADAY
TOWNSHIP MANAGER

Minutes Approved:
Minutes Entered:

~~SECRET~~