

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
APRIL 25, 2019

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 25, 2019, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:35 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Greg Philips, Carole Kenney and Tina Garzillo. Also present were: Sally Slook, Acting Township Manager; Joseph McGrory, Solicitor; Robert Loeper, Township Planner; and Tom Beach, Township Engineer. Absent was Bill Jenaway, Township Supervisor.

MEETING MINUTES:

It was moved by Ms. Kenney, seconded by Ms. Garzillo, all voting "Aye" to approve the January 7, 2019 Zoning Workshop Meeting Minutes; January 7, 2019 Workshop Meeting Minutes; and the February 4, 2019 Workshop Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman Waks stated an Executive Session was held prior to this meeting to discuss a personnel matter. Chairman Waks also provided an update on the Township Manager Search. He mentioned that the Board has moved past the screening process and he thanked the members of the screening committee. The committee included Vice Chair Carole Kenney and Supervisor Bill Jenaway. Three residents and one alternate were also on the committee. They included former Supervisor Erika Spott, former Supervisor Bob Krutsick, Linda Behmke, and Bruce Mitchell. Chairman Waks thanked them for time they invested in helping with the manager search. No timeline was given for the search but Chairman Waks noted that they are closer to the end of the process than the beginning.

NEW BUSINESS

BOARD OF COMMUNITY ASSISTANCE – ANNOUNCEMENT OF GRANT RECIPIENTS

Ms. Lydia Dan-Sardinas, Vice Chairperson of the BCA was present to announce the awards. First she introduced the BCA members – appointed are Brett Montich, David Karen, and Lydia Dan-Sardinas. The Valley Forge Casino representatives are David Zerfing and Gina Mancino. Board Liaison is Greg Waks. Ms. Dan-Sardinas announced that in 2019 there were 77 applications received – 49 Organizations, 4 Sports, and 24 Scholarships. The number of applications awarded totaled 56.

Ms. Dan-Sardinas announced the BCA 2019 recommendations for sports and organizations as follows:

Sports

- King of Prussia Soccer Club – Bathroom Project - \$5,000
- Upper Merion Lacrosse Club – Goals & Equipment - \$895.

Organizations

- Boy Scout Troop 551 – Scout Scholarships - \$1,500
- College Settlement – UM 5<sup>th</sup> Grade Program Trips - \$2,500
- CREATE Diversity Club – Initiatives - \$1,500

- Martin Luther King, Jr. Holiday Committee – MLK Celebration - \$1,000
- Friends of Black History – Annual Celebration - \$1,500
- Girl Scout Troop 7753 – Foster Love - \$1,000
- Girl Scout Troop 7940 – MLK Day of Service - \$500
- King of Prussia Firefighters Assoc, - Allendale Station Upgrade - \$3,200
- Laurel House – Domestic Violence Shelter - \$2,500
- Literacy Council of Norristown – Adult Literacy Education - \$2,500
- Neighborhood Meals on Wheels - \$2,500
- Lutheran Church of Good Shepherd – Upgrade Lighting - \$4,000
- UM Area Community Alliance for a Safer Tomorrow – Stress Less; Peer Pressure Walk & Talk - \$1,000
- Upper Merion Area Community Cupboard - \$6,500
- Upper Merion Area Educational Foundation – Viking 5K - \$1,000
- Upper Merion Emergency Aid – Back to School Project - \$4,000
- Upper Merion EAC – Stormwater Education - \$2,000
- Upper Merion Park & Rec – Bat Houses for Parks & Pool - \$600
- Upper Merion Police Dept. – Police Bicycle Unit Expansion - \$4,000
- Upper Merion Senior Center – Transportation & Microphones - \$2,400
- Upper Merion Shade Tree Commission – Heuser Park Invasive Plant Mitigation - \$3,250
- Upper Merion SPRING – Special Needs Adaptive Program - \$1,000
- Upper Merion Special Olympics Sports – High School Olympics - \$2,000
- Upper Merion Area School District – Viking Field Day - \$1,500
- Upper Merion Area School District – Social Work Emergency Fund – \$12,000
- Upper Merion Area School District – Thanksgiving Dinner - \$2,000
- Upper Merion Township Pool – Outdoor Volleyball Net - \$450
- ECDC – Muhlenberg/Moore Irwin House - \$9,750
- ECDC – Community Resource Guides - \$1,000
- Upper Merion Township Library – Reading Buddies - \$400
- Upper Merion Township Library – Planetarium Program - \$490
- Upper Merion Community Garden - \$3,000
- Upper Merion Community Center – Solar Umbrella - \$1,200
- Upper Merion Tree Tenders – Heuser Park Invasive Plant Mitigation – \$3,250
- Victim Services Center of Montgomery County – 24/7 Hotline - \$2,500
- West End Civic Association – WECA Building Project - \$3,000

Ms. Dan-Sardinas announced the 2019 scholarship recommendations as follows:

- Corey Besz - \$2,000
- Katie Daywalt - \$1,000
- Geoffrey Draayer - \$4,000
- Owen Ebersole - \$2,000
- Madalyn Harvey - \$2,000
- Julia Curcio - \$2,000
- Justin Levy - \$1,000
- Lauren Mann - \$1,000
- Anthony Molinaro - \$3,000
- Robert Jay Moser - \$2,000
- Mark Picariello - \$2,000
- Laura Rendon-Garcia - \$2,000
- Hailey Rymarowicz Dipaul - \$2,000
- Michael Zelli - \$3,000
- Fatimo Brown - \$5,000 – Ronald G. Wagenmann Scholarship
- Samuel Ghanayem - \$5,000 – Ronald G. Wagenmann Scholarship
- Nicholas Lindelow - \$5,000 – Ronald G. Wagenmann Scholarship
- Isabella Veneziale - \$10,000 – General Von Steuben Scholarship

As Board Liaison to the BCA, Mr. Waks also recognized Brett Montich, Chairman of the BCA and thanked the entire committee for all their hard work and many hours spent reviewing the applications.

Board Action:

It was moved by Supervisor Garzillo, seconded by Supervisor Philips, all voting "Aye" to approve the BCA Grant and Scholarship Recipients as announced. None opposed. Motion passed 4-0.

CONSENT AGENDA RE:

1. Approval of Volunteer Fire & EMS Pension Distribution List for 2018
2. BID Recommendation re: 2019 Road Resurfacing Program to T&M Associates Consulting Engineers in the amount of \$46,000.00. Roads to be resurfaced are Arden Road, Tyler Road, Monroe Road, Garfield Road, Barnes Road, Glenwood Avenue, David Road, Hansen Road, Chapel Lane, N. Prince Frederick Road, Hidden Valley Road, Spring Ridge Road and Robin Road
3. Bid Recommendation re: ARRO Consulting recommends awarding Sanitary Sewer Main Replacement to Empire Services in the amount of \$143,993.00
4. Budget Transfer re: Replacement of HVAC in Freedom Hall - \$25,000.00
5. Supplemental Budget Appropriation re: Replacement Vehicle for Department of Public Safety - \$4,995.00
6. Authorize Solicitor to Sign Settlement Stipulations re:
  - a. Upper Merion Area School District v. Realen Valley Forge Greenes Associates – Gulph Road - Tax Parcel 58-00-17494-00-7
  - b. Upper Merion Area School District v. Realen, Montgomery County Board of Assessment Appeals and CH Realty – North Gulph Road - Tax Parcel 58-00-17494-63-6
  - c. Upper Merion Area School District v. Realen Valley Forge Greenes Associates, Montgomery County Board of Assessment Appeals and Toll PA VIII, LP – N. Gulph Rd – Tax Parcel 58-00-17494-62-7
  - d. Upper Merion Area School District v DKF 11 and Babblespace, LLC, 611 W. DeKalb Pike – Tax Parcel 58-00-06346-00-4
  - e. Upper Merion Area School District v. Realen Valley Forge Greenes Associates, Montgomery County Board of Assessment Appeals, Toll PA VIII, LP – Lakeview Court – Tax Parcel 58-00-17494-02-7
7. Authorize Solicitor to Sign Stipulation to Add the Successor Appellee re:
  - a. Upper Merion Area School District v. Realen, Montgomery County Board of Assessment Appeals and CH Realty – North Gulph Road – Tax Parcel 58-00-17494-63-6
  - b. Upper Merion Area School District v. Realen Valley Forge Greenes Associates, Montgomery County Board of Assessment Appeals, Toll PA VIII, LP – Lakeview Court – Tax Parcel 58-00-17494-02-7
8. Change Order No. 1 re: Gilmore & Associates, Inc. for Crow Creek Trail Construction Documents in the amount of \$30,030.00
9. Appointment(s) to the Upper Merion Historical Commission
  - David Montalvo
  - William DelCollo
  - Tina Smith
  - Matthew McCaffery
10. Resignation of Andrew Turner from the Economic & Community Development Committee

Resident Comment:

Mike Napolitan, 360 Garrison Way, questioned the change order regarding Gilmore & Associates and asked what was originally budgeted for this project. Ms. GlennAnne Chabala stated that the original cost was \$329,000. Christopher Burkett from Gilmore & Associates explained that during the development of the grant documents a conceptual plan was prepared showing a route that would connect several segments of trail to the proposed segments of trail. Once the mapping and surveying was done it was discovered that the route had several areas of wetland. In order to avoid permitting issues with the Army Corp. of Engineers and DEP it was elected to alter the route of the trail taking it around the wetlands. Therefore, additional mapping and a redesign of the trail was necessary. The change order represents around 9% of what the original fee was. Mr. Burkett further explained that the most profound impact was the segment of trail going from the Community Center to Keebler Road. The original plan was for it to run along steep slopes on Valley Forge Road and then behind the Community Center. Also they wanted to connect Volpi Park to the trail because it is a community asset. This was the most significant change from the original design proposed.

Board Action:

It was moved by Supervisor Philips, seconded by Vice Chair Kenney, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

PUBLIC HEARING RE: PARAMETERS ORDINANCE – BOND REFUNDING

Solicitor McGrory opened the hearing and introduced into the record Exhibit Board 1- the proposed ordinance; Exhibit Board 2 - the legal notice of tonight's hearing; and Exhibit Board 3 - proof of publication. Solicitor McGrory called the Township's consultant to the podium. Michael Wolf, from Boening & Scattergood in West Conshohocken addressed the Board. He noted that he would like to refinance bonds that were issued in 2014 which were taken out to fund the Community Center. There was a review of the proposed ordinance from Fox Rothchild, Township Bond Council. In conclusion, by refinancing the bonds there is an anticipated savings to the township in the amount of \$500,000.00.

Board Comments:

Supervisor Philips asked what the target the township is looking to save by refinancing. Mr. Wolf explained that the normal target that many municipalities including Upper Merion use is to save 3% of the refunded principle. He noted if we can do the \$500,000.00 it will be about 5 1/2% - well above the GFO target of 3%.

Resident Comments:

Drew McNally, Caley Road, asked what the current bond rating of the township is and what would the new interest rate on these bonds be. Chairman Waks stated that the township's bond rating is AAA. Upper Merion is one of the few municipalities in the commonwealth with an AAA rating. Mr. Wolf stated that the anticipated interest rate on the new bonds is 2.78% for 15 years.

Board Motion:

It was moved by Supervisor Philips, seconded by Vice Chair Kenney, all voting "Aye" to approve the Parameters Ordinance. None opposed. Motion passed 4-0.

SR & ZR ESTATE, LLC. DEVELOPMENT PLAN, 455 W. DEKALB PIKE, 0.48 ACRES. DEMOLITION OF EXISTING GAS STATION AND CONSTRUCTION OF A NEW 1,514 SF GAS STATION/CONVENIENCE STORE. PLAN EXPIRATION: 4/29/19. RESOLUTION 2019-14

Mr. Loeper, Township Planner stated that this particular site at 455 W. DeKalb Pike has been used as a gas station/convenience store for many years. The plan is to demolish the existing gas station and construct a new 1,514 sf gas station/convenience store. No left turns into or out of this site will be allowed. Mr. Loeper showed some renderings of the new building. The plans have been reviewed by the Township Engineer, Remington & Vernick, both Planning Commissions and the Shade Tree Commission. There are two partial waivers listed with the plan – one that asks to not provide features within 200 ft. of the site. The other is a partial waiver for landscape requirements to reduce the number of street trees to two due to the limited availability of suitable planting locations. The other five trees would be planted at another location on the property if recommended and approved by the township engineer. The applicant is present for any questions by the board or residents.

Board Comments:

Supervisor Kenney asked for clarification of the waiver of trees. Mr. Loeper reiterated the partial waiver and that two trees would be planted on the street and the others at another location on the site.

Chairman Waks asked the applicant when they are planning to be open for business. The applicant's architect stated it would take approximately one year after the plan is approved.

Supervisor Kenney asked the applicant about the old gas tanks. She was informed that they were removed during demolition, all environmental remediation was performed. The new tanks will be new state-of-the art tanks.

Board Motion:

It was moved by Supervisor Philips, seconded by Supervisor Garzillo, all voting "Aye" to approve Resolution 2019-14 for the development plan at 455 W. DeKalb Pike. None opposed. Motion passed 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Vice Chair Kenney, seconded by Mrs. Garzillo, all voting "Aye" to approve the Accounts Payable for invoices processed from March 21, 2019 through April 17, 2019 and Payroll in the amount of \$2,885,898.56. None opposed. Motion approved 4-0.

ADDITIONAL BUSINESS

Vice Chairman Kenney announced the following Citizen Board Vacancies: ECDC – one vacancy, EAC – one student vacancy, Historical Commission – 2 vacancies, Park & Rec Board – one student vacancy, Planning Commission – 1 vacancy, Property Maintenance Board – two alternate vacancies, UCC Board of Appeals – two vacancies and two alternate vacancies. She urged anyone interested in joining a citizen board to please apply.

Vice Chairman Kenney announced that May 21, 2019 is Election Day. She noted that many people living in District Gulph 2 are unaware that there is no voting at the Armenian Sisters Academy. People living in that district will be voting at Brith Akim Synagogue on South Gulph Road. There will be three different precincts voting at that location, King 1, King 2, and Gulph 2.

Supervisor Garzillo announced a Tree Planting Event this Saturday at Heuser Park beginning at 8:00 am and ending at 1:00 pm.

Farmers Market season will begin on May 18, 2019. The last indoor market will be held on May 4, 2019. 20 additional vendors have been added to the Farmer's Market.

The Rambler schedule will be changing effective Monday, May 5, 2019. The schedule will be on the Upper Merion Township Website.

Supervisor Garzillo also wanted to make residents aware of the new ballot system for election day this year. The county is putting into place a paper ballot so there will be a paper trail in case something happens to the voting machine.

Chairman Waks announced that the annual Senior Center Flea Market is Saturday, May 4<sup>th</sup> at 9:00 am. He urged residents to stop by and check it out.

He also announced that this Saturday is Take Back Prescription Day, a national event. Prescription drugs left around the house are ripe for abuse and it does contribute to the opium problem. He explained that prescription drugs should be disposed properly. There is a drop off location for prescription drugs right outside the police dispatch office at the township building.

Saturday evening starting at 5:00 pm to approximately 8:00 pm is the Annual Race for Peace at the King of Prussia Mall. This event is an opportunity for residents to come out and meet their local police and police from other municipalities.

Next week the Moore Road Bridge is going to be replaced. This bridge replacement was part of the 2019 budget. A portion of Moore Road will be closed during the construction of the bridge. This project is expected to be complete in August.

From the Public:

Mr. Mike Napolitan asked who was selected for the Manager Search Committee. Chairman Waks announced that he did state that in his opening remarks but he reiterated that Supervisor Kenney and Supervisor Jenaway along with three residents and an alternate were part of the search committee. The three residents were former Supervisor Erika Spott, former Supervisor Bob Krutsick, Linda Behmke and Bruce Mitchell was the alternate.

Mr. Napolitan also stated that at the beginning of the meeting three sets of minutes were approved. He questioned why the minutes from February and March are not complete yet. He asked for a status on the minutes. He was told by the Acting Township Manager that she would look into the reason for the delay.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Vice Chairperson Kenney, seconded by Supervisor Garzillo, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0.

  
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SALLY SLOOK  
ACTING TOWNSHIP MANAGER

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Minutes Entered  
Minutes Approved: