

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
JANUARY 22, 2015

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 22, 2015, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:43 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Greg Philips, Bill Jenaway, and Carole Kenney. Also present were: David Kraynik, Township Manager; John Walko, Solicitor's Office; Rob Loeper, Township Planner; Tom Beach, Township Engineer; and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the November 6, 2014 Workshop Meeting Minutes; November 13, 2014 Zoning Workshop Meeting Minutes; November 13, 2014 Business Meeting Minutes; December 4, 2014 Business Meeting Minutes; December 11, 2014 Zoning Workshop Meeting Minutes; December 11, 2014 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Philips stated an Executive Session was held prior to this meeting to discuss litigation. He then called for a moment of silence in memory of former Upper Merion Township Supervisor and Chairman of the Board of Supervisors, Lydia Garcia.

NEW BUSINESS

PRESENTATION RE: KEY TO THE TOWNSHIP AWARDED TO SEAN MCCOMB – 2014 NATIONAL TEACHER OF THE YEAR

Mr. Philips introduced Sean McComb, Upper Merion High School 2001 graduate, who was named 2014 National Teacher of the Year. He provided some biographical background on his strong ties to Upper Merion Township with his activities as a student, athlete, and involvement with the Park and Recreation summer camp during his college years. Mr. Philips noted Mr. McComb is now an accomplished English Teacher who started a program at Patapsco High School and Center for the Arts in Baltimore County, Maryland to help students stretch themselves so they can succeed in college. Last year before a White House audience, Mr. McComb was recognized by President Barack Obama as one of the youngest recipients to ever receive this national honor.

Mr. Philips said the Board of Supervisors is recognizing Mr. McComb with a "Key to the Township," an honor that was bestowed on only three other recipients: Art Powell, King of Prussia Mall developer; Michael Caldwell, former Superintendent of Valley Forge National Historical Park; and Ron Wagenmann, former Upper Merion Township Manager.

Mr. McComb holds a Bachelor's degree in English and a Master's of Education from the University of Pittsburgh. As the National Teacher of the Year Mr. McComb is now serving as an envoy for the People to People Ambassador Programs as an educational spokesperson promoting the Advancement Via Individual Determination (AVID) program as well as best practices in education.

Mr. Philips recognized Superintendent of Schools Dr. Jane Callaghan who was present to represent the School District to congratulate Mr. McComb on his singular achievement. Dr. Callaghan said that Mr. McComb returned to his alma mater at the beginning of the school year to impart some of his wisdom and everyone who knows him is very proud of his example and inspirational leadership in the field of education.

Mr. Waks recognized the infrastructure of talent represented by the young people who grew up and were educated in this township. He pointed out they not only meet expectations they are the often the ones who "set the bar." On behalf of the Board of Supervisors, the School District, and the entire township, Mr. Waks presented the "Key to the Township" to Mr. Sean McComb, the 2014 National Teacher of the Year.

Mr. McComb accepted the "Key to the Township" and offered some of his personal remembrances and reflections on his wonderful experience growing up in Upper Merion Township.

### POLICE DEPARTMENT AWARDS

Police Chief Tom Nolan stated the Upper Merion Township Police Department is committed to the service aspect of police work and holds its officers to very high standards. He said police officers are expected to perform professionally in a multitude of situations on a daily basis and occasionally their performance rises to the level that is deserving of special recognition. Chief Nolan indicated awards will be presented for exceptional performance by local police officers, county officers as well as federal officers. He provided details about their dedication to duty and specific acts of courage and valor. Awards were presented as follows:

- Officer Gerald Davis recognized as 2014 Central Montgomery County SWAT Team Officer of the Year.
- Unit Citations were awarded for actions during a home invasion/robbery and kidnapping were presented to Sgt. Brendan Brazunas, Sgt. Jeffery Mauer, Sgt. Paul Cooper, Sgt. Declan Coyle, Det. Steve Geckle, Det. Elbert Lee, Det. Brendan Dougherty, Det. John Wright, Det. Andrew Rathfon, Det. Blaine Leis, Officer Harry Nuskey, Officer Thomas Tyson, Officer Michael Ballman, Officer Glenn Muntzer, Officer Jennifer Emrich, Officer Christopher Dolga, Officer Aaron Barkmeyer, Officer Carolyn Hunt, Officer John Kreuer, Officer Declan Coyle, dispatcher Kevin Katarynick and Special Officer Paula Levis.

Chief's Commendations were awarded for exceptional performance during this incident as follows:

- Officer Michael Ballman was recognized for his alert reactions in spotting and pursuing the victim's vehicle which led to the arrest of the actor.
- Det. Elbert Lee was recognized for his investigation of the incident and his interview of the actor which led to the confession for this incident as well as three other burglaries in the tri-county area.
- Unit Citations were awarded for exceptional efforts by members of local, county, and federal law enforcement agencies while investigating one of the most complex criminal cases ever occurring in Upper Merion Township (murders of 10-month old Saanvi Venna and her grandmother Satayvathi Venna). On October 22, 2012, the Upper Merion Township Police Department was faced with conducting simultaneous investigations of the child abduction and murder at the Marquis Apartments. Local,

county and federal law enforcement agencies cooperated in a manner that should serve as an example of how multiple law enforcement agencies can and should collaborate to fight crime in local communities.

- Unit Citation presented to Upper Merion Township police officers.
- Unit Citation presented to Federal Bureau of Investigation (they were unable to attend and award will be presented at a later date).
- Unit Citations to members of the Montgomery County Detective Bureau. Chief Nolan stated we are fortunate to have some of the finest homicide and crime investigators in the state to work as partners with Upper Merion detectives. In this case Upper Merion Detective Andrew Rathfon worked with Montgomery County and former Upper Merion Detective Paul Bradbury.
- Unit Citation to members of the Montgomery County District Attorney's Office. First Assistant District Attorney Kevin Steele remarked what an incredible team effort was made on this case by the "best of the best."

Mr. Philips commented how fortunate we are to have such a professional, responsive, competent and highly educated law enforcement and investigative team protecting and serving the public on a daily basis.

Mrs. Spott expressed appreciation to all the law enforcement personnel who were honored for their exceptional performance and professional skill during critical incidents which required an extraordinary response and coordinated action. She said their cooperative spirit is indicative of the leadership of Police Chief Tom Nolan. Mrs. Spott noted Chief Nolan was mentioned on CNN International for his work in heading up the county's SWAT operation last month during the manhunt for a suspected mass murderer in Montgomery County.

#### CONSENT AGENDA:

1. Change Order No. 1 re: Upper Merion Township Drainage Improvements

#### Board Action:

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

#### RESOLUTION 2015-02 RE: APPROVAL OF TRAIL OCCUPANCY AGREEMENT BETWEEN THE TOWNSHIP AND PENNDOT

For the benefit of the viewing audience, Mrs. Spott asked for a brief explanation of the Resolution. Mr. Kraynik responded this agreement is for a small portion of the trail the township is constructing from Heuser Park to the Valley Forge National Historical Park. When PennDOT reconstructs US 422 there will be about 130 feet of the trail that the County will build under the US 422 overpass to connect the trail and make it complete. This agreement allows that to happen and also requires the township to maintain that segment of the trail. Mr. Kraynik pointed out the township will maintain the entire portion of the trail.

#### Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2015-02 as submitted. None opposed. Motion approved 5-0.

#### RESOLUTION 2015-03 RE: 724 FRALEY STREET, 3-LOT SUBDIVISION WITH 2 NEW ATTACHED DWELLINGS, 0.312 ACRES, R-3; *Plan Expiration 3/1/15*

Mr. Rob Loeper, Township Planner, stated 724 Fraley Street is a .31 acre property in the R-3 District located in the Swedesburg area of the township. Utilizing the aerial, Mr. Loeper pointed out the location of the 3-lot subdivision in relation to the Swedesburg Fire Company.

The applicant purchased the property and originally planned to build a twin home on the balance of the property; however, the variance was ultimately denied. An alternate development is proposed to attach two townhouse units to the existing unit which will result in three townhouse units.

Fraley Street is a typical Bridgeport street with a mix of twin and single family homes. Parking is limited to one side opposite to the development. A rendering of the plan was shown featuring the two new dwellings. Each dwelling will have a garage as well as two driveway parking spaces in front as well as a front porch.

Some of the discussion occurring during the review of this plan concerned the possibility of having parking in the rear of the lots rather than in front and moving the dwellings up closer to the street. The applicant indicated today's home buyers are looking for a garage. Three parking spaces are being shown. Two are required for each unit; however, as a concession to repeated questions about the parking the applicant also agreed to modify the plan by providing some additional parking at the rear of the property off of the back alley.

Stormwater will be collected and conveyed to seepage pits on the southern side of the property. This has been reviewed by the Township Engineer who has issued a review letter. Staff is currently awaiting a response from the applicant's engineer and any approval will be conditioned on meeting all of the items outlined in the review letter. No waivers are associated with this application. The applicant will have to purchase EDU's for sanitary service for the new dwellings. All fees would have to be paid as part of the prior recording of the plan.

With regard to the plan amendment to include some parking in the rear, Mrs. Kenney asked how many parking spaces have been added. Mr. Loeper responded one per each unit have been added.

Mr. Jenaway indicated he went down to take a look at the site and said Fraley Street is extremely tight and the spaces in front of those units have to be of sufficient size and space. In all the engineering drawings he encouraged vigilance to make sure space is adequate because a failure to have the sufficient depth and proper curbing will result in an inability to make adequate turning in that area.

Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Spott, all voting "Aye" to approve Resolution 2015-03 as submitted. None opposed. Motion approved 5-0.

RESOLUTION 2015-04 RE: 705-715 W. DEKALB PIKE, 6,020 SF RETAIL BUILDING, 0.94 ACRES, CO (ZHB APPROVAL); *Plan Expiration 2/13/15*

Mr. Loeper stated this application has been reviewed several times by the Board of Supervisors. The developer, Mr. Hector Viñas, has acquired several properties along US 202 opposite King of Prussia Mall and approached the township about redeveloping these properties most of which contain older buildings nearing the end of their useful life. One of the attractive features of the proposed development would be a unified development with sidewalks along this stretch of US 202 and the elimination of a vast number of driveways.

The applicant went before the Zoning Hearing Board for three specific development parcels; two were not approved by the Zoning Hearing Board and since that time work is being done on zoning changes. This application, however, was granted necessary zoning relief which included the minimum lot size for the use, a reduction in the front yard setback and parking in the required yards.

The applicant is proposing to combine the properties between Crockett and Shaffer Road, and construct one 6,000 square foot retail building. Because of issues related to Shaffer and Crockett Road since they are both one-way roads, a driveway will be required on US 202 necessitating a PennDOT permit. At one point there was consideration given to changing traffic patterns on these roads; however, it was ultimately deemed inappropriate.

The rendering indicates the building is pulled closer to the street. There is a planting bed between the building and the sidewalk as well as a green area along the curb area of the street. Waivers have been requested to permit grading within 5 feet of the property line, from providing a full traffic impact study and analysis; however, the applicant will be required to pay a Highway Capital Improvement fee based on the Institute of Traffic Engineers (ITE) traffic generations for the increase in traffic for the redevelopment. The last waiver was providing street trees along US 202.

Mr. Jenaway asked for clarification about the distance from the curb to the building. Utilizing the aerial, Mr. Loeper pointed out the distance from the curb to the building is about 20 feet allowing space for some plantings.

Mr. Jenaway commended Mr. Viñas for his cooperation in working with the public, planning commission and the Board of Supervisors during the review process on a variety of issues.

Mr. Waks expressed appreciation to Mr. Veñas for his cooperation and setting a new example for developers for what can be accomplished when everyone works to resolve outstanding issues.

Mr. Jenaway asked about the circulation of traffic through the site. Utilizing the aerial, Mr. Loeper pointed out most traffic would use the US 202 right-in, right-out driveway. Parking will be along the back and on either side of the building. There are also driveways on Crockett and Shaffer Road which would allow access into the site from both of those roads as well as access out of the site using the US 202 driveway. Both Crockett and Shaffer Road are one way into the neighborhood (away from US 202).

Mr. Philips mentioned previous questions raised during the review process about changing either Crockett or Shaffer to have one of these roads with an egress out onto US 202. Mr. Loeper responded when PennDOT was approached about this PennDOT indicated a concern that it might require signal timing all along US 202; however, a final determination has not been made and there are more opportunities to continue that discussion.

Mr. Waks asked if there is an estimated completion date. Mr. Viñas responded his plan is to start in February and complete this portion in about six months with an opening in October or November 2015.

Mrs. Kenney asked for additional details about the size of the buffer with the residential properties at the rear of the property. Mr. Loeper responded it is an 8.8 foot buffer consisting of a 6 foot high fence with privacy slats and dense plantings throughout the buffer area. Because of the depth of the lot and the location of the building one of the driving factors for the buffer was that a two-way drive aisle had to be maintained behind the building as well as adequate depth for the parking space. These are considerations that determined the width of the buffer.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2015-04 as submitted. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable for invoices processed from December 4, 2014 to January 14, 2015 in the amount of \$3,432,178.17 and the Payroll for December 5, 2014, December 19, 2014, January 2, 2015, January 16, 2015, and January 16, 2015 in the amount of \$2,907,991.25 for a total of \$6,340,169.42. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

PETITION OF SUPERSEDEAS

Mr. Philips asked for a motion to authorize the Solicitor to file a Petition of Supersedeas in the Appeal of the DEP Administrative Order.

Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the motion to authorize the Solicitor to file a Petition of Supersedeas. None opposed. Motion approved 5-0.

APPOINTMENT OF RHONDA COHEN TO FILL A VACANCY ON THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Waks, all voting "Aye" to appoint Rhonda Cohen to the Economic and Community Development Committee. None opposed. Motion approved 5-0.

PORTABLE GENERATOR SAFETY CONSIDERATIONS

Mrs. Kenney offered a number of portable generator safety tips and precautions to avoid home-heating fires and carbon monoxide poisoning during power outages.

PARK AND RECREATION NOTES

After his tour of the Community Center site with the Township Manager and Park and Recreation Director, Mr. Jenaway reported construction is ongoing. The concrete has been poured and steel has arrived. Periodic reports on progress will be made throughout the year with anticipated opening of the Community Center later this year.

PARK AND RECREATION MASTER PLAN

Mr. Jenaway stated the Park and Recreation Department is currently conducting a Master Plan looking at all park and recreation facilities throughout the township to determine needs and related costs in order to develop a long term plan which can be used and integrated into planning projects throughout all

township departments. He encouraged residents to contribute to this project in two ways by completing a survey on the township website and attending public Master Plan meetings. The next input session in the series of meetings is scheduled on Tuesday, February 3<sup>rd</sup>. Mr. Jenaway emphasized it is important to hear the ideas of individuals of all age brackets and all interests to better understand and fulfill the expectations and needs of citizens with regard to park and recreation activities in the future.

#### CITIZEN BOARD VACANCIES

Mr. Philips announced several vacancies on various citizen boards including the Environmental Advisory Council (where is hoped to recruit a student member), Library Board, Park and Recreation Board, an alternate on the Property Maintenance Board, three vacancies (one member and two alternates) on the Uniform Construction Code Board of Appeals, and two vacancies on the Upper Merion Township Foundation. Additional information and applications can be found on the township website.

#### UPCOMING MEETINGS AND ANNOUNCEMENTS

Mr. Philips announced a number of upcoming Township meetings and events.

#### CONGRATULATIONS TO PARK AND RECREATION DEPARTMENT

Mr. Philips reported the “Concerts Under the Stars” series has been nominated as one of the “BEST” in Montgomery County for the “Outdoor Event 2015,” according to Montco Happening Magazine.

#### ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting “Aye” to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:50 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered