

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 26, 2015

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, February 26, 2015, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:41 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; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; James Majewski, Township Engineer; and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the January 5, 2015 Reorganization Meeting Minutes; January 8, 2015 Zoning Workshop Meeting Minutes; January 8, 2015 Workshop Meeting Minutes; January 22, 2015 Business Meeting Minutes; February 5, 2015 Zoning 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 potential litigation and after this business meeting the discussion will resume in Executive Session.

NEW BUSINESS

RESOLUTION 2015-10 RE: FIRST RESPONDERS – JANUARY 18, 2015 MASS CASUALTY INCIDENT

Chief Fire Marshal John Waters, reported on and provided a response timeline on the mass casualty incident that occurred on Sunday morning, January 18, 2015 after a rain event followed by rapidly falling temperatures which resulted in numerous accidents throughout Southeastern Pennsylvania, one of which was on the Schuylkill Expressway.

Mrs. Kenney, Board Liaison for the Fire and Rescue Board, read Resolution 2015-10 honoring the first responders to the January 18th mass casualty incident which required the coordination, collaboration and cooperation of numerous local, county and state entities under the most trying conditions. She expressed appreciation to all the emergency responders who were on the scene to assist with this major incident.

Mr. Philips pointed out the number of volunteers who are among the first responders who are well trained and professional and who joined with the other moving parts at the local, county and state level in this tremendous response effort. He expressed appreciation to everyone who was on hand to assist in keeping everyone safe and providing medical attention where needed.

BOARD OF COMMUNITY ASSISTANCE (BCA)

Ms. Lydia Dan Sardinas, Board of Community Assistance, provided an overview of the BCA and explained the grant application process. A PowerPoint was shown. Highlights as follows:

- BCA advises the Board of Supervisors on providing assistance concerning the monies received from the Valley Forge Casino Resort.
- Non-profit and 501(c) organizations can propose plans and projects that will impact the Upper Merion community and college scholarships are offered to Upper Merion high school seniors.
- There is currently \$140,000 in available funding
- In 2014 there were 95 applicants and grants were offered to 53 recipients.
- To date, 8 organizations and 2 sports organizations have made application.
- Scholarships range from \$500 to \$5,000 and in 2015 a new \$10,000 senior student scholarship, yet to be named, will be offered and continued in ongoing years.

As Board Liaison to the Board of Community Assistance, Mr. Waks expressed appreciation to Scott Milner, Chairperson, BCA, Robyn Briggs, Vice Chairperson, Lydia Dan Sardinas, BCA member and Mike Bowman, Valley Forge Casino Resort representative who have made some tough decisions and have done a fantastic job over the past two years reviewing the various applications. Mr. Waks emphasized the scholarship is not just for students who are applying for college, but also those who are graduating and applying to trade school. He encouraged anyone who is applying to a trade school to consider applying for a BCA scholarship. He said it is not just about grades or SAT scores because the volunteer project is an enormous component factored into the application process.

CONSENT AGENDA RE:

1. Moon Site Management Agreement – Act 511 Tax Settlement
2. Equipment Replacement: 1995 Simon Duplex Ladder Truck (Ladder 48) – Request for Fire and Rescue Services Division; Swedeland Volunteer Fire Company - \$970,000 **(Deferred to March meeting)**
3. Community Center Project Change Orders:
 - a. Change Order #1 – Herman Goldner Company (Mechanical); 41,470; addition of commercial quality exhaust, fan and ductwork to cooking studio per Township/UCC codes.
 - b. Change Order #2 – Jay R. Reynolds (Plumbing); \$17,272; changing 11 floor mounted toilets to wall mounted and adding gas valve interlock on Exhaust Hood fire suppression system per Township/UCC codes.
 - c. Change Order #3 – SMJ Construction (General); \$5,541.24; additional excavation/demolition to investigate previously covered concrete stepped foundation (\$3,276.92) and removing portions of the CMU wall (\$3,248.63). Total amount also includes a deduct of \$948.31 for code related scope reduction.
4. Professional Services Contract re: 2015 Road Program – T&M Associates - \$41,100.00
5. Professional Services Contract re: TCDI/DVRPC Grant to Develop a Concept Design for First Avenue Linear Park from Allendale to N. Gulph Road – LRSLA Studio, Inc. - \$81,680.00
6. Second Amendment to Settlement Agreement Regarding the Development of the Valley Forge Golf Course Property – Signage
7. Resolution 2015-5 re: Establishing Sewer Rates in Upper Merion Township
8. Citizen Board Appointment re: Library Board – Ms. Katie Kohler

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the Consent Agenda as presented (with the exception of item #2 which has been deferred to March meeting). None opposed. Motion approved 5-0.

PUBLIC HEARING RE: ORDINANCE TO VACATE PORTION OF WILLS BOULEVARD

Mr. McGrory opened the hearing and introduced into the record the following Township exhibits: Exhibit #1, letter to the Law Library dated February 9, 2015, and the date stamped attested ordinance dated February 13, 2015; Exhibit #2, proof of publication showing advertisements on February 11 and February 18; Exhibit #3, the Ordinance itself; Exhibit #4, the legal notice; Exhibit #5, the letter to the adjacent land owners dated February 11, 2015; Exhibit #6, affidavit of posting dated February 12, 2015; Exhibit #7, proof of submission to the Montgomery County Planning Commission and the review letter from the Montgomery County Planning Commission, our letter dated January 9, 2015 and their letter dated January 23, 2015; Exhibit #8, proof of submission to the Upper Merion Township Planning Commission, our letter dated January 9, 2015 and their letter dated January 21, 2015.

Utilizing the aerial, Denise Yarnoff, Esq., representing Simon Property Group, pointed out the approximate 5,000 square foot area requested to be vacated. It is currently in the township right of way and the applicant is asking that the right of way be vacated to the portion of the Simon Property on that side of the road. It allows the area to be "cleaned up" because there are utilities that serve the mall within that area. It will make it easier for Simon Property Group to maintain control of the various utilities that are located in that area. Meetings have been held with township staff and the township's traffic consultant to make certain there was available land in the right of way for any potential future improvements the township might consider. Ms. Yarnoff said it is her understanding that the traffic consultant was fine with what was being presented.

In looking at the aerial, Mr. Philips asked for clarification about the current right of way line and what is being proposed for the new right of way line. Ms. Yarnoff confirmed the location which was pointed out on the screen.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve Ordinance 2015-836. None opposed. Motion approved 5-0. Ordinance 2015-836 was adopted and will be filed in Ordinance Book #17.

RESOLUTION NO. 2015-6 RE: APPROVAL OF AGREEMENT FOR VACATION OF WILLS BOULEVARD

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution 2015-6 contingent upon the Solicitor's review and approval in order to preserve some private utility rights. None opposed. Motion approved 5-0.

RESOLUTION NO. 2015-8 RE: IFLY INDOOR SKYDIVING, 300 GODDARD BOULEVARD, 5,929 SF INDOOR SKY DIVING FACILITY, 16.42 ACRES, LI LIMITED INDUSTRIAL. *Plan Expiration 3/23/15*

Mr. Rob Loeper, Township Planner, stated the applicant is proposing a facility at 300 Goddard Boulevard at the far end of the parking lot near the IMAX Theater on a 16-acre site, a portion of which is zoned Limited Industrial. Utilizing the aerial, Mr. Loeper pointed out the location of the indoor skydiving facility on the far western edge of the parking lot. The 5,900 square foot building will be placed on some existing impervious area and will involve some reconfiguration of parking. The actual construction will result in a reduction of impervious of about 3,000 square feet.

The plan includes waivers for grading within 5 feet of the property and to reduce certain parking spaces from a width of 9 ½ feet to 9 feet.

Marcus Hurley, Project Manager, Mark G. Anderson and Consultants provided an overview about the IFLY experience, how it works and a PowerPoint was shown.

Mr. Waks asked for more information about the timing of the construction process and what is envisioned for an opening date. Mr. Hurley responded it is about a 6-month construction process and the applicant would like to break ground in May and schedule an opening for November 2015.

Mr. Philips asked if there is sufficient parking. Mr. Hurley responded there is enough parking on the site to meet a prior zoning code and the new parking requirements. He noted part of the lease agreement with the landlord is that the construction of the building will not reduce the number of parking spots in the facility more than 36 spots. The parking is being driven more by a landlord agreement and less so by the code.

Mr. Philips asked if the landlord for IFLY is the same for the movie theater. Mr. Hurley responded in the affirmative and indicated the landlord owns the entire site including the retail and restaurant.

In view of the unique looking structure, Mrs. Spott asked if there is any arrangement with the landlord if IFLY were to vacate the building. Mr. Hurley responded studies have been done and there is a back out plan. He said other than the mechanical mezzanine the 28 foot height of the ceiling would work very well for a restaurant or retail establishment. The power hookup is in place and the applicant has been required to do studies at other places on what would be the redevelopment if they move out. IFLY has a 15 year lease with four or five renewal options. There are currently 15 facilities around the country and they have never closed one.

Mr. Jenaway asked about any changes that might have an effect on stormwater management. Mr. Majewski responded there is actually a net reduction in stormwater runoff on the site.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution No. 2015-8 which includes the waivers for grading within 5 feet of the property and for the reduction of the parking stall from 9.5 feet to 9.0 feet.

RESOLUTION NO. 2015-9 RE: KINGSWAY PROPERTIES, 344 S. HENDERSON ROAD, ERECT A 6,000 SF METAL POLE BARN ON EXISTING ASPHALT, 2-ACRES, HI, *Plan Expiration 4/12/15*

Mr. Loeper stated this is the site for the Shreiner Tree Service. The applicant proposes to place a 6,400 square foot pole barn at the rear of the site for the purpose of storing heavy equipment away from the elements. There will also be a two-bay garage for storage of smaller equipment in a secure area.

Mr. Joseph Estock, the applicant's engineer, provided calculations and designed a rain garden at the rear of the site which will take rain water from the roof leaders of the property to address stormwater issues even though there is no increase in impervious for the site.

A waiver is requested from formal subdivision land development approval.

Mrs. Kenney asked for clarification about the site in the rear adjacent to the location of the proposed pole barn. Mr. Loeper responded the property to the rear is currently a sports facility, a car rental is adjacent to the site with Kunda Beverage and Franklin Maps located across the street on South Henderson Road.

Mr. Philips asked about the location of the water outfall for the rain garden. Mr. Loeper responded the rain garden will take the water through the soil and plant material and aid in evaporation. The rain garden does not have an outlet structure like a normal basin, but it would follow the natural flow which in this case would be to the rear of the property and into the normal swales along the rear of the property between this site and the building at the rear.

Mr. Philips asked if the Township Solicitor would want to place any conditions on this application if the Board were to waive land development. Mr. McGrory asked if an NPDES permit would be required or if there is less disturbance. Mr. Loeper responded there is no increase in disturbance. Mr. McGrory indicated in that case he would have no conditions.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution No. 2015-9 which includes a waiver from land development application process. 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 January 22, 2015 to February 18, 2015 in the amount of \$1,749,410.36 and the Payroll for January 30, 2015 and February 13, 2015 in the amount of \$1,366,805.67 for a total of \$3,116,216.03. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

FED EX APPLICATION EXTENSION REQUEST

Mr. Philips explained the Fed Ex development was removed from the agenda at the request of the applicant who has requested a 30-day extension to March 31, 2015.

Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Spott, all voting "Aye" to grant the extension of the Fed Ex land development application to March 31, 2015. None opposed. Motion approved 5-0.

From the Public:

James Schofield, Radnor Road, discussed road conditions before, during and after utility and road work is done and mentioned some of the problem roads. The Township Manager outlined the ongoing follow-up that is done with utility companies to make sure the work and final repairs are completed in accordance with the permit.

Gina Marie Hoy, 731 Champlain Drive, inquired about the Upper Merion Swim and Tennis Club. The Township Solicitor indicated the Board of Supervisors would not be in a position to comment since this is a matter of active litigation which the Board has made a top priority.

UPCOMING MEETINGS AND ANNOUNCEMENTS

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

PARKS AND RECREATION COMPREHENSIVE MASTER PLAN SURVEY

Mr. Philips encouraged residents to complete the Comprehensive Master Plan survey which can be found on the township website.

16TH ANNUAL FRIENDS OF BLACK HISTORY CELEBRATION

Mr. Philips reported on the success of the 16th annual Friends of Black History Celebration which was held in the Township Building on Saturday, February 21st.

SWEDESBURG FIRE HOUSE LENTEN FISH FRY

Mrs. Kenney stated the first Lenten fish fry was held last Friday and will continue Friday evenings during Lent from 5 to 8 p.m.

FARMERS MARKET

Mrs. Kenney reminded citizens about the Farmers Market on Saturday from 10 a.m. to noon which has been ongoing throughout the winter season every other Saturday.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:45 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered

