

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
APRIL 23, 2015

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 23, 2015, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:40 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Greg Philips, and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; and Angela Caramenico, Assistant to the Township Manager. Supervisor Jenaway was absent.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the March 12, Workshop Meeting Minutes; March 26, 2015 Business Meeting Minutes, and the April 9, 2015 Zoning Workshop Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman Philips stated an Executive Session was held prior to this meeting to discuss potential litigation.

NEW BUSINESS

AWARD UNIT CITATIONS TO MEMBERS OF THE KING OF PRUSSIA VOLUNTEER FIRE COMPANY AND LAFAYETTE AMBULANCE

Chief Fire Marshal John Waters presented Unit Citations to fire and emergency medical services personnel, who responded to a reported vehicle accident with injuries at milemarker 327.8 of the Pennsylvania Turnpike on February 17, 2015 at 0110 hours. The fire personnel encountered a critically injured patient who was bleeding severely. Fire personnel initiated life-saving actions by controlling the bleeding and maintaining the patient's airway until the arrival of Lafayette Ambulance Squad's crew. The emergency medical service crew continued life-saving treatment during the transport to the local trauma center, where the individual recovered from their injuries. The following fire and emergency services personnel were recognized: Deputy Chief David Camarda, Lieutenant Alex Clark, Firefighter Robert Griffith, Jr., Firefighter Sam Rapine, Driver Joseph Lunger, Paramedic Christopher Gavin, Emergency Medical Technician Pat Doyle. Lt. Greg Amato accepted the Unit Citation on behalf of Chief Pam Forster, Lafayette Ambulance.

On behalf of the Board of Supervisors, Mr. Philips expressed appreciation to all the fire and emergency personnel for their professionalism and response in sacrificing their family time in helping other individuals and their community safely and efficiently. He commended the leadership of Fire Chief Jim Gallagher, King of Prussia Fire Company and Chief Pam Forster, Lafayette Ambulance Squad.

PROCLAMATION RE: AMERICAN CANCER SOCIETY – RELAY FOR LIFE

The Board of Supervisors recognized the American Cancer Society's Relay for Life, which is held in the township each year. The Board proclaimed May 15 and 16, 2015 as Relay for Life Days in Upper Merion Township. Mrs. Kenney read and presented the proclamation to Barbara Choc on behalf of the

Board of Supervisors.

CONSENT AGENDA RE:

1. Resolution 2015-14 re: Earth Day
2. Resolution 2015-15 re: Arbor Day (*Upper Merion Township has once again been awarded Tree City USA by the National Arbor Foundation*)
3. Equipment Replacement Requests re:
  - a. \$20,000 for the replacement of PC's and Servers older than 5 years old
  - b. \$2,500 for upgrading 2003 server to 2012 server for certain applications
  - c. \$10,000 for replacement of lawn tractor
4. Granting of Homestead Exclusion for Property located at 10602 Valley Forge Circle
5. Community Center Project – Change orders
  - a. SMJ Contracting (General) Change Order #6 - \$29,586.23 for the removal of existing joists and installation of new roof deck on low roof at the main level
  - b. SMJ Contracting (General) Change Order #7 - \$52,500 for the installation of structural underpinning at the Northeast corner of the existing building
  - c. SMJ Contracting (General) Change Order #8 – Deduct in the amount of \$132,230 for the removal of permit fee allowances
  - d. Pinnacle (Electrical) Change Order #2 – Deduct in the amount of \$30,000 for the removal of permit fee allowances.
  - e. Herman Goldner Company (Mechanical) Change Order #4 - \$120,771 for multiple coordination and redesign issues.
  - f. Jay R. Reynolds (Plumbing) change Order #3 - \$3,084 for rerouting of under slab piping in order to avoid additional penetrations of footing and incur greater costs for underpinning.
  - g. SMJ Contracting (General) Change Order #9 - \$264,476.37 for upper parking lot paving, improvements and landscaping.  
(tabled)
6. Proposed Joint Motion to Approve Stipulation and Settlement Agreement for Digital Billboards at 331 Crooked Lane and Hansen Access Road in Upper Merion Township
7. Resolution 2014-16 re: Supplemental Retroactive Reimbursement Agreement – Allendale Road Bridge over Abrams Run
8. Approval of Lease Agreement and Lease Assignment for the Upper Merion Township Police Substation – King of Prussia Town Center (previously known as the Village at Valley Forge)
9. Resignation of Gerald Denick from the Media Communications Advisory Board
10. Resignation of Charles “Pete” Smyrk from the Municipal Utility Authority
11. Consider Accepting an Extension of Time for the Review of the KOPA Operations LLC Development Plan, 175 N. Henderson Road, 1.27 acres, SC Shopping Center. Remove existing car wash and construct new car wash
12. Appointment of Bernie Gutkowski to the Fire and Rescue Services

## Board

### Board Comment:

Mr. Waks expressed appreciation to both Jerry Denick and Charles "Pete" Smyrk for their service on the Media Communications Advisory Board and Municipal Utility Authority respectively. As Board Liaison, Mr. Waks said he had an opportunity to work with both of them and observed firsthand their professionalism and dedication.

Mrs. Kenney noted what a pleasure it was to work with Pete Smyrk on the Municipal Utility Authority and thanked him for his service.

With regard to the community center budget, Mr. Philips pointed out that two of the six change orders were deductions. He noted change orders only account for 2.5% of the contract budget.

### Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to approve the Consent Agenda as stated with the exception of item #5g which was tabled. None opposed. Motion approved 4-0.

### MAST CLAIR SUBDIVISION PLAN MODIFICATION, 345 KING OF PRUSSIA ROAD

Mr. Rob Loeper, Township Planner, stated this subdivision plan was first approved in 2006 and represents a 2.9 acre parcel that has an existing Colonial era dwelling at the front of the property. The proposal was to divide the property into three parcels. It was noted this is a rather deep lot with a stream flowing through the rear of the property and a very wide flood plain. Ultimately the subdivision was denied by the Board of Supervisors.

A subsequent subdivision was submitted that created a two-lot subdivision and would have resulted in the demolition of the existing dwelling. Through a series of court actions the three-lot subdivision was approved which maintained the dwelling and created the two additional lots. The subdivision was part of a consolidated settlement stipulation agreement approved by the court. One of the provisions of the settlement stipulation was a restriction on the building lots to ensure that no structures are constructed within the flood plain. The stipulation had specific language that would require the proposed dwellings to be built toward the front of the lots with specific restrictions on how far back they could build.

No activity has occurred at the property; however, recently one of the lots has been sold. The purchaser proposes to construct a dwelling that will extend outside of the building footprint designated by the stipulation.

After a review by the Solicitor, it was determined that the proposed plan should be reviewed by the Board of Supervisors.

Joseph McGrory, Township Solicitor, stated what is being proposed is an amendment of an existing court order and it is strictly within the Board's discretion to make a determination. There are no time constraints for a decision and there is no standard of review. It is strictly the Board's preference. Mr. McGrory noted the impetus for this plan modification is that the landowner wants to build an aesthetically more pleasing structure with more architectural features that call for the footprint to be a different dimension than what is in the court order. The overall footprint would be less square footage than what is in the court order. He asked to hear from the representative of the prospective buyer to supplement what has been presented so far.

Michael Kissinger, P.E., Pennoni Associates, stated he is representing the prospective buyer as well as the homebuilder the buyer has hired. Mr. Kissinger said he has had a chance to meet briefly with some of the neighbors prior to this meeting.

Mr. Kissinger indicated the intent is not to negatively impact the flood plain in any way. The application is only for lot #3 as shown on the plan and, in his view, adheres to the intent of the court order. It was noted it does require revisions to build the home the way it is shown on the plan. No changes are planned for the lot to the north. Rather than a longer rectangle which was previously approved, Mr. Kissinger believes it is a more aesthetically pleasing house with undulation to the facades. The previously approved plan had the two homes roughly 30 feet apart and they are trying to provide better spacing for a more aesthetically pleasing home.

Mr. Philips asked for clarification about the proposed building envelope and the court ordered footprint. Utilizing the aerial, Mr. Kissinger traced the outline of the building envelope; the court ordered footprint as well as other features such as the extension of the garage.

Mr. Philips asked if there is any issue with the brick patio in the back which would be outside the bounds of the stipulated court order. Mr. Kissinger responded he does not view the patio as an impediment to the flood waters. He said in discussions with concerned parties it was emphasized they will make sure the patio is flat to the existing contour. Some of those proposed contours will be pulled out of the building envelope to maintain and improve the flow path. If granted the patio, assurances would be provided it would not impede the flow based on the court order.

Mr. Philips asked if there is a particular plan elevation that is being considered for this particular undulated building. Mr. Kissinger responded it has been drawn, but he did not know if it has been approved by the owner or prospective buyer.

Mr. Philips asked if there is any reason the building cannot be elongated. Mr. Kissinger responded they could redo the floor plan, but this is the preferred plan and why they came with this one. He said they were trying to look for a more compact house and feel the longer home in the court order is less desirable.

Mr. Philips commented it is less desirable because it is just a box, but he was suggesting there could still be undulations if it were elongated.

Mr. Philips invited some of the residents in the audience to present their views.

Dr. Michael Greenberg, King of Prussia Road, asked the Board of Supervisors to table this matter for a month so that other residents who were unable to attend this meeting can be heard and considered.

Richard Mercier stated the main issue he has concerns the patio and the upgrade of the property outside the building envelope. He would also like more time to hear from the rest of the neighbors.

Paul Volpe, King of Prussia Road, stated more time is needed to digest what has just been presented.

Jalene Boles, prospective buyer, commented this property has been under contract with the builder for about eight months. She indicated she came with her own floor plan (not the builder) and is hopeful everyone can come to an agreement.

Mr. Philips asked Ms. Boles what the outstanding issues are from her perspective. Ms. Boles responded the biggest issue is communication. She said there are six owners of the actual lot and it seems they are not collaborating so as to come to a mutual agreement.

Mr. Philips pointed out that is not an issue with the neighbors, but an issue that is between Ms. Boles and the realtor. Ms. Boles said as far as the neighbors are concerned they only had a few minutes to talk.

Mr. Philips stated additional time should be devoted to speaking with the neighbors to see if they all can come up with a mutual agreement on the plan.

Mr. Kissinger was looking for some guidance as to starting the process. Mr. Philips stated he would rather have an agreement among the neighbors as to exactly what this is going to look like and then return to the Board of Supervisors for additional consideration.

### COMMUNITY CENTER PASSHOLDER & MARKETING UPDATE

Mr. Dan Russell, Park and Recreation Director, unveiled the new logos and branding for the Park and Recreation Department and community center and introduced the executive team who will present the marketing efforts for the new community center, the unveiling of the Charter Passholder campaign, the proposed revenue for this year and a discussion of some sample programming. The team considered various options for a "tag line" and decided on "Better Living Starts Here."

Sudha Suryadevara, Recreation Superintendent, discussed the approved 2015 budget revenue projections for the community center which are based on the Ballard King business plan. In 2015, passholder fees will account for 73% of the total revenue for the community center. This includes three month passes, annual passes, corporate and group fees. The program categories consist of the general and contracted programs and miscellaneous consists of leasing, vending, child watch and also special events. In 2015 it is anticipated that 95% of the total community center revenue will be from passholder fees. For this reason the initial focus of the marketing campaign is on a proposed charter passholder campaign.

GlennAnne Chabala, Assistant Director of Park and Recreation, explained the various ways extra value and benefits are provided to charter passholders including a 15% discount on all programs. Charter passholders will be encouraged to bring a friend as part of the marketing campaign to engage and inspire additional membership.

Mr. Russell provided an example of how a 15% discount on park and recreation activities for passholders could add up value wise for a family with two children who might sign up for the very popular 6-week Adventure Day Camp at the current cost of \$1,350. As a member of the community center that family would save \$202.50.

Mr. Russell provided an idea of some of the sample offerings, programming and amenities in the community center. He said it will now be possible to offer programming that was not previously possible without our own facility such as fitness and wellness programs. It was noted that the "Silver Sneakers" program is very important to residents, especially seniors. It is a very extensive program, research is underway and every effort will be made to make this program available to citizens.

Mr. Russell also discussed sample instructional programming for music, art, cooking, language, tutoring.

With regard to sports, Mr. Russell indicated there will be five hardwood

basketball and volleyball courts. Three courts are elementary school size and two courts are high school size. There will also be a multi-purpose (non hardwood surface) court area for lacrosse, roller hockey, baseball, soccer and similar sports for non-hardwood activities. In the community center there will also be the ability to do adult and sport leagues, after school programming and the popular camp programs.

Mr. Russell discussed possibilities for court rentals and some of the specialty rooms for such events as birthday parties and meeting space. There will be a full service café and lounge and in the lower level of the facility there will be three tenant spaces which will be separate from the operations of the community center but with uses that are similar in nature to recreation. It would not be necessary to be a passholder to use these tenant spaces.

Ms. Chabala discussed the rates for the charter pass holder and the annual pass holder. She noted after the initial presentation to the Board of Supervisors additional categories were added for family to take into consideration a single parent family as well as one additional child charge. For families with more than four children it would be possible to take advantage of an additional child charge as opposed to buying a separate use for one child. There are also some special categories for a 5% discount for veterans, active fire and EMS first responders, and citizen board members.

Ms. Gerri Vattimo, Marketing and Special Events Director, presented the marketing plan for the community center which is based on a three-pronged approach utilizing print media, social media and direct face-to-face event opportunities. The passholder campaign is the first focus. Additional marketing efforts will include a postcard canvassing of residents. The post card will announce the community center is coming soon and this will help drive the social media campaign which will be a multi-platform daily engagement with the community. Face to face contact will be made with as many community members as possible at networking events, speaking events and various civic and homeowner's associations meetings. Social media messaging and scheduling will be managed via Hootsuite which is the number one management tool for social media. The number one email marketing tool, Constant Contact, has just been acquired. This account will allow for a deeper engagement with the community and the nearly 1,000 families who have been patrons of Upper Merion Park and Recreation programs over the years.

Mr. Philips commented he appreciates the additional consideration given to families with more than four children.

Mr. Waks pointed out this is not just a community center, but includes an associated plan of road improvements to make the entire area much safer. There will be a much needed and long overdue traffic light installed at the corner of Caley and Valley Forge Road and sidewalks will be added for pedestrian connection. With regard to single parent family memberships, Mr. Waks noted how innovative and beneficial this feature is in light of the number of single parent families in the township. Mr. Waks also mentioned he recently had a chance to speak to one of the members of the school board and they are interested in the possibility of having the Park and Recreation team present at an upcoming school board meeting.

Mrs. Spott said what a wonderful vision the community center presents as a crossroad of activities for many groups of all ages and interests. Mrs. Spott asked if it will be possible to rent out the kitchen facilities. Mr. Russell responded it is definitely being explored. He mentioned at the Pennsylvania Recreation and Parks Society Conference there was a seminar on the operations of community centers. During the round table discussion with park and recreation professionals from all across the state one of the points emphasized was how programming drives the revenue and makes community centers successful. Mr. Russell indicated sometimes there may be a room that does not have

programming all the time and one of those rooms may be an art studio or cooking studio and it has been very successful across the country to turn such rooms into a rental opportunity for a caterer where they could prepare foods.

Mrs. Spott asked if in addition to the school board there might be a way to address a student assembly in the auditorium or at a gathering. She also suggested showing video snippets of the excitement of children during their activities on UMGA-TV as well as marketing outreach to places where residents work.

With regard to outreach to schools, Mr. Russell noted meetings are scheduled with the PTC's of almost every school. Also scheduled are some Park and Recreation assemblies at the schools.

Mrs. Spott mentioned how property values go up in successful communities.

Mrs. Kenney pointed out there is a separate schedule for residents and non-residents and residents get a reduced rate. She said the Senior Center will be located in the center of all the action at the community center and urged that everything be done to get the "Silver Sneakers" program. Mrs. Kenney would also like to see continued efforts made to see what can be done to get the word out on the Viking Channel.

#### ACCOUNTS PAYABLE & PAYROLL:

##### Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from March 26, 2015 to April 15, 2015 in the amount of \$1,534,366.37 and the Payroll for March 27, 2015 to April 10, 2015 in the amount of \$1,336,962.47 for a total of \$2,871,328.84. None opposed. Motion passed 4-0.

#### ADDITIONAL BUSINESS

##### GREATER VALLEY FORGE TMA AWARD PRESENTATION TO UPPER MERION TOWNSHIP

Mr. Philips announced that the Greater Valley Forge Transportation Management Association award will be presenting Upper Merion Township with the Founders Award and the Public Sector Award at its upcoming 25<sup>th</sup> annual meeting.

##### UPCOMING MEETINGS AND ANNOUNCEMENTS

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

##### From the public:

Mr. James Schofield, Radnor Road, discussed issues with water runoff near Crow Creek. He was advised the Township will continue to evaluate the stormwater issue with the assistance of the Township Engineer. The Township Engineer has asked Mr. Schofield to assist with this further evaluation by providing photos or videos during actual storms of how the water is coming down the road above the Woods at Wayne. His second issue was continued unsatisfactory road conditions due to utility work, and he was informed staff would again follow up with the utility.

Lydia Dan Sardinas, Upper Merion Farmers Market Manager, reminded citizens about the Earth Day celebration on April 25<sup>th</sup> as well as the special events planned for the opening of the regular Farmers Market on May 16<sup>th</sup> from 9 to 1 p.m.

Additional Comment from the Board:

Mrs. Spott congratulated Bernie Gutkowski on his appointment to the Fire and Rescue Services Board.

Mr. Waks noted the resignations on the Media Communications Advisory Board and the Municipal Utility Authority have created vacancies on these citizen boards. He invited citizens interested in serving in either of these capacities to apply for these vacancies and provided details on the application process.

Mrs. Kenney reported on some of the activities at the annual meeting of the Pennsylvania State Association of Township Supervisors (PSATS). She noted two of the supervisors were presenters at the various seminars. Mr. Waks discussed communication and the use of social media and Mr. Jenaway offered a seminar on the retention of volunteers in fire departments.

Mr. Philips announced that as a member of the Navy Reserve earlier this year he received orders to mobilize and deploy with the men and women of the Navy Mobile Construction Battalion 27 and he will be fulfilling that commitment to the nation over the next several months. Although he will no longer serve as Chairperson as of May 7<sup>th</sup>, he will continue to be a member of the Board of Supervisors and will be able to vote electronically. Mr. Philips noted some of the recent accomplishments of the Board of Supervisors which include the Tricentennial, opening of the community center, completion of the Valley Forge trail, and updating of the Zoning Code and Land Development Subdivision Code. He said the camaraderie of this Board contributed in large measure to the success realized so far. Mr. Philips looks forward to his return and resumption of his duties as a supervisor.

All of Mr. Philips' colleagues on the Board of Supervisors expressed appreciation for his service to our country and wished him well in his assignment and safe return.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:30 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered