

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
DECEMBER 3, 2015

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, December 3, 2015, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:42 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Scott Stoddard, Township Engineer; and Angela Caramenico, Assistant to the Township Manager. Supervisor Philips was absent.

CHAIRPERSON'S COMMENTS:

Chairperson Spott stated an Executive Session was held prior to this meeting as well as on November 24 to discuss litigation matters.

NEW BUSINESS

2015 GRANT PRESENTATIONS TO UPPER MERION TOWNSHIP SPORTS ORGANIZATIONS

Mr. Dan Russell, Director, Parks & Recreation, was joined by Supervisor Bill Jenaway and Robert DeFelice, Park and Recreation Board, in presenting the various sports organizations with grants approved for 2015. Mr. Russell provided a brief history of the grant process which involves the application and data collection from the various sports organizations and the Park and Recreation Board recommendation to the Board of Supervisors. Each organization was called to the podium, offered their comments about their organization, and thanked the Board of Supervisors for their support. Mr. Russell emphasized how much all the organizations rely on volunteerism. On behalf of the Park and Recreation Department and Park and Recreation Board, he expressed appreciation for their support in the community. The following were presented with 2015 grants:

- Upper Merion Crew Boosters
- King of Prussia Soccer Club
- Upper Merion Baseball Association
- Upper Merion Lacrosse Club
- Upper Merion Youth Wrestling Association
- Valley Forge Generals
- Upper Merion Aquatic Club
- Upper Merion Football Association

During the grant presentation, Mrs. Spott expressed appreciation to all the volunteers in their respective specialties who give of their time to support their teams, sports clubs and organizations. She also offered her comments and personal reflections on the unique aspects of each sport.

On behalf of the entire Board of Supervisors, Mr. Waks thanked Corey Besz, Upper Merion Aquatic Club, for the assistance he rendered in assisting the Township, Park and Recreation Department and the entire community during the transition this past summer from the privately run pool to the Upper Merion swimming pool.

Mr. Jenaway said the breadth of sports opportunities in Upper Merion

Township is unmatched in our neighboring communities. He pointed out the positive example of sports volunteers teaching young people firsthand on the value of volunteerism. In addition to Corey Besz, Mr. Jenaway also thanked Paul Salame and the swim team for their assistance during the transition.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the November 5, 2015 Budget Workshop Meeting Minutes and November 5, 2015 Workshop Meeting Minutes as submitted. None opposed. Motion approved 4-0.

NEW BUSINESS

CONSENT AGENDA RE:

1. Resolution 2015-44 re: Adoption of 2016 Capital Improvement Budget
2. Resolution 2015-45 re: Adoption of 2016 General Operating Budget
3. Adoption of Sewer Revenue Fund Budget
4. Resolution 2015-46 re: 2016 Fees Schedule
5. Resolution 2015-47 re: Establishing the Fixed Dollar Amount to be Excluded from Taxation for each Homestead Property for Calendar Year 2016
6. Resolution 2015-48 re: Reducing Police Officers' Contributions to the Police Pension Plan for the Year 2016
7. Resolution 2015-49 re: PennDOT Multimodal Transportation Fund Grant for the Crow Creek Trail
8. Authorize the Township Manager to Sign Agreement between Upper Merion Township and Upper Merion Area School District for the Township to take over the School District's "Consortium of the Arts" Theatre Program Pending Review by Both the Township and School District's Solicitors
9. Budget Transfers re:
 - a. Public Works – upgrade Traffic Signal at Valley Forge and Henderson Road for Pedestrian Crossing Improvement - \$15,000.00
 - b. Public Works – GPS/GIS Mapping System for Snow and Ice Documentation - \$50,000.00
 - c. Police Dept. – Equipment Replacement - \$10,450.00
10. Resolution 2015-50 re: Disposition of Township Property – Ladder Truck
11. Resolution 2015-51 re: Disposition of Township Property – Fiberglass Rooster
12. Waiver of Fees re: First Presbyterian Church Handicap Ramp
13. Approval of Planning Assistance Contract between Commissioners of Montgomery County and Upper Merion Township
14. Community Center Change Orders re:

- a. Change Order #9 – Herman Goldner – Mechanical Construction Contract in the amount of \$18,435.00 for a 3 month extension of time
- b. Change Order #10 – Herman Goldner – Mechanical Construction Contract in the amount of \$7,423.00 for the furnish and install shot feeders in the mechanical room and reroute fin tub piping in the classrooms
- c. Change Order #21 – SMJ Contracting, Inc. in the amount of \$31,429.23 for modifications to stairway ceiling/framing, flashing of exterior duct penetrations, and removal and replacement of gypsum wall board to install interior Comcast conduit
- d. Change Order #22 – SMJ Contracting, Inc. in the amount of \$18,483.55 for changes to framing in conference room windows, addition of logos on basketball courts, addition of steel posts to stairway #1 and #2 in basement level, on-site masonry repairs, and purchasing of three flagpoles
- e. Change Order #8 – Pinnacle Electrical Construction, LLC in the amount of \$123,505 for additional requirements at pole connection as required by PECO, added conduit for Comcast Cable connection, modified power installation in the cooking studio, conduit for added interior security cameras, added wireless signal receiver, modified and added lighting controls, underground conduit for added site security cameras

15. Appointment of Ian Kingsley to Transportation Authority and General Authority

Board Comment:

Mrs. Spott stated the first three items on the Consent Agenda relate to the 2016 Budget that was posted at the November 12th business meeting. It was reviewed at that time by the Township Manager and has been available for public viewing on the township website as well as in the Library. Mrs. Spott stated budgets represent setting priorities in a community as exemplified in this budget where commitments to capital are being made to enhance the quality of life in our community.

Mrs. Spott mentioned at the recent joint meeting of the school board the grant for the Crow Creek trail project was among items discussed. It was noted this will be a joint cooperative effort with the school board and will provide a connection from Walker Field to Bob Case Park.

Mrs. Spott stated the Consortium for the Arts Program was presented at a recent workshop meeting. She said equally as important as sports are arts programs that give young people a unique form of expression.

Mrs. Kenney noted the old Rooster on the Township's disposition list will be auctioned off and asked about the process for bidding. Mr. Kraynik responded it will be a sealed bid and staff are working now to prepare a bid specification which should be made public very soon.

Mrs. Kenney commented on the productive exchange of ideas at the aforementioned school board meeting. She also mentioned she has firsthand knowledge about the Consortium of the Arts and the wonderful experience her son had participating in the summer program.

Mr. Waks provided a few more details about the budget which includes a heavy investment in park and recreation for the Community Center as well as upgrades for the new Upper Merion Township swimming pool. In addition, an additional police officer and an addition to the property maintenance crew will be hired. Mr. Waks was pleased to say there will be no real estate tax increase from the township which will be the sixth consecutive year without a real estate tax

increase from our municipality. In the event any increase were to occur it would be coming from the county or possibly the school district, but not from Upper Merion Township.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

RESOLUTION 2015-41 RE: DEVELOPMENT PLAN RE: VILLAGE AT VALLEY FORGE; BOZZUTO, 232 AGE RESTRICTED APARTMENTS, 3.7 ACRES. *Plan Expiration 12/7/15*

Mrs. Spott stated this development plan was discussed at the last business meeting and was held over to this meeting so that additional language could be worked out for the lease indicating it will remain age restricted during the term of the lease.

Mr. Joseph McGrory, Township Solicitor, stated language has been developed that satisfies his concerns after several communications with the applicant's attorney. He summarized there will be a provision in the lease indicating if the applicant should convert from age restricted to market rate that the tenants on their lease will be given reasonable advance notice of that conversion and an opportunity to terminate their lease without any penalty. Mr. McGrory pointed out this will give people (1) the notice that it may someday convert and (2) that if it does convert they are not locked into the lease because it would be a different arrangement than what they initially agreed upon. He said this was the issue he raised at the workshop and again at the last public meeting and the language now addresses his concerns.

Peter Sikora, Development Manager, Bozzuto Development, indicated the applicant has been working with the Township Solicitor to come up with an amicable resolution they feel will satisfy the Board's concerns.

For the record, Mrs. Spott asked if the plan is to build these apartments as age restricted. Mr. Sikora responded in the affirmative and said it is the applicant's full intention to design, build, operate and market these apartments as age restricted. The applicant was just looking for flexibility in the future in case the market changes and it is necessary to convert.

Mrs. Spott asked about the term of the lease. Mr. Sikora responded it would be an annual lease.

Mr. Waks stated there has been a huge demand for active 55+ housing and he believes this is going to be a very successful project. He asked for clarification about the construction start and build out. Mr. Sikora responded construction is anticipated to start at the end of the first quarter or early second quarter of 2016 with an 18 month construction period.

For the benefit of those present at the meeting or viewing at home, Mr. Jenaway asked for a description of the location of the property. Mr. Sikora responded this is a 232 unit project located at the corner of Bryce Lane and Swedesford Road in the Village at Valley Forge. The first floor is a parking garage with four floors of apartments above. There will be about 14,000 square feet of amenity space and courtyards with an outdoor pool, spa, hot tub, dog park and a community garden as well.

Mrs. Kenney commented she also believes it will be successful just based on demographics and location. She asked for clarification about what is considered "reasonable notice" on the one-year lease should a conversion take

place. Mr. Sikora responded the normal time is two months; however, it would depend on the time frame when the conversion would take place and indicated it would probably be three months' notice or potentially more if there is the availability to do so.

Mrs. Kenney asked if it is correct that the federal guidelines indicate 80 percent of the apartments would be rented to at least one person over 55 years old. Mr. Sikora indicated that is correct. He said the Housing for Older Persons Act requires that 80 percent of the units be occupied by one person over the age of 55 and the applicant will comply with that requirement and all the other Fair Housing guidelines and regulations governing this type of project.

Mrs. Kenney asked if the other 20% could be any age. Mr. Sikora responded in the affirmative.

Mrs. Kenney asked if Bozzuto had experience with these types of projects elsewhere. Mr. Sikora responded in the affirmative and said Bozzuto manages several of these projects all along the east coast and they are well versed in managing these types of projects and are confident they will be successful.

Mrs. Kenney asked what type of percentages are experienced with these projects in terms of age mixes. Mr. Sikora was unable to give a firm answer but indicated it would be more than 80% since they do not want to "walk that fine a line." He said in general if people want to live in age restricted housing they are over the age of 55 but there are instances where people have children or marry someone younger than 55 and they live in these types of communities.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2015-41. None opposed. Motion approved 4-0.

HEARING RE: ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE, CHAPTER 127, PROPERTY MAINTENANCE, TO ADOPT THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN ADDITIONS, INSERTIONS, AND CHANGES

Mr. McGrory opened the hearing and introduced into the Record Board Exhibit #1, the ordinance itself; Board Exhibit #2, the Legal Notice, Board Exhibit #3, Proof of Publication in the *Times Herald* on November 24, 2015; Board Exhibit #4, proof of receipt by the Law Library Montgomery County on November 20, 2015. Mr. McGrory stated this ordinance simply adopts the 2015 Property Maintenance Code and makes the current maintenance code more current. The parking prohibition is in a separate ordinance.

Hearing and seeing no comment from the public, Mr. McGrory 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 Mr. Waks, all voting "Aye" to approve Ordinance 2015-842 as presented. None opposed. Motion approved 4-0. Ordinance 2015-842 was adopted and will be filed in Ordinance Book No.18.

HEARING RE: AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE, CHAPTER 127, PROPERTY MAINTENANCE TO DEFINE "VEHICLES" AND PROHIBIT VEHICLE PARKING ON NON-PAVED AREAS IN FRONT OR SIDE YARDS OF PROPERTIES

Mr. McGrory opened the hearing and introduced into the Record Board Exhibit #1, the ordinance itself; Board Exhibit #2, the Legal Notice, Board Exhibit

#3, Proof of Publication in the *Times Herald* on November 24, 2015; Board Exhibit #4, proof of receipt by the Law Library of Montgomery County on November 20, 2015.

Mr. McGrory stated this is an ordinance that has been discussed at various public meetings and after great thought and deliberation by the Board of Supervisors he was directed to draft an ordinance that would require vehicles in front or side yards be parked on paved areas. The rear yard is different requiring fencing, etc.

Mr. McGrory indicated vehicles are defined as any motor vehicle, recreational vehicle, boat or trailer which requires state registration regardless of whether the registration is active. He said this definition covers most situations the Board is trying to protect and he noted a few exceptions to the rule.

- Special events requiring overflow parking and granted pursuant to the special events permit under chapter 139.
- Specific social or other event at a residential property may obtain 24-hour exemption by providing written notification to the Upper Merion Police Department in advance of the event
- Properties located on roads which have no on-street parking available
- Township will not enforce this ordinance during Township declared snow emergencies.

Mr. McGrory stated if it is found there are other situations that occur requiring reexamination the ordinance can always be amended later. It was noted this is a good start to see if some of the problems encountered recently can be alleviated.

Mrs. Spott asked for clarification about the situation if there is no opportunity for street parking. Mr. McGrory explained the phrasing and noted it is not about the opportunity to park, but relates to state roads where parking is not permitted or a local road where parking is not permitted.

Mrs. Spott provided some background on the need for this ordinance. She indicated previously the ordinance allowed parking on grass for 17 hours; however, this has been found to be almost unenforceable. Over the past year the Board of Supervisors have been hearing complaints from many residents concerned about vehicles being parked on the grass in front or side yards and the effect this has on their property values.

Mrs. Kenney asked for clarification about vehicles described as those that cannot park on grass, next to or in front of the house and if they could be parked in front of someone's house where there is on street parking. Chief Nolan responded commercial vehicles are now regulated based on the size of the vehicle so there is a specific size, weight and width of vehicle that is restricted on the roadway.

Mr. Jenaway explained the process that was used in the drafting of this ordinance. He indicated based upon the concerns and complaints the supervisors received from residents there was a collaborative process between code enforcement and the police department to enhance this particular ordinance and then it was vetted at multiple public meetings. The exceptions to the ordinance were developed based upon comments at the public meetings. Mr. Jenaway stated the right due diligence was done to make this change consistent with the expectations of the general public.

From the Public:

Mike Pontician, 147 Concord Circle, indicated he does not have a disagreement with what is being enacted, but raised a procedural objection that all members of the Board of Supervisors should be present for this vote. Mrs.

Spott explained public meetings can be held and votes taken as long as there is a quorum of the Board (three members present). In this case, there are four supervisors present so that a valid vote may occur.

Hearing and seeing no further comment from the Board or public, Mr. McGrory 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.

From the Public:

Cynthia Horniak, Mark Lane, expressed support for the ordinance.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve Ordinance 2015-843 as presented. None opposed. Motion approved 4-0. Ordinance 2015-843 was adopted and will be filed in Ordinance Book #18.

RESOLUTION 2015-53 RE: DEVELOPMENT PLAN RE: MIRABELLA INVESTMENT PROPERTIES, LP; 750 VANDENBURG; REDEVELOPMENT OF PROPERTY WITH 4 BUILDINGS, 311 APARTMENT UNITS AND 1,500 SF OF NON-RESIDENTIAL USE. 19.29 ACRES, KPMY DISTRICT. *Plan Expiration: January 10, 2016*

Mr. Loeper stated this is a redevelopment of a property that was originally developed in the 1960's by General Electric in the Business Park. When the Mixed Use District was adopted last year it was the intention to upgrade the Business Park and allow for redevelopment and additional uses. Most recently the Board approved the conditional use under the new King of Prussia Mixed Use zoning district.

The site is located at Valley Forge Road at Beidler and the proposed plan calls for four buildings housing 311 apartments. The area on the western side which is the low point at Beidler and Valley Forge Road is a heavily wooded area which will be undisturbed. The buildings will be placed in a setting with interior courtyards where many of the outdoor amenities will be located. At the suggestion of the planning commission the outdoor walking trails, at least in the area of Valley Forge Road, will function more like a sidewalk. There will be a 1,500 square foot non-residential area in the main building for an amenity such as a café which would be available not only to the residents but also others in the area.

Mr. Loeper commented the developer has been extremely cooperative with the township and the planning commission in hearing the comments everyone had and working the plan accordingly.

Utilizing the aerial, Mr. Loeper provided a rendering of the main four-story building with parking underneath. The rest of the parking will be surface parking. The rental complex will consist of 157 one bedroom units, 138 two-bedroom units and 16 three bedroom units.

David Della Porta, Cornerstone Communities, stated this is the first parcel to carry forward the supervisors' vision of redeveloping this entire area. Demolition work is anticipated to start in January 2016 and vertical construction in March/April 2016.

Mrs. Spott expressed appreciation to the applicant for working with the Board of Supervisors and making the trail possible. She noted the trail will be a definite plus and a good connector in developing Heuser Park going forward.

Mr. Jenaway expressed appreciation for the applicant's cooperation in the

conversion of this first property to the Mixed Use District.

Mr. Waks asked when the project is anticipated for completion. Mr. Della Porta responded it will be about a two-year time frame.

Mrs. Spott expressed appreciation for the applicant's confidence in our community to make this investment in this new district.

Mr. McGrory asked if the applicant is in agreement with all the terms of the resolution. Mr. Della Porta responded in the affirmative.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting "Aye" to approve Resolution 2015-23 as presented. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from November 12, 2015 to November 25, 2015 in the amount of \$3,233,840.54 and the Payroll for November 6, 2015 and November 20, 2015 in the amount of \$1,388,040.70 for a total of \$4,621,881.24. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

NORVIEW FARMS ROOSTER

Mr. Jenaway encouraged the residents to check out the new fiberglass rooster at NorView Farm and make a purchase while visiting.

JOINT MEETING WITH UPPER MERION AREA SCHOOL DISTRICT

Mr. Jenaway stated in addition to the Board of Supervisors, the joint meeting with the Upper Merion Area School District also included the Bridgeport Borough Council, West Conshohocken Borough Manager along with members of the School Board. It was noted this was a collaborative session during which at least a dozen items or more were on the agenda and discussed in such a manner that several items were moved forward and set the tone for future collaborative efforts.

SAFE AND HAPPY HOLIDAY

Mr. Jenaway wished everyone a "Happy Holiday" and reminded everyone to be safe in all ways – safe with decorations, safe with cooking, safe with celebrating and safe in traveling.

SANTA'S NEIGHBORHOOD FIRE ENGINE VISITS

Mr. Jenaway announced that Santa will visit on the King of Prussia fire engine on Christmas Eve. He was not aware of Santa's schedule for the Swedeland and Swedesburg fire companies but assured everyone they would be out at some point as well.

HOLIDAY HOOPLA

Mrs. Kenney provided details on the Holiday Hoopla to be held at the Township Building on Friday, December 4th from 6:30 to 8 p.m.

WINTER FARMERS MARKET

Mrs. Kenney noted the Winter Farmers Market begins December 5th from 10 a.m. to noon and will be held every other week thereafter.

HOLIDAY HOOPLA

Mr. Waks mentioned he and several of the supervisors will be in attendance and provided an idea of the many enjoyable holiday offerings on the agenda for the Holiday Hoopla.

SANTA BREAKFASTS

Mrs. Spott provided the schedule for the various Santa breakfasts hosted by the local fire companies.

UPCOMING MEETINGS AND ANNOUNCEMENTS

Mrs. Spott announced a number of upcoming Township meetings and events.

SILVER SNEAKERS

Mrs. Spott asked for nominations for the Upper Merion Community Center to be a Silver Sneaker Partner facility and provided details on the nomination process.

FIRE AND EMERGENCY SERVICES BOARD NEW MEETING TIME

Mrs. Kenney noted the Fire and Emergency Services Board decided at its last meeting to change the meeting time from 7:30 p.m. to 7 p.m. starting with this month.

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 9:03 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered