

ORIGINAL

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
FEBRUARY 22, 2018

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, February 22, 2018, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:47 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Bill Jenaway, Greg Waks, Greg Philips, Carole Kenney and Erika Spott. Also present were: David Kraynik, Township Manager; John Walko, Solicitor's Office, Rob Loeper, Township Planner; Tom Beach, Township Engineer; Sally Slook, Assistant Township Manager 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 January 11, 2018 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Philips stated the Board of Supervisors is taking a lead for the entire Township and prior to this meeting participated in harassment training. All township employees will undergo workplace harassment training next week. Chairman Philips asked for a moment of silence for the passing of former supervisor and Chairman of the Board of Supervisors Joseph Bartlett who passed away earlier in the week and also for the 17 victims of the Florida school shooting.

NEW BUSINESS

SWEARING IN CEREMONY FOR PROMOTED POLICE OFFICERS BY JUDGE JAMES GALLAGHER

Director of Public Safety and Police Chief Tom Nolan stated in November 2016 the Upper Merion Township Police Department conducted a promotional testing process to fill anticipated openings in the Police Department. The list was established and used for promotions in 2017 and now in 2018. The formal swearing-in is being held for the next two officers on that eligibility list who are promoted as part of the department's transition to the Department of Public Safety.

After Chief Nolan provided a biographical sketch for each officer, District Justice James Gallagher officiated at the swearing-in ceremony for the following officers: Brendan Brazunas is promoted to the rank of Lieutenant and will be commanding the administrative division which will include emergency management for the entire township. Jeffrey Maurer is promoted to the rank of Lieutenant and will be commanding the newly formed Community Oriented Policing Division.

Mr. Philips reflected on his personal experience as a naval officer in charge of promotions and said promotions are one of the highest forms of praise that a commanding officer can give to his troops. He said the praise and honor should not be theirs alone as it also goes to the families who have loved and supported them through the entire process. On behalf of the Board of Supervisors, Mr. Philips congratulated the newly promoted police officers recognized at this swearing in ceremony.

CONSENT AGENDA RE:

1. Authorization for the Solicitor to sign Settlement Stipulations re:
  - a. JABMD, LLC located at 1100 First Avenue
  - b. 601 Allendale Road, LLC located at 830 First Avenue
2. Bid Recommendation re: 2018-2020 Electrical Maintenance Contract to Controlex Service Corporation in the amount of \$358,020.00
3. Resolution 2018-11 re: Request to submit a PA Small Water and Sewer Program Grant application in the amount of \$235,450.00 to be used for the replacement of 1,150 feet of sanitary sewer lines
4. Resignation from Citizen Boards re:
  - a. Dan Yarnall from the Economic and Community Development Committee
  - b. John Weilnau from the Environmental Advisory Council
5. Resolution 2018-12 re: Authorize to Sign Application for Traffic Signal Approval, Form TE-160 – Allendale Road and Elliott Road
6. Amend Professional Services Agreement between ARRO Consulting, Inc., and Upper Merion Township for the Trout Run Interceptor Stream Bank Restoration Project to include additional permitting - \$3,400.00
7. Approve Change Orders re: SMJ Contracting, Inc.
  - a. Change Order #30 – Reimbursement for cost of utilities paid by Upper Merion Township during the construction period in the amount of a (\$20,756.50) deduction
  - b. Change Order #31 – Payment of Liquidated Damages in the amount of a (\$94,000.00) deduction
  - c. Change Order #32 – Replace water damaged foil insulation at roof locations, remove and replace water damaged gym floor underlayment, and remove and recap old wall penetrations at existing 2<sup>nd</sup> floor in the amount of \$27,974.11
  - d. Change Order #33 – Remaining punchlist items in the amount of a (\$32,098.00) deduction
8. Approve Proposal for the Hazmat Remediation Plan for the Moore House from USA Environmental Management, Inc. in the amount of \$19,930.00
9. Resolution 2018-13 re: Request to submit a Linear Park & Montco 2040 Implementation Grant Application in the amount of \$200,000.00 for stormwater management improvements and the purchase and installation of bus shelters to the First Avenue Linear Park Project
10. Awarding of VEBA Plan Actuary Study to CBIZ Benefits & Insurance Services, Inc. not to exceed \$8,000.00
11. Bid Recommendation for the EAB Tree Harvesting Project to Construction Master Services, LLC in the amount of \$59,163.00
12. Accept Extension Letter re: Workhorse Brewing Development Plan, 250 King Manor Drive to March 31, 2018

Board Comment:

Mrs. Kenney commented on Item #11 regarding the acceptance of the bid for the Emerald Ash Borer (EAB) Tree Harvesting Project. She relayed her personal experience with an EAB-infested tree on her property and knows firsthand that the EAB is here in Upper Merion Township. Mrs. Kenney stated

the Township is continuing to be proactive in the actions it is taking to manage the EAB problem.

Board Action:

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

PRESENTATION RE: BOARD OF COMMUNITY ASSISTANCE

Ms. Lydia Dan Sardinas, Chairperson, Board of Community Assistance, provided an overview of the Board of Community Assistance (BCA). 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 who reside in Upper Merion
- When the BCA began its work in 2013 there were 41 applications (28 recipients), in 2014 there were 95 applications (59 recipients), in 2015 there were 103 applications (69 recipients), in 2016 there were 95 applications (65 recipients) and in 2017 there were 101 applications (42 recipients)
- In 2013, there were 28 recipients \$145,000 available in funding and \$128,000 was awarded; in 2014, \$160,000 available in funding and \$155,000 was awarded; in 2015, \$154,000 available in funding and \$149,834 was awarded, and in 2016 there was \$153,000 available in funding and \$152,273 was awarded. In 2017, \$149,899 available in funding and \$149,540 was awarded
- In the application process it is important to express what projects will be done to give back to the community

Ms. Dan Sardinas discussed the organization application process which includes the project description, project cost, organization description and beneficiaries.

- All non-profit and/or 501 (c) township-based organizations or organizations that benefit Upper Merion Township are eligible to apply for a BCA grant.
- Organization awards range from \$1,000-\$10,000
- All applicants are required to submit a year-end summary to the BCA by December 31<sup>st</sup>, along with copies of invoices, showing how the BCA funds were used according to their application request.

Ms. Dan Sardinas discussed the application process for high school seniors who are Upper Merion residents. The BCA considers academics, community service – past and future, character/leadership and college or university.

- As with any application academics are considered, but the BCA places a great emphasis on the community service aspect and it must be a new project, not a senior project. Senior projects are finished by the end of the school year and BCA projects must start after June 1<sup>st</sup>. Project must be completed by December 2018. Confirmation of completion of the project is required.
- A specific number of community service hours is required according to the amount of the scholarship.
- Award amounts are \$1,000; \$2,000; \$3,000; Ron Wagenmann scholarship for \$5,000 and a General von Steuben scholarship for \$10,000

- Application deadline is March 15, 2018.

Ms. Dan Sardinas stated the BCA recommendations will be made at the May 24<sup>th</sup> Board of Supervisors meeting. After approval by the Board of Supervisors it will be posted on the website and a letter will be sent to all applicants indicating their application status.

As Board Liaison to the Board of Community Assistance, Mr. Waks expressed appreciation to the members of the BCA and emphasized the amount of time and effort that goes into reviewing all the applications. He pointed out the applications are reviewed multiple times and some very tough decisions have to be made within a very condensed time period. Mr. Waks pointed out while the BCA advises the Board of Supervisors, their recommendations have never been overruled in its 5-year history which is due to the thorough job that is done throughout the application review process.

PARK RIDGE HOTEL DEVELOPMENT, LP DEVELOPMENT PLAN: 480 N. GULPH ROAD. CONSTRUCTION OF FREESTAND 120 UNIT HOTEL. PLAN APPROVAL PART OF 2010 PLAN WHICH REDUCED THE NUMBER OF ROOMS IN THE EXISTING HOTEL, 8.5 ACRES, SM., Resolution 2018-14 *Plan Expiration 2/28/18*

Mr. Loeper, Township Planner, stated this hotel is located at the corner of North Gulph Road and Goddard Boulevard and has undergone several renovations over the years. Most people still remember it as the old Stouffer's Hotel and more recently as the Sheraton Hotel.

The applicant received Township approval of a land development plan for the subject property in 2010 that converted a planned 300 room hotel into a 180 room hotel with a provision that permitted the applicant to add an additional 120 rooms at a later time.

The applicant now proposes to develop the subject property by constructing a five-story free-standing hotel to contain the reserved 120 hotel rooms. The hotel brand will be the Element Hotel and will be operated independently from the Sheraton Hotel and have its own check-in; however, it will share the same site and parking.

Mr. Loeper pointed out much of the original property was built prior to requirements for stormwater management. This hotel will include two underground detention systems as well as a large bio-retention field. In addition, the stormwater is being built with several BMP's to help with the stormwater management.

The overall site requires 427 parking spaces which includes counts for the Sheraton Hotel, the Element Hotel and restaurant. The applicant is providing 465 spaces (122 are valet spaces located on the other side of the turnpike).

The applicant is providing additional landscaping on the site including 15 different varieties of trees and shrubs.

Mr. Loeper indicated the applicant has requested waivers with this application. The first is a stormwater waiver to allow stormwater pipe sizes to be less than 15 inches. The second waiver is to allow grading within five feet of a property line. The third waiver is a request for several waivers regarding plan submission requirements on the site.

Mr. Jenaway asked if the township engineer is satisfied with the waivers and has no comments. Mr. Tom Beach, Township Engineer, responded in the affirmative.

Mr. Jenaway asked if reducing the stormwater pipe to less than 15 inches would create any potential challenges. Mr. Beach responded, "That is really just for the control outlet."

Mrs. Spott asked if the Shade Tree Commission reviewed the plan. Mr. Loeper responded in the affirmative. He said the Commission reviewed the plan in November and the comments were passed along to the applicant. Mr. Loeper indicated the comments were relatively minor, for example, moving a tree from one location to another.

Mr. Loeper stated in discussions he has had with the Shade Tree Commission they are developing a whole new process for review and coordination with the Commission to enhance the overall process.

Mrs. Spott asked if the Shade Tree Commission recommendations were accepted. Mr. Loeper responded in the affirmative.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve Resolution 2018-14. None opposed. Motion approved 5-0.

FRANCIS E. SCHULTZ, JR. DEVELOPMENT PLAN: 541 FLINT HILL ROAD, CONSTRUCTION OF A 40,000 SF ONE-STORY BUILDING FOR RECREATIONAL USE AND WAREHOUSING AND PAVED PARKING FOR 116 VEHICLES AND A LOADING AREA. LI-LIMITED INDUSTRIAL, 7.11 ACRES, RESOLUTION 2018-15, Plan Expiration 2/28/18

Mr. Loeper stated the proposal is to construct a 40,000 square foot building for several users on the 7-acre site in the Limited Industrial District. The plan utilizes the northwest quadrant of the site. As part of this plan, an 11,000 square foot building will be demolished; this area is also occupied by vehicles which will be removed from the site.

Mr. Loeper indicated the recreation facilities will be in operation at night and geared towards younger children and teenagers.

As part of the approval the applicant will be building two new driveways onto Hertzog Boulevard as well as circulation around the building. Stormwater management will be provided.

Parking will be available for a total of 116 parking spaces. The parking spaces at the rear of the building will be held in reserve. While these reserve parking spaces are not needed at the present time, by code it is necessary to have them shown on the plan.

The landscape plan includes a variety of 40 canopy trees, 20 other types of trees and over 200 shrubs.

The plan was reviewed by the Planning Commission and Shade Tree Commission last September. The applicant was required to get a special exception for the use in the LI District which part of the delay.

The applicant has requested several waivers: (1) to allow a professional engineer to design the landscape plan as opposed to a landscape architect, (2) to not provide existing features within 200 feet of the property, (3) to not provide a traffic impact study, (4) to not provide usable, active recreation land on non-residential developments, and (5) to provide open channel side slopes greater than 3:1.

Mr. Beach indicated he is satisfied with all of the waivers.

Mr. Philips asked about the location of the open trench. Utilizing the aerial Mr. Loeper pointed to the area and indicated it drains down to a regional basin on the adjacent property.

Mr. Philips asked for clarification about stormwater management. Mr. Beach responded for the redevelopment site the applicant is required to either reduce the post development impervious surface by 20% or reduce the post development two-year storm by a minimum of 20%. Mr. Beach noted the second requirement has been met where the reduced post development ten-year storm is less than a predevelopment two-year storm. He indicated there is a large diameter storage pipe running under the paved parking lot.

Mr. Jenaway asked about the street address which was mentioned at the workshop. Mr. Loeper responded there are currently several street addresses associated with this parcel. He indicated this will have a different address although he did not specify what the address would be.

Mrs. Spott questioned the traffic study waiver and if that was ever done before. Mr. Loeper responded in the affirmative. He said in the past a study is required if there is a generation of 50 new PM peak hour trips. In this particular case there is an increase; however, in removing the existing building and part of the existing use the count comes down.

Mrs. Spott asked how we know the number of peak hour trips without doing the traffic study. Mr. Loeper responded planning staff uses the Institute of Traffic Engineers charting which provides calculations based on input data.

Mrs. Kenney asked if a traffic study was done for the building that is currently there now. Mr. Loeper responded in the negative and indicated that building dates back many years before traffic studies. He said planning staff were provided numbers such as enrollment and they were able to compare similar uses. Mr. Loeper pointed out the difficulty because this is not a health club which would have a much higher than the proposed use. He indicated Mr. Schultz was also able to give planning staff information about the number of customers coming in and out of the existing building.

Mrs. Kenney asked if there is any problem with the parking lot in view of sink holes in the other parking lot. Mr. Loeper responded this plan does not include porous paving. The other parking lot had porous paving which may have contributed to the problem.

#### Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2018-15. None opposed. Motion approved 5-0.

#### APPOINTMENT TO ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE (ECDC)

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve the appointment of Timothy Dooner to the Economic and Community Development Committee. None opposed. Motion approved 5-0.

#### ACCOUNTS PAYABLE & PAYROLL:

#### Board Action:

It was moved by Mr. Kenney, seconded by Mr. Waks, all voting "Aye" to approve the Accounts Payable for invoices processed from January 3, 2018 to February 14, 2018 in the amount of \$1,925,616.40 and the Payroll for January 12, 2018, January 19, 2018, January 26, 2018 and February 9, 2018 in the amount of \$2,497,781.82 for a total of \$4,423,398.22. None opposed. Motion

passed 5-0.

## ADDITIONAL BUSINESS

### DINEKOP WEEK

Mr. Jenaway provided details on DineKOP Week to be held March 5-11, 2018. It was noted a portion of the proceeds will be donated to Children's Hospital of Philadelphia's (CHOP) King of Prussia Specialty Care Center.

### KOP SHOPS FOR CHOP

Mr. Jenaway mentioned KOP Shops for CHOP, a new charitable day of shopping on March 10<sup>th</sup>; a portion of the proceeds will be donated to CHOP KOP.

### KOP BID COMMUNITY OUTREACH AWARD

Mr. Waks congratulated the Park and Recreation Department, Park and Recreation Board and the Community Center Complex Advisory Board on receiving the KOP District's Community Outreach award for their contributions in the community.

### FARMERS MARKET

Mrs. Spott reminded everyone about the Winter Farmers Market to be held on Saturday from 10 a.m. to noon and every other Saturday until the regular market starts in May.

### BCA APPLICATION DEADLINE

Mr. Philips reminded everyone about the March 15<sup>th</sup> BCA application deadline.

### NEW RAMBLER SCHEDULE ON HOLD

Mr. Philips stated there will be no changes to the Rambler schedule for the foreseeable future.

### TIME FOR COMMUNITY CENTER PASSHOLDERS TO RENEW THEIR MEMBERSHIPS

Mr. Philips reminded Community Center passholders it is time to renew their passes.

### CITIZEN BOARD VACANCIES

Mr. Philips noted there are vacancies on a number of citizen boards and encouraged those who have a special interest in any of the citizen board vacancies listed on the township website to apply and become involved in the community.

### UPPER MERION IS HIRING

Mr. Philips called attention to the many job openings listed on the Township website.

### BLACK HISTORY MONTH

Mr. Philips extended an invitation to come celebrate Black History Month with the Library and Friends of Black History to be held on Saturday, February 24<sup>th</sup> from 10 a.m. to 3:30 p.m.

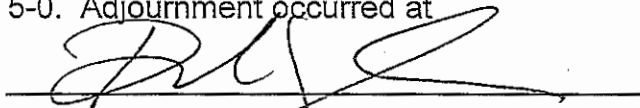


DAVID WALTON – SCIENCE FICTION WRITER

Mr. Philips provided details on the opportunity to meet science fiction writer David Walton on March 7<sup>th</sup> between 7-8 p.m. (Note: this event was rescheduled to March 13<sup>th</sup> due to inclement weather).

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Kenney, seconded by Mrs. Spott, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:42 p.m.



DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved: 3/22/18  
Minutes Entered: 3/22/18