

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
MAY 23, 2019

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, May 23, 2019, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:39 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, Greg Phillips, Carole Kenney, and Tina Garzillo. Also present were: Sally Slook, Acting Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer.

MEETING MINUTES:

It was moved by Mrs. Kenney, seconded by Mrs. Garzillo, all voting "Aye" to approve the following meeting minutes: February 4, 2019 Workshop, February 21, 2019 Business, March 28, 2019 Business, April 4, 2019 Zoning Workshop, April 4, 2019 Workshop and April 25, 2019 Business as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

An executive session was held prior to this meeting regarding personnel and legal matters. Chairman Waks provided a brief update regarding the Township Manager search and stated that it was his hope and expectation that they will be able to name the new Township Manager in the June Business meeting at the latest.

NEW BUSINESS

SWEARING IN OF POLICE OFFICER EVAN MEOLI BY JUDGE JAMES GALLAGHER

Chief Nolan addressed the Board and Acting Township Manager and stated we are here tonight to swear in a new police officer and swear in three members that are being promoted. The promotions and the additional officer were approved in the 2019 Budget that was approved by the Board. Chief Nolan further stated that these promotions will allow a supervisory position to both the Police Unit and the Administrative Emergency Management Division. Chief Nolan recalled that there was recently a video on Facebook that showed one of our officers running the last leg of the King of Prussia 10 Mile to help encourage the final runner to make it to the finish line. He stated that while this officer's act of compassion was caught on camera, there are many other acts that are performed daily by the men and women of this Police Department that aren't always seen by others. Chief Nolan stated that these things happen because the first and main focus in the hiring process is looking for good people. At this time Chief Nolan introduced Evan Meoli. John is a 2011 graduate of North Penn High School in Lansdale. He graduated from West Chester University in 2017 with a Bachelor degree in Criminal Justice. In June of 2018 Evan graduated from the Montgomery County Police Academy. Evan previously served as a police officer with the Upper Gwynedd Police Department in Montgomery County. Evan started his employment with the Upper Merion Township Police Department on May 13, 2019 and is currently assigned to field training. At this time Judge James Gallagher administered the oath of office to Evan Meoli.

SWEARING IN POLICE OFFICER PROMOTIONS BY JUDGE JAMES GALLAGHER

Director of Public Safety and Police Chief Tom Nolan stated that these promotions will take effect at 7 a.m. on May 27, 2019. After Chief Nolan provided a biographical sketch for each officer, District Justice James Gallagher officiated at the swearing-in ceremony for the following officers: Martin Menago to be promoted to the rank of Corporal. John Kreuer is promoted to the rank of Corporal. Corporal Tobias Fisher is promoted to the rank of Sergeant and will be Sergeant of the Community Oriented Policing Unit. At this time Judge James Gallagher administered the oath of office to Martin Menago, John Kreuer and Tobias Fisher.

PROCLAMATION RE: NATIONAL POLICE WEEK

On behalf of the Board of Supervisors, Mr. Jenaway read and presented a proclamation to representatives of the Upper Merion Police Department and called upon all citizens of Upper Merion Township and upon all patriotic, civic and educational organizations to observe the week of May 12 to May 18, 2019 as Police Week and May 15, 2019 as Officer's Memorial Day.

Director of Public Safety and Police Chief Tom Nolan accepted the proclamation and expressed gratitude to the Board and the residents for all the support they show everyday here at Upper Merion Township.

PROCLAMATION RE: EMS WEEK

On behalf of the Board of Supervisors, Mrs. Kenney read and presented a proclamation to representatives of the Emergency Medical Services and called upon all citizens of Upper Merion Township and upon all patriotic, civic and educational organizations to observe the week of May 19 to May 25, 2019 as EMS Week.

Director of Public Safety and Police Chief Tom Nolan accepted the proclamation and expressed gratitude also noting that our Police Department is one of the most highly trained in emergency medical services, equipment is top notch and the emergency medical response in the Township is great and only getting stronger.

Board Comments:

Mr. Jenaway made a brief public service announcement to discuss the transition of Lafayette Ambulance to Upper Merion Fire and EMS. He stated due to the transition a delay of about six months in the renewal of the subscription has occurred but that everyone who had a subscription will continue until the new one is released which will be in July.

PRESENTATION RE: FARMERS MARKET 2018 YEAR-IN REVIEW & PREVIEW OF 2019

Mr. Vince Lattuca, Farmer's Market Manager, stated that the Farmer's Market had a good 2018 year and attributed it to the Indoor Winter Market. The location was changed indoors to the Upper Merion Township Building atrium and hours were also extended from 10 a.m. to 12 p.m. to 10 a.m. to 1 p.m. adding an additional hour to customers. These changes increased vendor retention as well as customer traffic due to the fact that in the past the market started off doing well but faded due to the weather. Mr. Lattuca briefly went over his power point with comparisons of 2018 and 2019 and noted that both customer and vendor attendance was higher with about 23,500 customers for 2018 and 20 to 25 vendors a week. The market money for the 2018 is just under \$23,000.00 and is accounted for about 10% of total sales which is estimated at about \$230,000.00 between all the vendors. Mr. Lattuca noted that this is additional revenue coming

into the Township for businesses based here in King of Prussia. In regards to social media, Mr. Lattuca noted that media platforms are all trending upwards. On opening day as our 10th seasonal this past weekend, 659 cars which is a little over 1,300 people and this is 130 more cars than last year. Mr. Lattuca then presented a video that was made for the Farmer's Market. Sponsorships are new this year with banners and social media posts. There has been an additional revenue of \$3000.00 from sponsorships. Fridays in June and July there will be a pop-up market at the King of Prussia Mall from 11 a.m. to 3 p.m. which acts as additional marketing for the Farmer's Market as a whole. This also acts as an expansion of service for both the vendors and customers. Mr. Lattuca reminded the public that the Farmer's Market is every Saturday from 9 a.m. to 1 p.m. up until Thanksgiving. He also expressed gratitude to the Board, the volunteers, vendors and customers.

Board Comments:

Mrs. Garzillo encouraged the public to visit the Farmer's Market on Saturdays. Briefly explained how Market Money works and also how the Farmer's Market pays for itself with the fees from vendors and sponsorships.

Mrs. Kenney asked for more details regarding the new pop-up market. Mr. Lattuca responded that the pop-up market will be held outside of Grand Luxe Café and Neiman Marcus and will be limited to 9 to 10 vendors due to the space available. The pop-up market will be held for June and July on a trial basis. Mrs. Kenney urge advertising and Mr. Lattuca mentioned that Simon has committed to digital advertising along with what the Public Information Office will do. It was noted that the vendors will be the same but the farmers will receive priority.

CONSENT AGENDA RE:

1. Resolution 2019-15 re: Greenways, Trails & Recreation Grant (GTRP) in the amount of \$250,000.00 for the Design of Phase 2 of Heuser Park
2. Waiver of Fees re: King of Prussia Church of Christ Roof- \$1,754.50
3. Resignation of Scott Sibley and Jenn Lyons from the ECDC
4. Approval to Amend Chapter VIII, Section B #1 – Leaves of Absence/Vacation Leave of the Upper Merion Township Non-Uniformed Personnel Manual
5. Equipment Replacement Request re: Replace three office desks at the Public Works Garage - \$4,428.00
6. Resolution 2019-19 re: Disposition of Township Personal Property – Five Vehicles to Auction for a minimum sale value of \$18,500.00
7. Approve Change Order re: Valley Forge Inc. June 2019 Site Investigation which includes Field Survey of the Pile and Sampling - \$13,500.00

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.

Public Comments:

Mike Napolitan, a resident, asked where the disposed vehicles go and how they are auctioned. Mr. Todd Lachenmayer came forward and responded that equipment gets sent to J.J. K. Auctions in Plymouth Meeting. Mr. Napolitan inquired about Item 7. Mr. Mark Zardoga responded that the site is located 450 E. Valley Forge Road more commonly known as the Gallagher fill site. Currently there is a settlement agreement between Upper Merion Township and Valley Forge Incorporated. He also stated that the Change Order is for Field Survey to

make sure the heights as well as materials placed there are in compliance. Mr. Napolitan asked how the Township became responsible for this and Mr. Waks stated he will get back to him with further information.

CRAFT CUSTOM HOMES SUBDIVISION: 383 ANDERSON ROAD, 1.95 ACRES, 8 DWELLING UNITS (5 NEW SINGLE FAMILY DETACHED, 3 EXISTING MULTI-FAMILY) RESOLUTION 2019-16, Plan Expiration: 6/1/19

Mr. Loeper stated that the proposal is to subdivide the property. It is currently occupied by an existing old farm house that has over the years been converted to a three dueling unit. The farm house will remain, the detached garage in the rear will be demolished and there will be five new lots each with a single family dwelling. Mr. Loeper referred to the rendered plans and briefly went over where everything would be located. The lots range from just over 10,000 to 12,000 square feet and it is a R2 District which is a 10,000 square foot minimum. The stormwater management consists of a series of basins. Sidewalks will be provided along the entire frontage of both Anderson Road and the new cul-de-sac road. One of the questions that came up with the Planning Commission in regards to the road and cart way is that the road has a 50 foot right-of-way which is acceptable and meets all of our code standards and a 24 foot wide cart way, the area measured from curb to curb. The applicant is requesting a waiver to pay a fee in lieu of four trees that will not be planted on the site.

Board Comments:

Mr. Jenaway stated he saw this at the Planning Commission and expressed his concerns about parking and the narrow cart way. Mr. Loeper responded that the advantage of the 24 foot wide cart way is that the narrow cart way tends to keep people moving slower. The disadvantage is that if you do need on street parking the 24 foot wide cart way will not work.

Mr. Philips asked Mr. Hughes how they planned to police the cul-de-sac. Mr. Hughes responded that it is a private street and there will be a community association with rules and regulations that will prevent parking on the street. Chief Nolan stated in a private development we cannot enforce for no parking but can do fire zones based on the fire marshals ordinance also noting it would be up to the establishment to tow the vehicles.

Mrs. Kenney asked if it were possible to extend the cart way to 30 feet for parking for delivery vehicles, landscaping and service vehicles. It was noted that the plan is in accordance with the standards of both the County and Township Planning Commissions. A discussion ensued regarding extending parking. With the Board's concerns regarding parking, Mr. Waks proposed an extension until sometime in July and come back to a Workshop Meeting and present an improved plan. Mr. McGrory stated that a handwritten extension request is required from the applicant.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve a Letter of Extension from Applicant for an Extension Date of July 31, 2019 as presented. None opposed. Motion approved 5-0.

CONDITIONAL USE HEARING RE: BRANDYWINE OPERATING PARTNERSHIP, LLC DEVELOPMENT PLAN: 650 PARK AVENUE, DEMOLITION OF EXISTING 2-STORY (+100,000 SF) OFFICE AND 4 LEVEL PARKING STRUCTURE. 3.12 ACRES. KPMU KING OF PRUSSIA MIXED USE DISTRICT. CU FOR SECTIONS 165-160.3 TO PERMIT AN INCREASE IN BUILDING HEIGHT AND REDUCTION FRONT YARD IN ACCORDANCE WITH PROVISIONS OF KPMU. *Plan Expiration: 7/4/19*

Mr. Waks noted this is a revised plan. Mr. Loeper stated this is a two story building which Brandywine has indicated has served its useful life and is in need of major work. The plan has been presented a few times at the Workshop Meeting and it is being proposed that they will be back in June for approval of the land development.

Mr. McGrory opened the hearing by introducing the following Board Exhibits: Board Exhibit 1 is the Application for Conditional Use and All Attached Exhibits dated April 2nd, 2019; Board Exhibit 2 is the Legal Notice of tonight's Conditional Use Hearing; Board Exhibit 3 is the Proof of Publication dated May 9th and May 16th of 2019; Board Exhibit 4 is the Affidavit of Posting the Parcel Subject to Hearing from Township Planner Attesting Partial posted on May 14, 2019; Board Exhibit 5 is Notice to Property Owners and notifying them of the hearing tonight. With no objection to the introduction of the Board Exhibits, Mr. McGrory asked Mr. Alfred Fuscaldo, attorney for Brandywine Operating Partnership, to state his case.

Along with Mr. Fuscaldo was Anthony Reindl, Development Associate from Brandywine in charge of this project; Cornelius Brown, their Civil Engineer from Bohler; and Carl Emberger, their Architect. Mr. Fuscaldo gave a brief overview of the project and began by introducing the following Exhibits: Exhibit 1 is a copy of the application; Exhibit 2 is an aerial showing the Brandywine Properties in Upper Merion Township; Exhibit 3 is the existing condition photographs, tow views, one from the east and the southeast of the existing building; Exhibit 4 is a site aerial; Exhibit 5 is the existing conditions plans showing the current building on the property; Exhibit 6 is the Conditional Use Plan prepared by Bohler showing the proposed project; Exhibit 7 is a colored-up site plan showing the landscaping around that project; Exhibit 8 are three renderings of the proposed new building to be developed on the property; Exhibits 9 through 11 are the resumes of Mr. Reindl, Mr. Brown and Mr. Emberger respectively.

Mr. Fuscaldo stated the property is located at the corner of First Avenue and Park Avenue and is in the KPMU Mixed-Used District. The proposal by Brandywine is to demolish the existing 64,000 square foot building and to replace it with a 100,000 square foot Class A office building. The two Conditional Use requests relate to the location of the new building. The first relates to the height of the building. The proposal is to go to 65 feet, and Conditional Use is required in order to do so. The second Conditional Use is to move the building closer to First Avenue in order to connect it to the Linear Park. It was noted that our ordinance allows the reduction of the front yard setback from 50 feet to 25 feet by Conditional Use provided that an easement is granted to the Township for a Linear Park. Mr. Fuscaldo stated that this application would relocate the Linear Park, keep the Linear Park, and allow the Township to be a party to that easement or a new easement be granted to the Township for the Linear Park. Mr. McGrory stated that the issue was resolved by simply taking the existing easement with the BID and making the Township a co-grantee which will have to be made as a condition of approval tonight. Mr. Fuscaldo reiterated that they

have been before the Board, land development is currently pending, and they hope to be completed by June. They have been in front of the Planning Commission at their May 8th meeting and received a unanimous recommendation of approval both land development and the Conditional Uses without any conditions.

Mr. Chris Basler with the King of Prussia District expressed support for this project stating that they have worked with Brandywine on a number of different projects. Mr. Basler submitted his written statement on behalf of Eric Goldstein, the Executive Director of King of Prussia District, and the King of Prussia District, Incorporated and having been duly sworn, was examined and testified. Mr. McGrory proceeded to swear in the two witnesses, Mr. Anthony Reindl and Mr. Cornelius Brown. The Board accepted the witnesses adopt the attorney's testimony.

Mr. McGrory stated that there was the condition of retail space or café space on the first floor the Board wanted to address. The Board expressed the benefits of the space being used as retail or café space and their concerns that zoning was changed for retail use. Mr. Fuscaldo stated they were not in a position to guarantee that, that space can be leased as a retail space. He assured they would do their best to lease that space but noted it would be unfortunate if they were unable to lease it and then have 1,200 square feet of dead space in the corner of the building.

Mr. Fuscaldo proposed a continuance for the June 20, 2019 meeting to find a way to accommodate the Township. The Board made final comments regarding the retail space being used as a benefit for employees.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Garzillo, all voting "Aye" to grant the Continuance Request to June 20, 2019 at 7:30 p.m., in Freedom Hall, in the Township Building in King of Prussia. None opposed. Motion approved 5-0.

REALEN EMS/FIRE STATION/CUBE STORAGE: 400 GUTHRIE ROAD,
156,389 SF, 0.74 ACRES AT THE VILLAGE OF VALLEY FORGE
RESOLUTION 2019-18

Mr. Paul Fried from Valley Forge Storage Venture, LLC, which is in partnership with Cube Smart, presented 400 Guthrie Road, a combination of a new fire station for the Township, Station 56. Mr. Fried briefly went over his power point which included the site plan and mentioned some final finishes. Mr. Jenaway noted that we are getting a substantial infrastructure that we would not have gotten otherwise as we are getting twice the size that was agreed to in the original plan. The station will serve as a career Fire and EMS operation that will operate twenty-four hours a day, seven days a week. It was also noted that the location is ideal as they are moving towards having multiple departure locations to better serve the public. Mrs. Kenney asked where the Police substation will be located and Mr. Fried referred to the power point. Mr. Philips asked if flashing strobes will be included for the fire station as it is at the Lafayette location and Mr. Fried responded that approval for road widening to allow turns off of Guthrie Road was just received and then the next step would be go over this along with the Township.

Public Comments:

Mr. Mike Napolitan, a Township resident, expressed his concerns regarding the fire station 2007 agreement. Mr. Waks responded and stated that the 2007 agreement did not contemplate the future needs of the development or the community. Mr. Jenaway also noted that Cube Smart is a modern need that communities now need due to the lack of storage provided by developments.

Mr. Drew McNally, a Township resident, asked how many fulltime firefighters will be at the fire station and expressed his concerns regarding Cube Smart. Mr. Jenaway responded six to eight will be working the shift. Mr. McNally asked if the Cube Smart was going to be seven stories on top of a two story fire station and Mr. Fried clarified that the building is a total of seven stories.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve Resolution 2019-18 as presented. None opposed. Motion approved 5-0.

PUBLIC HEARING RE: AN ORDINANCE TO ESTABLISH FEES FOR CERTAIN TOWNSHIP EMERGENCY MEDICAL SERVICES AND APPLICATION FOR TRANSFER OF LIQUOR LICENSE

Mr. McGrory opened the hearing by introducing the following Board Exhibits: Board Exhibit 1 is the Ordinance; Board Exhibit 2 is the Legal Notice; Board Exhibit 3 is the Proof of Publication; and Board Exhibit 4 is the Proof of Submission to the Montgomery County Law Library. The Ordinance permits the Township for various EMS services and by resolution will establish the fees for those various services so every time the fees change there is no need to change the Ordinance. Mr. Jenaway mentioned that this would not change any of the current fees that are being charged today. It was also noted all the past subscriptions from Lafayette Ambulance are continuant. Mr. McGrory also stated that the Ordinance establishes a fee for liquor license transfers.

Public Comments:

Mr. Mike Napolitan, a Township resident, expressed his concerns asked if there are paid EMS employees and how they are paid. Mr. Jenaway responded that there have been for many years and employees. Mr. Nolan also responded that EMS employees are paid as Township employees and the billing revenues are revenues that come to the Township.

Board Action:

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

RESOLUTION 2019-20 RE: AMENDING RESOLUTION 2018-60 – 2019 TOWNSHIP FEE SCHEDULE TO ESTABLISH THE NEWLY ENACTED FEE AMOUNTS

Mr. McGrory stated that this Resolution establishes the fees and includes the tapping fee for the sewer system. The Resolution does not increase the fee but it is what the Authority had decided previously. Since the fee was never added to the Fee Resolution, it is now being included to this Fee Resolution to rectify the issue.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2019-20 as presented. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Philips, seconded by Ms. Garzillo, all voting "Aye" to approve the Accounts Payable and Payroll. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS:

VFW Post 7787 – Memorial Day Event

Mr. Philips announced to the public that the VFW Post 7787 located on Church Road, King of Prussia, will be putting flags on veterans graves on Saturday, May 25, 2019 at 9 a.m. at three of the major cemeteries, St. Augustine's, St. Peter and St. Paul memorial gardens. Mr. Philips encouraged the public to attend as this would be a good way to remember those who have fallen or served our country in the past.

ECDC

As staff liaison of ECDC, Mrs. Garzillo wanted to acknowledge Scott Sibley and Jen Lyons for the time they put into ECDC and noted their contribution was huge. Mrs. Garzillo announced that there are three vacant spots on ECDC for anyone interested in joining.

Mr. Waks also expressed gratitude to Scott Sibley and Jen Lyons for their service to the Township for numerous years.

Concert Under The Stars

Mrs. Garzillo reminded the public to mark their calendars that on June 2, 2019 is the first concert of the free series. The line-up has been expanded with the generous sponsors we have. There will be food trucks and the beer garden. Mrs. Garzillo also expressed she looks forward to a good season this year.

Farmer's Market

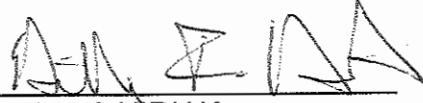
Mrs. Kenney reminded the public that the second Farmer's Market of the 10th season is Saturday from 9 a.m. to 1 p.m. She also welcomed back old customers and encouraged the public to attend. Mrs. Kenney also wished everyone a safe and happy holiday weekend.

Economic News

Mr. Waks stated that at the last meeting the Board voted to refinance a bond. The expected savings was \$500,000.00 but it actually turned out to be \$647,580.00.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 10:12 p.m.



NICHOLAS HIRIAK
ASST. SECRETARY/TREASURER

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Minutes Approved:

Minutes Entered:

