

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
BUSINESS MEETING  
SEPTEMBER 8, 2022

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, September 8, 2022, 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 Phillips, Bill Jenaway, Carole Kenney, Tina Garzillo and Greg Waks. Also present were: Anthony Hamaday, Township Manager; Ashton Jones, Twp. Planner; John Walko, Esq., Solicitor's Office and Isaac Kessler, Township Engineer.

MEETING MINUTES:      May 12, 2022 - Business Meeting  
                                    June 2, 2022 – Zoning Code Workshop  
                                    June 2, 2022 – Workshop  
                                    July 7, 2022 – Zoning Code Workshop  
                                    July 7, 2022 – Workshop

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Garzillo, all voting "Aye" to approve the Meeting minutes listed above. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairwoman Kenney stated that there was an Executive Session last week after the Workshop meeting involving a legal matter. She also reminded the residents that trash pickup is private and they should contract a hauler of their choice, as of now Waste Management and White Tail have a license to collect in Upper Merion Twp.

Chairwoman Kenney also extended her condolence along with the rest of the Boards to Rob Loeper's family, friends and colleagues, Rob passed away on August 23, 2022 after serving 30 years as Twp. Planner for UMT. There will be a tree planted in his memory. In addition, the Township solicitor for the Board Joseph McGrory also passed away this year. Joe served the Board of Supervisors for 10 years. He will be missed.

NEW BUSINESS:

Supervisor Jenaway proposed two modifications to the agenda tonight.

The first one was to move Item D (Preliminary/Final Land Development Plan for 450 W. Beidler Road) to #8 of the Consent Agenda because they asked for an extension earlier today.

Board Action:

It was moved by Supervisor Jenaway, seconded by Supervisor Phillips, all voting "Aye" to move the above item to the Consent Agenda. None opposed. Motion passed 5-0.

The second was to move the Consent Agenda before the Shade Tree Beautification Awards since everyone has not arrived yet.

Board Action:

It was moved by Supervisor Jenaway, seconded by Supervisor Waks, all voting "Aye" to move the Consent Agenda before the Shade Tree Beautification Awards. None opposed. Motion passed 5-0.

CONSENT AGENDA:

1. Motion to approve the Budget Guidelines for the 2023 Operating and Capital Budgets.
2. Presentation and acceptance of the Township's 2023 Financial Requirements and Minimum Municipal Obligation (MMO) in the amount of \$1,396,232.00 for the Police and \$647,004.00 for the Non-Uniform Pension Plans.
3. Authorization of 2022 Supplemental Budget Appropriations – Park & Recreation. Authorization of the following 2022 Supplemental Budget Appropriations due to unanticipated expenditures/revenues as follows:
  1. 01-450-4592 Programs-Instruction Classes (revenue) - \$15,000.00
  2. 01-367-0420 Day Camps (expense) - \$15,000.00
  3. 01-450-4593 Programs-Instruction Classes (revenue) - \$40,700.00
  4. 01-367-0492 Programs-Community Center (expense) - \$40,700.00
4. Land Development Plan Review Extension – Mancill Mill Road Company, Mancill Mill Road. Accept letter of extension from Mancill Mill Road Company for the review of the proposed Land Development Plan through October 31, 2022.
5. Land Development Plan Review Extension – Republic Bank, 320 DeKalb Pike. Accept letter of extension from Republic Bank for the review of the proposed Land Development Plan through December 8, 2022.
6. Financial Escrow Security Release No. 3, Stonebridge at Upper Merion Subdivision, Dekalb Pike– Approval of Escrow Release No. 3 to Toll Mid-Atlantic LP., in the amount of \$167,750.00 for the completion of required site improvements to date as part of the subdivision as recommended by the Township Engineer.
7. Resolution No. 2022-37 Appointment of Zoning Hearing Board Alternate – Chiragi Raval.
8. Extension of Subdivision Plan Review – 215 Windsor LLC., 450 W. Beidler Road. Consideration for Preliminary/Final Land Subdivision Plan – 215 Windsor LLC., for 450 W. Beidler Rd., Resolution 2022-39 extension good through October 31, 2022.

Board Action:

It was moved by Supervisor Phillips, seconded by Vice-Chair Garzillo, all voting "Aye" to approve the Consent Agenda. None opposed. Motion passed 5-0.

PRESENTATION OF THE SHADE TREE BEAUTIFICATION AWARDS:

Before the presentation the Board showed a video of the recipients' properties receiving the awards. After the video Chairwoman Kenney introduced Mrs. Barley Van Clief, Chairperson of the Shade Tree and Beautification Commission. Mrs. Van Clief presented a Certificate and a CD to all 16 recipients.

PRELIMINARY/FINAL LAND DEVELOPMENT PLAN - Chick-Fil-A, 135 W. DeKalb Pike. Consideration of the Preliminary/Final Land Development Plan of Chick-Fil-A, 135 W. DeKalb Pike. Resolution 2022-38

Mr. Bob Tucker, attorney for Chick-Fil-A presented a proposed resolution for Chick-Fil-A to move forward with the reconfiguration of the drive thru lanes and to do so they are asking for 11 waivers on the behalf of the property owner, Mr. Bruce Goodman and the Chick-Fil-A owner, Mr. Kevin McDavid. Mr. Tucker also asked if the Conditional Condition #13 can be Deferred, this is for the Traffic Study. They would like to have the study done after the construction since it can take awhile and they want to remedy the traffic problem as soon as possible.

After a very long discussion about reconfiguring the property to alleviate traffic the Board agreed to allow 10 waivers so Chick-Fil-A can start construction and to have the Traffic Study done (90) ninety days after completion of the reconfiguration. In addition, Chick-Fil-A will add signage for right hand turn only when exiting the drive-thru and pay \$5,400.00 in lieu of planting 10 trees.

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Garzillo, with four voting "Aye" to approve the Resolution. One opposed. Motion passed 4-1.

PRELIMINARY/FINAL LAND DEVELOPMENT PLAN - MLP Ventures, 2100 Renaissance Blvd. Consideration of the Preliminary/Final Land Development Plan of MLP Ventures, 2100 Renaissance Blvd., dated May 27, 2022 as prepared by Apex Design Engineering Group, for the construction of a 37,234 sq. foot addition and associated site improvements on the property. SM-1 Zoning District Resolution 2022-40

The attorney for MLP Ventures along with the developer and engineer are asking for final approval for the construction of a 37,234 sq. ft. addition. The Board agreed to a waiver so the sidewalk can be installed after completing the addition.

Board Action:

It was moved by Supervisor Jenaway, seconded by Supervisor Philips, all voting "Aye" to approve the addition. None opposed. Motion passed 5-0.

AUTHORIZATION FOR THE PROPER TOWNSHIP OFFICIALS TO ADVERTISE THE FOLLOWING BIDS:

- a. Brownlie Road Bridge Reconstruction Project
- b. Kernwood Road Bridge Repair Project

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to approve Advertising to get Bids for the two projects. None opposed. Motion passed 5-0.

CAPITAL EQUIPMENT PURCHASE – Authorization to purchase Two (2) Ford Police Interceptor Replacement Vehicles utilizing ARPA Funds through any available State Contract or PA Co-Stars Contract.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to approve buying two Ford replacement vehicles. None opposed. Motion passed 4-0, Chairwoman Kenney had to step out for a minute.

TANNERY DRIVE - Awarding of the Tannery Drive Creek Bank Stabilization Project Bid to Eco Tone, Inc. of Forest Hills, MA, in the amount of \$92,986.32, being the lowest responsible bidder as recommended by the Township Engineer.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Jenaway, all voting "Aye" to approve Eco Tone, Inc. the project bid for Tannery Drive. None opposed. Motion passed 5-0.

PUBLIC COMMENTS:

Resident Mr. Schofield from Brian's Way mentioned that this project was done twice already for about \$49,000.00 each and failed both times, he feels that the Board is wasting Tax payer's money. Mr. Schofield said that the Township has to fix the beginning of the problem which is up stream at Martin Dam first.

Mr. Hamaday said that this project is to stabilize the creek bank only, not for stormwater management.

Permission to Advertise a proposed ordinance amending the Township Zoning Code to permit hospital uses by-right in the KPMU, HI & LI Zoning District and to further modify the requirements for mixed use buildings in the KPMU Zoning District for consideration at the November 10, 2022 Business Meeting.

Board Action:

It was moved by Supervisor Jenaway, seconded by Supervisor Waks, all voting "Aye" to approve amending the Zoning Code to permit hospital in the above coded areas. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Waks, all voting "Aye" to approve the Accounts Payables for invoices processed from August 4, 2022 through August 31, 2022 and Payrolls dated August 5, 2022 and August 19, 2022 for a total of \$1,947,460.66. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS:

Supervisor Philips reiterate what Chairwoman Kenney said in her opening comments about the Republic Trash stopping service in UMT and that maybe the

Board will look into different options since it has been a few years when they originally discussed about trash services.

Supervisor Jenaway asked everyone to take a moment on September 11<sup>th</sup> to remember everyone who lost their life that tragic day, he also mentioned the KOP 911 Run / Walk which will be held that day around KOP Mall, Allendale Rd. and Cannon Run neighborhood. In addition, there will be another Run held at the Village so he asking everyone to be cautious of the runners when driving.

Vice-Chair Garzillo mentioned that the Farmers Market will be having various vendors who support Health & WellCare on September 10<sup>th</sup> and the Fall Fest at Nor-View Farms will be every weekend in October, starting Oct. 7<sup>th</sup> thru Oct. 30<sup>th</sup>.

Supervisor Waks mentioned that the Upper Merion Community Fair will be held on October 1<sup>st</sup> at Heuser Park from 12 to 4 with plenty of fun things to do along with food trucks and a beer garden. In addition, the UM Foundation will be selling Beer Steins for \$35.00 which raises money for the Foundation which contributes thousands of dollars to community organizations and projects as well as Scholarships.

#### PUBLIC COMMENTS:

Resident Debbie Singer from Town Center, 301 Village Dr. said that the Indigo Build where she lives has declined drastically and crime has escalated. There were two shooting with one death in her building as well as drug crimes, stores being broken into, cars vandalized and at least four purses have been stolen. Ms. Singer and her neighbors have complained numerous times to management and the police but nothing has been done and the Village is no longer up scale. She wants more police present there and background checks on people renting apartments there because the Smith Building has become an Air B&B.

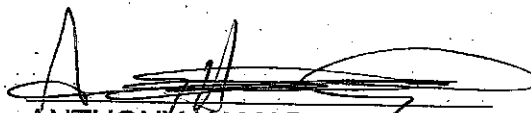
Mr. Hamaday said that there are police patrolling and camera's in the area and they trying to get more funding for more cameras. Also, the Township has had meetings with the developers and management in The Village of Valley Forge. He will have Chief Nolan contact Ms. Singer to discuss farther actions.

Mr. Schofield from Brian's Way said that the Board and the Township has not addressed his stormwater problems yet and shouldn't redo Tannery Drive before fixing the main problem starting up stream next to his property.

Resident Beth Zigmont from 449 Powderhorn Road, Valley Forge Homes brought concerns about Trash Collection in her neighborhood and asked the Board to reconsider doing something about trash pickup.

#### ADJOURNMENT:

There being no further business to come before the Board, it was moved by Supervisor Philips, seconded by Vice-Chair Garzillo, all voting "Aye" to adjourn the meeting at 10:03 PM. None opposed. Motion approved 5-0. Adjournment occurred.

  
ANTHONY HAMADAY  
TOWNSHIP MANAGER

lr  
Minutes Approved:  
Minutes Entered:

