

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
JANUARY 12, 2023

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 12, 2023, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:13 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Bill Jenaway, Tina Garzillo, Carole Kenney and Greg Waks. Also, present was Anthony Hamaday, Township Manager; John Walko, Esq., Solicitor's Office; Ashton Jones, Township Planner and Leanna Colubriale, Township Engineer.

MEETING MINUTES:

December 8, 2022 – Zoning Workshop
December 8, 2022 – Business Workshop
January 3, 2023 – Reorganization Meeting

Board Actions:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Kenney, all voting "Aye" to approve the minutes. None opposed. Motion passed 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo announced that there was an Executive Session held before the meeting to discuss legal matters. She also mentioned there are eight (8) vacancies on different Citizen Boards and she urged residents to apply as the Board is anxious to get the vacancies filled. Mrs. Garzillo then acknowledged and thanked Ashton Jones, Township Planner on the great work that he has done in his short time at the Township. She wished him well in his new job. She also acknowledged the retirement of two (2) Police Officers, Les Glauner and Paul Cooper. Chairperson Garzillo thanked the entire Police department as well as the Fire department for all their service to Upper Merion Township.

NEW BUSINESS:

MONTGOMERY COUNTY EMERGENCY SERVICES – Office of Mental Health Award, presented to The Upper Merion Township Police Department by Michelle Monzo and Anna Trout.

Ms. Anna Trout and Michelle Monzo presented Chief Nolan with a plaque acknowledging his and all Upper Merion Police Officers for 100% participation in completing the three (3) day class. Upper Merion Township had the highest participation out of all the Townships. It was noted that the Crisis Intervention Specialist Award is for the commitment to Mental Health Training de-escalation and support to assist people in crisis helping to keep them at of prison.

PRESENTATION OF THE RACE FOR PEACE AWARDS TO POLICE OFFICERS: Lt. Jeff Mauer, Cpl. Joe Davies and Officer Keith Christian

Chief Nolan introduced Mr. Andrew Howe founder of The Race for Peace and thanked him for coming tonight. Mr. Howe's mission is to bring local law

enforcement together with the community so communication, understanding and trust are forged during times of Peace not during times of conflict and stress.

Mr. Howe along with his grandson presented a plaque to each Officer for their commitment to this cause. For the last seven (7) years Upper Merion Police have been involved with this program to promote police relations within the community. Mr. Howe said that Lt. Mauer, Cpl. Davies and Officer Christian are outstanding and made him and his supporters feel very comfortable during their events around the community.

POLICE PROMOTIONS:

Chief Nolan introduced the three (3) newly promoted police officers which were sworn in tonight by Magisterial District Judge Patrick Krouse.

- Office Brian Manion to Corporal
- Corporal John Kreuer to Sergeant
- Blaine Leis to Lieutenant

SWEARING IN OF NEW POLICE OFFICERS:

Chief Nolan introduced the six (6) new police officers sworn in tonight by Magisterial District Judge Patrick Krouse.

- Officer Christopher Javier
- Officer Matthew Galloway
- Officer Nicholas Tramo
- Officer Daniel Corson
- Officer Broc Johnson
- Officer Sean Ralph

After the swearing in Vice-Chair Jenaway stated that the hiring of the six (6) new officers (bringing the total to 74 Police and Detectives) is the first step to expand public safety in Upper Merion Township. There will also be an expansion of EMS and Fire Services to keep up with the changes and growth of the Township.

CONDITIONAL USE HEARING (cont.) – Royal Garden, LP., 1100 First Avenue, Public Hearing on the Conditional Use application of Royal Garden, LP., 1100 First Avenue to permit the construction of multi-family apartments, structured parking garage and sidewalk construction variances on the KPMU Zoned property.

Mr. Walko, Township Solicitor opened the hearing from the previous month with a request from the applicant to extend this hearing until February 9th meeting due to their key witness having the flu.

Board Actions:

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to allow the Continuance. None opposed. Motion passed 5-0.

Mr. Walko then closed the Hearing and returned to the public meeting to continue with the agenda.

CONSENT AGENDA:

1. Land Development Plan Review Extension – 411 Swedeland Road – Discovery Labs. Accept letter of extension from 411 Swedeland Road – Discovery Labs, for the review of the proposed Land Development Plan through February 28, 2023.
2. Permission to Advertise the following proposed ordinances for consideration at the February 9, 2023 Business Meeting:
 1. Amendment to Chapter 165, Section 165-160.2 Use Regulations, of the Township Zoning Code to modify the requirements for mixed use buildings in the KPMU Zoning District.
 2. Amendment to the Township Zoning Code repealing Article XXXVIII, Sexually Oriented Businesses, in its entirety and replacing it with a new Article XXXVIII.
3. Permission to advertise the following Bids:
 1. 2023-2025 Treatment Plant Dry Hydrated Lime Supply Contract.
 2. 2023 Road Resurfacing Program
 3. Township Building Janitorial Services
4. Authorization of the following 2022 Budget Transfers:
 1. Transfer from Acct 436-3600 Utilities to 436-3700 Bldg. Maintenance - \$7,264.14
 2. Transfer from Accts 436-3158 Waste Removal/3210 Telephone/3600 Utilities to 436-4521 HVAC - \$7,091.25
 3. Transfer from Acct 410-1855 Tuition to 410-2380 Uniforms - \$11,100.00.

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Jenaway, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 5-0.

CONDITIONAL USE APPLICATION – Brandywine Operating Partnership, LLC, 631 Park Avenue. Consideration of an Opinion & Order approving the Conditional Use Application of Brandywine Operating Partnership to permit an accessory garage structure to be constructed on the property at 631 Park Avenue, with a height of 60' in excess of the 50' maximum requirement for properties less than 4 acres in the KPMU Zoning District.

Board Comments: None

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Jenaway, all voting "Aye" to approve the Conditional Use Application. None opposed. Motion approved 5-0.

CONDITIONAL USE APPLICATION – Brandywine Operating Partnership, LLC, 650 Park Avenue. Consideration of an Opinion & Order approving the Conditional Use Application of Brandywine Operating Partnership to permit an office building to be constructed on the property at 650 Park Avenue, with a height of 60' in excess of the 50' maximum requirement for properties less than 4 acres in the KPMU Zoning District.

Board Comments: None

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to approve the Conditional Use Application. None opposed. Motion approved 5-0.

PRELIMINARY/FINAL DEVELOPMENT PLAN – 346 E. Church Road – Consideration of a preliminary/final Land Development Plan for 346 E. Church Road, prepared by Chester Valley Engineers, dated April 29, 2022, last revised January 4, 2023 for the construction of a 4,000 sq. ft. building addition and associated site improvements on the .98-acre tract. Resolution 2023-3

Chairperson Garzillo asked the Board to break down the waivers into three (3) categories and vote on each one separately instead of all together since this applicant has presented several times. Mrs. Garzillo then read the waivers and Mr. Walko explained that if the Board agrees to the waivers or makes any decision tonight they would be conditional, based on the conditions provided in the resolution.

The first group of waivers:

- 1) To permit the existing non-conforming parking spaces in front of the property to remain.
- 2) To permit the Plan to show current features in lieu of requirement that the preliminary plan natural features and man-made features on the tract and within 200 feet of its boundaries.
- 3) To permit the Plan to show current features in lieu of requirement that the final plan provide locations of significant natural features and man-make features on the tract and within 200 feet.

Second group of waivers:

- 4) To allow for a combined preliminary/final plan application.
- 5) To permit the existing non-conforming site frontage along East Church Road in lieu of constructing curb to specifications.
- 6) To not provide the required street trees on the Property, but instead pay the fee-in-lieu as set forth.

Third group of waivers:

- 7) To not provide the required parking lot landscaping, and instead pay the fee in lieu as set forth.
- 8) To not provide the required buffer plantings on the Property, but instead pay the fee in lieu set forth.
- 9) To not provide the required building plantings, but instead pay the fee in lieu set forth.

Board Action :

It was moved by Supervisor Philips, seconded by Supervisor Waks, all voting "Aye" to approve waivers #1 through #3 for 346 E. Church Road Plan. None opposed. Motion approved 5-0.

It was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to approve waiver #4 for 346 E. Church Road Plan. None opposed. Motion approved 5-0.

It was moved by Supervisor Philips, seconded by Supervisor Waks, all voting "Aye" to approve waiver #5 for 346 E. Church Road Plan. None opposed. Motion approved 5-0.

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve waiver #6 for 346 E. Church Road Plan. None opposed. Motion approved 5-0.

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve waivers #7 through #9 for 346 E. Church Road Plan. None opposed. Motion approved 5-0.

PUBLIC COMMENTS: None

Board Action :

It was moved by Supervisor Philips, seconded by Vice-Chair Jenaway, all voting "Aye" to approve Preliminary/Final Development Plan for 346 E. Church Road Plan with the above noted waivers. None opposed. Motion approved 5-0.

KERRWOOD DRIVE BRIDGE REPAIR PROJECT BID AWARD – Awarding of the Kerrwood Drive Bridge Repair Project Bid to National Gunite of Johnstown, PA, through the PA COSTARS Program, in the amount of \$264,495.00, as recommended by the Director of Public Works.

Board Action :

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve Kerrwood Drive Bridge Repair Project. None opposed. Motion approved 5-0.

PROFESSIONAL SERVICES AGREEMENT – 2023 Road Resurfacing Program administration – ARRO Consulting. Consideration of a Professional Services Agreement in the amount of \$86,110 with ARRO Consulting of West Chester, PA for the design, bidding administration, and construction inspection services for the 2023 Upper Merion Township Road Resurfacing Program as recommended by the Director of Public Works.

Mr. Hamaday explained that the resurfacing price seems high because they never resurfaced last year so there are a lot of roads to complete this year. He said most of the roads being resurfaced are residential and the Township is also looking at Mall Blvd. and parts of Pulaski Drive for resurfacing but have to wait for Arro to do their final review of the roads.

PUBLIC COMMENTS: None

Board Action :

It was moved by Supervisor Kenney, seconded by Supervisor Philips, all voting "Aye" to approve the Professional Services Agreement with Arro Consulting. None opposed. Motion approved 5-0.

TRAFFIC SIGNAL AND UTILITY EASEMENT AGREEMENT – Temporary Traffic Signal Improvements, Valley Forge & Mancill Mill Roads. Consideration of a traffic signal and utility easement agreement between the Township, JPO Land, LP and Amazon.com Services, LLC, for the installation of a temporary traffic signal and associated utilities at Valley Forge & Mancill Roads as required by Twp. Resolution #2022-04 approving the Mancill Mill Road Company Land Development.

PUBLIC COMMENTS: None

Board Action :

It was moved by Supervisor Kenney, seconded by Supervisor Philips, all voting "Aye" to approve the Traffic Signal & Utility Easement Agreement. None opposed. Motion approved 5-0.

FINANCIAL ESCROW SECURITY RELEASE No. 2 (FINAL), Malvern School Properties King of Prussia, LLC – Approval of Escrow Release No. 2 (Final) to Malvern School Properties, 800 Mancill Mill Road in the amount of \$20,395.65 for the completion of required site improvements inspected to date as part of the Malvern School project as recommended by the Township Engineer.

PUBLIC COMMENTS: None

Board Action :

It was moved by Vice-Chair Jenaway, seconded by Supervisor Kenney, all voting "Aye" to approve the Financial Escrow Security Release (Final) to Malvern School. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Jenaway, all voting "Aye" to approve the Accounts Payables for invoices processed from December 1, 2022 through January 4, 2023 and Payrolls dated December 9, 2022 and December 23, 2022 for a total of \$4,182,723.28. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS:

Chairperson Garzillo said that she attended the UMASD Martin Luther King Celebration last night. She noted that the Caley Elementary students sang beautifully. This program will be televised on the Township's Website. She mentioned that the Township pool registration is now open for residents and registration for non-residents will start on May 20th.

Chairperson Garzillo also stated the Community Center membership will increase on February 6, 2023. If you pay now for the year in advance you can lock in the old rate.

Finally, Chair Garzillo mentioned that Senior Center's President Dick McCann has retired and she thanked him for all his work and said the new president will be Sharon Brzoska and vice president will be Cindy Eastman.

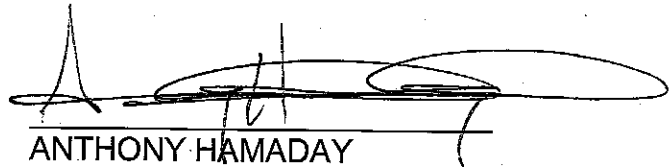
Supervisor Waks wish everyone a Happy Lunar New Year.

Supervisor Kenney said that the Environmental Advisory Council meeting has changed from the second Wednesday to the first Wednesday of each month at 6:30 pm. There is one vacancy open if a resident wants to serve please remit an application for the EAC board.

PUBLIC COMMENTS: None

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Supervisor Jenaway, seconded by Supervisor Waks, all voting "Aye" to adjourn the meeting at 9:02 pm. None opposed. Motion approved 5-0.



ANTHONY HAMADAY
TOWNSHIP MANAGER

lr
Minutes Approved:
Minutes Entered:

