

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
MARCH 9, 2023

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, March 9, 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: Bill Jenaway, Tina Garzillo and Carole Kenney and Greg Waks. Absent was Greg Phillips. Also, present was Anthony Hamaday, Township Manager; John Walko, Esq., Solicitor's Office and Leanna Colubriale, Township Engineer.

MEETING MINUTES:

February 2, 2023 – Business Workshop
February 9, 2023 – Business Workshop

Board Actions:

It was moved by Supervisor Kenney, seconded by Supervisor Waks, all voting "Aye" to approve the minutes. None opposed. Motion passed 4-0.

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo said that the Board of Supervisors will initiate a new program starting in April involving Township Department Heads. The Board will interview Department Heads and will be asking for highlights about their department and any special projects that they are working on or coming up in the future. Through discussion they will determine if they would like to acknowledge a particular employee within that department. The Board would spotlight that employee at their next Business Meeting.

Chairperson Garzillo also mentioned about the Single Hauler Trash Collection mailer which was mailed to all township residents. She emphasized that this mailer did not come from Upper Merion Township. In an interest to get resident feedback, the Township has launched a trash hauler survey on their website asking residents to complete.

NEW BUSINESS:

PROCLAMATION - Honoring Township Resident Marley Kay Conway, Swedeland Fire House (Station 56B) and The Race for Reason:

Resident Marley Kay Conway, took the initiative to help a family in Swedeland who were displaced from their home during the Holidays. Along with Swedeland Fire Company and The Race for Reason they helped this family with clothing and essentials, gifts for the Holidays and most important getting them back into their home. The Board honored her with a proclamation.

PRESENTATION BY THE BOARD OF COMMUNITY ASSISTANCE:

Member Mr. David Karen from the BCA gave a presentation explaining what the Board of Community Assistance is all about. The BCA has awarded over \$1,500,000.00 in grants, this money comes from an agreement between Valley Forge Casino and the Township when the Casino located here in 2013. The BCA also awards scholarships to Upper Merion Residents graduating from High School and to Non-profit/501 township-based organizations or organizations that benefit Upper Merion Township.

Fillable Applications for download are available on the BCA webpage located on the Township website at www.umtownship.org Applications are due by April 14, 2023.

KOP BID Moore Road Multimodal Trail and Linear Park Concept Study:

Mr. Chris Basler, representative from the King of Prussia Business District presented their proposed pedestrian improvement plan for Moore Park. Their first project was the Linear Park connecting North Gulph Road all the way to Allendale Road which includes First Avenue. Also, besides the Moore Road Multi-modal Trail & Linear Park they are looking at Renaissance Park as well working with the Valley Forge Park Alliance and DVR to have a trail to connect Valley Forge Park to Chester Valley Trail along North Gulph Road.

Mr. Basler introduced Peter Simone with Simone Collins to explain the Moore Road Multimodal Trail & Linear Park. Mr. Simone showed slides of the projects that they've done and explained how they work with all the businesses where the trail passes or is part of their property. He mentioned that they had a lot of involvement with the Shade Tree Commission to improve the aesthetics along the road. These trails will be safe walking paths for pedestrians as well as handicap accessible since some areas do not have sidewalks. In addition to constructing the trail they will be replacing any sidewalks that exist because the path will be 10' wide with 2' clearing on both sides of the path to accommodate more people safely and eventually all the trails will connect together.

After a long discussion about the trial and placement of trees, rain gardens, benches, slopes and protecting the wall at the arboretum Chairperson Garzillo asked if there was any public comments.

PUBLIC COMMENTS:

Resident Ms. Pat Jordan, member of the Historical Commission, asked if the Muhlenberg Moore Irwin House will be impacted by the linear trail. Mrs. Garzillo said that this trail does not affect that property and is a separate issue which is not under consideration at this time.

Resident Ms. Vivian Pekin asked the Board and the BID if local contractors would be working on any part of the linear trail? Mr. Hamaday, Twp. Manager said that the project has to go out to bid, so any license contractor would have the opportunity to submit a competitive bid.

PUBLIC HEARING – An Ordinance Amending Chapter 77, Emergency Services, to Modify the Billing Procedure for Third-Party Billing; User Fee Distribution and Uncollectable Accounts:

Solicitor John Walko presented three (3) exhibits to the Board before turning the hearing over to Vice-Chair Jenaway.

- 1) The Proposed Ordinance
- 2) Proof of publication of tonight's hearing in the Times Herald 2/28/23
- 3) Proof of submission of this Ordinance to Montco Law Library 2/20/23

Vice-Chair Jenaway explained that fifteen years ago the Township instituted this Ordinance due to the increase of accidents happening on various interstate highways in Upper Merion and the costs that were being incurred by our Public Safety units. Every time there is an accident there are costs associated with it. Besides the man power time there are costs from the cleanup of oil spills or foam to put out fires plus replacing of the foam etc. Most insurance companies actually provide service fees in which we have to bill the insurance for. Since procedures have changed in the last fifteen years it is time to update the Ordinance. In addition, the Township was doing the billing but the Board felt it was cheaper to use a third-party service so that is another reason for modifying the policy.

Mr. Jenaway also said that if a resident is involved in an accident the Township will accept payment from their insurance company, the resident will not be billed. With that being said Mr. Walko asked if there was any public comment or if the Supervisors had any remarks. Having none he turned the hearing back to the Public meeting for a vote.

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Waks, all voting "Aye" to approve amending the Ordinance Chapter 77. None opposed. Motion approved 4-0.

CONDITIONAL USE APPLICATION DECISION – Royal Garden LP., 1100 First Avenue. Consideration of an Opinion & Order on 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:

Chairperson Garzillo stated that there was a hearing held already about this application decision so there is no other discussion needed they just have to vote.

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Waks, all voting "Aye" to deny the Conditional Use Application. None opposed. Motion approved 4-0.

CONSENT AGENDA:

1. Financial Escrow Security Release No. 1 – 230 Arden Rd Subdivision, MJT Developers – Approval of Escrow Release No. 1 in the amount of \$71,563.80 to MJT Developers for the completion of required site improvements to date as part of the Subdivision project as recommended by the Township Engineer.
2. Financial Escrow Security Release No. 8 – 3700 Horizon Drive – Approval of Escrow Release No. 8 in the amount of \$83,621.00 to 3700 Horizon Drive Group, LP. for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
3. Financial Security Release No. 1, (Final) – 541 Flint Hill Road Land Development. Approval of Escrow Release No.1 (Final) in the amount of \$6,220.00 to Francis Schultz, Jr. for the completion of required site improvements at the development.

4. Financial Security Release No. 1 (Final) - UDR Inc., North Gulph & Guthrie Rd. Pedestrian Facilities, 500 N. Gulph Road. Approval of Escrow Release No. 1 (Final) in the amount of \$58,065.00 to UDR Inc., for the installation of pedestrian crossing facilities at North Gulph Road and Guthrie Road (140 Valley Green Drive) as approved by PennDot.
5. Professional Services Agreement – 2023 Grant Coordination Services– ARRO Consulting. Consideration of a Professional Services Agreement with ARRO Consulting of West Chester, PA for grant writing and coordination services for the year 2023 in accordance with the hourly rate schedule listed in the professional services agreement as recommended by the Township Manager.
6. Abrams PS/Valley Brook PS/Trout Run PS Upgrade Project- Contract Payment No. 1 – Blooming Glen Contractors. Approval of Payment Application No. 1 to Blooming Glen Contractors in the amount of \$149,809.69 for work completed to date on the upgrade project as recommended by Township Consulting Engineer.
7. Demolition Contract – 473 W. Valley Forge Road. Approval of a contract with Scavello & Sons of King of Prussia, PA, in the amount of \$9,893.00 for the demolition of the residential dwelling on the Township property at 473 W. Valley Forge Road as recommended by the Township Manager and Director of Public Works.
8. Demolition Contract – 580 General Knox Road. Approval of a contract with Scavello & Sons of King of Prussia, PA, in the amount of \$8,761.00 for the demolition of the residential dwelling on the Township property at 580 General Knox Road as recommended by the Township Manager and Director of Public Works.
9. Demolition Contract – 180 N. Henderson Road. Approval of a contract with Scavello & Sons of King of Prussia, PA, in the amount of \$19,690.00 for the demolition of the former ambulance facility on the Township property at 180 N. Henderson Road as recommended by the Township Manager and Director of Public Works.
10. Resolution No. 2023-7 - Disposition of Personal Property (2016 Ford Box Ambulance). Authorization to sell at auction a used 2016 Ford Box Ambulance with a value of approximately \$8,000.00.
11. Resolution No. 2023-9 - 2023 Township Fee Schedule Amendment – Sewer Tapping Fees. Approval of Resolution No. 2023-9 amending the 2023 Township Fee Schedule to increase the Sewer Tapping Fee as set by the Upper Merion Sanitary & Stormwater Authority to \$10,100.00.

12. Authorization to advertise Proposed Ordinance – South Henderson Road. Authorization for the proper township officials to advertise a proposed ordinance establishing parking restrictions on South Henderson Road between Shoemaker Road and South Gulph Road.
13. Authorization to advertise Zoning Ordinance Amendment – Planning Commission Review Requirement. Authorization for the proper Township Officials to schedule and advertise a public hearing at the May 11, 2023 regular Business Meeting on a proposed ordinance amending the Zoning Code to require Township Planning Commission Review of Conditional Use Applications.
14. Resolution No. 2023-10 - Montco 2040 Grant Application – First Ave Linear Park Lighting Project. Authorization for the proper Township Officials in conjunction with the KOP BID, to submit a Montco 2040 Grant Application for the installation of lighting along the First Avenue Linear Park.
15. Resignation of Tracy Pasquale from the Library Citizens Board.
16. Business Tax Appeal Settlement – Burberry LTD (King of Prussia) – 444 Madison Avenue, NY. To approve a Business & Mercantile Tax Appeal Settlement with Burberry LTD (King of Prussia) – 444 Madison Avenue, NY in the amount of \$2,976.09 (tax penalty) for the tax year 2021.

Board Action:

It was moved by Supervisor Kenney, seconded by Vice-Chair Jenaway, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

PUBLIC COMMENTS: None

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the Accounts Payables for invoices processed from February 2, 2023 through March 1, 2023 and Payrolls dated February 3, 2023 and February 17, 2023 for a total of \$3,763,179.79. None opposed. Motion approved 4-0.

ADDITIONAL BUSINESS:

Chairperson Garzillo mentioned that Earth Day is April 22nd from 11 to 2 at the Township Building Park at the lower level. There will be a beer garden, live music, crafters, food vendors, free games for the family along with a petting zoo, an award ceremony and a meet & greet with adoptable dogs. Also, at the Ross Road Field in conjunction with this event there will be a bike donation and repair through Zumo Bike which will also continue on April 23rd.

In addition, on April 23rd from 11 to 2 there will be free to the public a drive through recycling event. Another event coming Friday, March 31st is the Schuylkill Action Network and the Schuylkill River Greenway stream and street clean up from 2:30 to 5:00 (rain date Saturday morning from 8:30 to 11:00).

If you're interested please sign up on Township website. This event is sponsored by Conshohocken Brewing Co. and Frosty Falls Ice Cream, both are offering a discount for anyone showing proof of participation.

Also, on Saturday, April 1st the Upper Merion Foundation will have a NACC Final Four Basketball Tournament Beef and Beer at Valley Forge Tavern on Town Center Road to raise money for residents in need

PUBLIC COMMENTS:

Resident John Daino, 750 Hobbs Road in Wayne wants to revisit issues he has with a neighboring property that has been going on for over a year. Mr. Walko, Township Solicitor told Mr. Daino that he can state his comments but advised the Board not to answer any questions that Mr. Daino might ask due to potential litigation underlying this matter. Then Mr. Walko outlined everything that has happened throughout the past year and said that the Township did issue a code violation and explained that the Township does not have the authority to issue NPDES permits.

Mr. Walko explained that any land disturbance over an acre must apply for a NPDES permit through the Conservation District. The Township contacted the Conservation District to see if the landowner exceeded the limited disturbance in which it did and the site received a Notice of Violation. The Notice from the Conservation District stated that the applicant has to either restore the land disturbance to under one acre or apply for the NPDES permit through them so the project follows code.

Mr. Dan Costello owner of 730 Hobbs Road wanted to express his feelings to the Board in light of this situation. He bought this property because his family wanted to live in Upper Merion and want to be neighborly and are trying their best to appease everyone. Unfortunately, his family has been harassed by people trespassing on his property and flying drones over it and feels the Township building codes are being used as a weapon to harass his family even though he is trying to comply. Mr. Walko responded that the Township looks at the facts and follows the code acting accordingly.

Mr. John Harris resident at 720 Hobbs Road who shares the driveway with Mr. Costello said that the Costello family are very nice and are trying their best to be good neighbors. The Costello family are already involved in the community and all of the neighbors beside three have no problem with them building their home there. Mr. Harris stated that since the construction started they actually corrected a water problem in that area. Water would run down his shared driveway like a valley into Red Terrace Road flooding a resident's basement, this has been rectified by the construction. He also stated that if Mr. Daino would stop delaying the project there would be no more noise or mess and everyone can get along with their life. He stated that the majority of the neighbors can't wait for the Costello family to move in.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Vice-Chair Jenaway, seconded by Supervisor Waks, all voting "Aye" to adjourn the meeting at 9:17 pm. None opposed. Motion approved 4-0.


ANTHONY HAMADAY
TOWNSHIP MANAGER

Minutes Approved:
Minutes Entered: