

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
BUSINESS MEETING  
AUGUST 11, 2022

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, August 11, 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: Carole Kenney, Greg Waks, Bill Jenaway and Greg Philips. Absent was Vice-Chair Tina Garzillo. Also present were: Anthony Hamaday, Township Manager; Ashton Jones, Township Planner; John Walko, Esq., Solicitor's Office and Leanna Colubriale, Township Engineer.

MEETING MINUTES: None

CHAIRPERSON'S COMMENTS:

Chairwoman Kenney stated that there was an Executive Session involving a legal matter prior to tonight's BOS Meeting.

NEW BUSINESS:

PUBLIC HEARING RE: AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE, CHAPTER 115, PARKS, TO INCORPORATE PARK RULES AND FEES BY RESOLUTION OF THE BOARD OF SUPERVISORS AND TO AMEND THE DEFINITIONS, PERMITTED HOURS OF USE, PERMIT REQUIREMENTS, LIABILITY REQUIREMENTS, AND THE CONTROL AND MANAGEMENT RESPONSIBILITY PROVISIONS FOR TOWNSHIP PARKS

Mr. Walko adjourned the Public Meeting to open the Public Hearing by presenting three (3) Exhibits.

- 1) Board Exhibit One which is the Hearing itself and
- 2) Board Exhibit Two is the proof of submission of the Hearing to the Montco Law Library for public inspection submitted on July 26, 2022.
- 3) Board Exhibit Three proof of advertisement in the Times Herald for this Public Meeting on July 28<sup>th</sup> and August 4, 2022.

This is an Ordinance amending part of Chapter 115 addressing Parks, to codify a number of rules and regulations in the Ordinance into a Resolution Form and to add additional clarity on significant rules in the Parks relating to destruction of premises, permits that need to be obtain to use the Parks, Liability protection and also hours of operation.

Mr. Walko asked for any Public Comments, which there was none. He then asked the Board of Supervisors if they had any Comments, they responded in the negative. Mr. Walko preceded to close the Public Hearing and reopened the Business Meeting.

Board Action:

Before voting on the Ordinance to amend Chapter 115, Parks, Mr. Jenaway asked to also include Resolution #2022-36 (Item F on the agenda) to vote for them both at the same time.

It was moved by Supervisor Jenaway, seconded by Supervisor Philips, all voting "Aye" to approve the Ordinance with the accompanying Resolution as amended. The BOS amended Resolution #2022-36 by replacing the word **annoy**s in item 14 of the Resolution with the words **creates a disturbance**. None opposed. Motion passed 4-0.

CONSENT AGENDA:

1. Resignation of Elizabeth Goernemann from the Environmental Advisory Council.
2. Schuylkill River West Trail Contract Payment 2 – James R. Kenney Excavating & Paving. Approve Payment Certificate #2 to James R. Kenney Excavating & Paving in the amount of \$222,381.00 for work to date on Phase 2 of the Schuylkill River West Trail.
3. Schuylkill River West Trail Contract Payment 3 – James R. Kenney Excavating & Paving. Approve Payment Certificate #3 to James R. Kenney Excavating & Paving in the amount of \$222,538.40 for work to date on Phase 2 of the Schuylkill River West Trail.
4. Financial Escrow Security Release No. 13 (Final), 900 River Road LLC, 900 River Road – Approval of Escrow Release No. 13 to 900 River Road LLC in the amount of \$716,875.01 for the completion of required site improvements to date as part of the warehouse development project as recommended by the Township Engineer.
5. Financial Escrow Security Release No. 7, Horizon Drive Group, LP, 3700 Horizon Drive. Approval of Escrow Release No. 7 to Horizon Drive Group, LP in the amount of \$60,017.50 for the completion of required site improvements to date as part of the subdivision as recommended by the Township Engineer.
6. Land Development Plan Review Extension – 450 W. Beidler Road LLC. Accept letter of extension from 450 W. Beidler Road LLC for the review of the proposed Land Development Plan through September 8, 2022.
7. Land Development Plan Review Extension – Chick-Fil-A, 135 West DeKalb Pike. Accept letter of extension from Chick-Fil-A for the review of the proposed Land Development Plan through September 8, 2022.
8. Subdivision Plan Review Extension – Touchton Subdivision, Hampton & Belmont Roads. Accept letter of extension from Gary & Elaine Touchton for the review of the proposed SD Plan through October 31, 2022.
9. 2022-2026 Township Towing Services Contract – Award the 2022-2026 Township Towing Service Contract to Jamison's Towing, 404 East Church Road in accordance with the RFP Submission dated July 20, 2022 as recommended by the Upper Merion Police Department.

Board Action:

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

PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – GCP PRUSSIA, LP., 127 S. GULPH ROAD. CONSIDERATION OF THE PRELIMINARY/FINAL LAND DEVELOPMENT PLAN OF GCP PRUSSIA, LP., 127 S. GULPH RD., DATED APRIL 6, 2022, AS PREPARED BY GILMORE & ASSOCIATES, INC., PA, FOR THE PROPOSED DEMOLITION OF 14,500 SQ. FT. OF THE EXISTING HOTEL TO BE REPLACED WITH 10,000 SQ. FT. OF RETAIL AREA. GENERAL COMMERCIAL ZONING, 5.2 ACRES. RESOLUTION 2022-36

Mr. Hamaday explained about the demolition of 14,500 sq. ft. of the Best Western to be replaced by 10,000 sq. ft. retail area along Gulph Road. He then introduced Ms. Denise Yarnoff, solicitor for Riley Riper Hollin & Colagreco, she said the applicant would like to start within 60 days to open early Spring of 2023.

Board Action:

It was moved by Supervisor Jenaway, seconded by Supervisor Philips, all voting "Aye" to approve GCP Prussia, LP Land Development of 127 S. Gulph Rd. None opposed. Motion passed 4-0.

PECO PERPETUAL RECREATION EASEMENT AGREEMENT FOR CHESTER VALLEY TRAIL EXTENSION – 2<sup>ND</sup> AMENDMENT. APPROVAL OF A 2<sup>ND</sup> AMENDMENT TO THE JULY 2016 RECREATION EASEMENT AGREEMENT WITH PECO MODIFYING AND CORRECTING THE EASEMENT AREA AS SHOWN ON REVISED EXHIBIT A, PREPARED BY BOLES SMYTH ENGINEERS, DATED AUGUST 8, 2022 FOR THE CONSTRUCTION OF THE CHESTER VALLEY TRAIL ALONG THE PECO HANSEN ACCESS/BILL SMITH BLVD CORRIDOR RIGHT OF WAY SUBJECT TO THE FINAL FORM OF THE AGREEMENT AS APPROVED BY THE SOLICITOR.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Jenaway to approve the 2<sup>nd</sup> amendment by PECO to the July 2016 Recreation Easement, due to the power lines sagging 8 to 16 feet. All voting "Aye". None opposed. Motion 4-0.

COUNTY OF MONTGOMERY PERPETUAL RECREATION EASEMENT AGREEMENT FOR CHESTER VALLEY TRAIL EXTENSION – 3<sup>RD</sup> AMENDMENT. APPROVAL OF A 3<sup>RD</sup> AMENDMENT TO THE JULY 2016 RECREATION EASEMENT AGREEMENT WITH MONTGOMERY COUNTY MODIFYING AND CORRECTING THE EASEMENT AREA AS SHOWN ON REVISED EXHIBIT A, DATED AUGUST 8, 2022 FOR THE CONSTRUCTION OF THE CHESTER VALLEY TRAIL ALONG THE PECO HANSEN ACCESS/BILL SMITH BLVD CORRIDOR RIGHT OF WAY SUBJECT TO THE FINAL FORM OF THE AGREEMENT AS APPROVED BY THE SOLICITOR.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Jenaway to approve the 3<sup>rd</sup> amendment by the Montgomery County to the July 2016 Recreation Easement, due to the power lines sagging 8 to 16 feet. All voting "Aye". None opposed. Motion 4-0.

RESOLUTION NO. 2022-36 – TOWNSHIP PARK AND FACILITY RULES AND REGULATIONS – CONSIDERATION OF RESOLUTION NO. 2022-33 ADOPTING RULES AND REGULATIONS FOR THE USE OF TOWNSHIP PARKS, PLAYGROUNDS AND FACILITIES.

This item, Resolution #2022-36 was moved and included with the first item, Ordinance Chapter 115.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to approve the Accounts Payables for invoices processed from July 7, 2022 through August 3, 2022 and Payrolls dated July 8 and 22, 2022 for a total of \$2,891,519.66. None opposed. Motion approved 4-0.

ADDITIONAL BUSINESS:

Supervisor Philips stated if anyone was interested in joining the Historical Committee to complete an application because there are openings. He also mentioned that a Transportation Authority meeting residents asked if the Township can do a traffic study at Trinity Ln. and Holstein Rd. which are State owned. Mr. Philips explained that the Township would have to get the Penn Dot's approval.

Chairperson Kenney mentioned that there is also an opening on the Environmental Advisory Council due to the resignation of Elizabeth Goernemann, if anyone is interest to go on line to complete an application. Mrs. Kenney also mentioned that the Police Department's National Night Out held last week and was a success.

PUBLIC COMMENTS:

Mr. Francis Schultz (Shorty) from Warner Road thanked the Township for renewing his Towing Contract and asked about the condition of the Warner Road Bridge near him and its safety.

Real Estate Tax Collector Evelyn Ankers, explained about tax payments being stolen from the U.S. Postal Boxes. Mrs. Ankers said there is a Lock Box at the Township Building. She also has walk in hours around the township and you can pay on line. Please check her website or contact her to see place and time of locations. Mrs. Kenney stated that if anyone has had their check(s) stolen to contact their bank, Mrs. Ankers and to file a Police report. Once they complete those steps they can go to UMT website and complete an Appeals Form and mail or drop off at the Township Building in which the BOS will decide at a public meeting if they can waive the Township portion of the penalty.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Supervisor Waks, seconded by Supervisor Philips all voting "Aye" to adjourn the meeting at 8:30 PM. None opposed. Motion approved 4-0.

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ANTHONY HAMADAY  
TOWNSHIP MANAGER

AH/lr  
Minutes Approved:  
Minutes Entered: