

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
JULY 13, 2023

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 13, 2023, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:12 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 and Leanna Colubriale, Township Engineer.

MEETING MINUTES:

May 4, 2023 – Zoning Workshop
May 4, 2023 – Workshop
May 11, 2023 – Business Meeting

Board Action:

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

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo congratulated three Public Safety Officers on their promotions and continued graduate studies. On a sadder note she said former Supervisor Ed Wilkes who served Upper Merion for six years and was also Vice-Chair for three years passed away on June 21st at the age of 76. Mr. Wilkes also served in the US Air Force and received a military ceremony at the KOP VFW.

CITIZEN BOARD VACANCIES:

Chairperson Garzillo gave an update on current vacancies on the Upper Merion Citizen Boards.

CC Advisory Board Student Member	- 1 Vacancy
Environmental Advisory Council	- 1 Vacancy
Human Relations Commission	- 2 (Alternates)
Public Safety Citizen Advisory Board	- 1 Vacancy
Upper Merion Foundation Sub-Committee	- 1 Vacancy
Upper Merion Historical Commission	- 3 Vacancies

NEW BUSINESS:

A. SWEARING-IN OF FIRE CAPTAIN RYAN SWEENEY and CAPTAIN MICHAEL LOCKHART - Swearing-In by Judge Patrick Krouse:

Fire and EMS Chief James Johnson promoted EMS member Ryan Sweeney to Captain. Ryan has served as an Upper Merion EMS since November 2018 and also served in many leadership roles in numerous Delaware County Fire Companies. Ryan has an associate degree in emergency management planning and he is certified to the Fire Officer II Level. He also has an important role in our apparatus and training committees.

Chief Johnson also promoted Firefighter Michael Lockhart to Captain. Michael has been with Upper Merion Fire and EMS since November 2018 and has attended many arson investigation classes, he also has a bachelor degree in business administration and is certified to the Fire Officer 1 Level. Michael's fire skills help immensely when interacting with building managers and apartment maintenance supervisors to make sure all permits are up to code.

B. PROCLAMATION – Park & Recreational Professionals Day
July – Park & Recreation Month

Chairperson Garzillo introduced Mr. Dan Russell, Park & Recreation Director who then read the Proclamation proclaiming July 21, 2023 as Park & Recreation Professional Day.

C. PUBLIC HEARING – An Ordinance of Upper Merion Township, Montgomery County, Pennsylvania, amending the Township Code to create a new chapter, single-use product regulations, to regulate the distribution and use of single-use carry-out bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products:

Solicitor John Walko opened the hearing and presented three exhibits. Exhibit #1 being the Ordinance itself, Exhibit #2 being the proof of Publication of this legal hearing in the Times Herald on June 28, 2023 and Board Exhibit #3 being the submission of this Ordinance to the Montgomery County Law Library on June 13, 2023.

Mr. Walko explained the Ordinance, starting on January 1, 2024 Single-use Plastic Carryout Bags, Plastic Straws and Polystyrene Food Service Products / Containers will be prohibited from being distributed in Upper Merion Township with some exceptions. He also stated that on July 1, 2024 Single-Use Plastic Utensils will be prohibited at Commercial establishments or through delivery services. There are some exceptions to comply with the American Disability Act for Straws, you can request a plastic straw if needed. In addition, you can read all exceptions and/or penalties for businesses not complying to the new Ordinance #2023-890 on Upper Merion Township website. Then Mr. Walko opened the hearing for Public Comment.

Mr. Zachary Davis, Chairperson for the Environmental Advisory Council and resident explained that the EAC Board has been working on this Ordinance for four years. He asked the Board of Supervisor to pass this Ordinance for the good of Upper Merion, it's Residents and the Environment. Resident Mike Panso of 1000 Valley Forge Circle spoke next, he wanted to make sure that it is clearly stated in the Ordinance about getting a plastic straw if needed and the Board reassured him it is under Section 5, Single-use plastic straws. With that said Mr. Walko closed the Hearing.

Board Action:

It was moved by Supervisor Kenney, seconded by Supervisor Waks, all voting "Aye" to approve Ordinance 2023-890. None opposed. Motion approved 5-0.

D. CONSENT AGENDA re:

1. Revenue Stabilization Fund Commitment – Approval of the designation of \$2,000,000.00 in the Revenue Stabilization Fund as committed fund balance in the 2022 Upper Merion Township Financial Statements.
2. Resolution No. 2023-22 - Montgomery County Hazard Mitigation Plan. Adoption of the 2022 Montgomery County Hazard Mitigation Plan as the Hazard Mitigation Plan for the Township.
3. First Avenue Linear Park Phase 2 – Payment Application No. 6 in the amount of \$72,474.39 to Road-Con, Inc. of West Chester, PA for work completed to date.
4. First Avenue Linear Park Phase 2 – Contract Extension. To extend the First Avenue Linear Park Phase 2 with Road-Con, Inc. of West Chester, PA to September 30, 2023 in order to complete punch list items.
5. Financial Escrow Security Release No. 2 – MJT Developers, 230 Arden Road. Approval of Escrow Release No. 2 in the amount of \$100,115.75 to MJT Developers for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
6. Financial Escrow Security Release No. 3 – 624 Columbus Street Subdivision. Approval of Escrow Release No. 3 in the amount of \$33,061.50 to Genterra Corp., for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
7. Financial Escrow Security Release No. 4 – 624 Columbus Street Subdivision. Approval of Escrow Release No. 4 in the amount of \$39,419.00 to Genterra Corp., for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
8. Township Retirement Health Savings (RHS) Account Administrative Services Agreement – Optum Financial, Inc. – Approval of an Administrative Services Agreement with Optum Financial, Inc., for administrative and reporting services for the Township's Retirement Health Savings Account in accordance with the exhibits and fee schedule in the agreement as recommended by the Pension Advisory Board.
9. Abrams PS, Valleybrook PS, and Trout Run WPCC MPS Equipment Replacement: Approval of Payment Application #5 in the amount of \$40,905.36 to Blooming Glen Contractors for work completed to date.
10. Capital Equipment Purchase – Authorization to purchase a 2023 Chevy Silverado 1500 PPV Truck as a replacement vehicle in the Public Safety Department from Whitmoyer Buick-Chevrolet, Inc., through the Costars Purchasing Program, in the amount of \$67,043.77, which includes equipment upfit and graphics.

11. Resignation of Pam Forster from the Economic & Community Development Committee.

Board Action:

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

- E. BUSINESS TAX APPEAL – 1045 First Avenue Partners, LP c/o Somerset Properties, Inc. Consider a Business Tax Appeal from 1045 Avenue Partners, LP, 1045 First Avenue, King of Prussia requesting the waiver of penalty and interest in the amount of \$124.55 for Business Privilege Tax for the year 2022.

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Jenaway, all voting "Aye" to approve abating the Penalty and Interest of the late fees. None opposed. Motion approved 5-0.

- F. LAND USE APPEAL SETTLEMENT AND RELEASE AGREEMENT – 215 Windsor, LLC, 450 W. Beidler Road. To approve a Settlement and Release Agreement with 215 Windsor, LLC., on the Land Use Appeal of the denial of the development plan for the property at 450 W. Beidler Road.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Waks, all voting "Aye" to approve the Land Use Appeal Settlement and Release Agreement for 215 Windsor, LLC. None opposed. Motion approved 5-0.

- G. PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – 215 Windsor, LLC - 450 West Beidler Road. Consideration of a preliminary/final Land Development Plan for 215 Windsor LLC., 450 West Beidler Road, prepared by Trans-Pacific Engineering Corp., dated November 11, 2020, last revised October 12, 2022, as revised for the subdivision of the 2.7-acre parcel into nine (9) parcels and common open space for the construction of nine townhouses and associated site improvements including waivers as outlined in said resolution. R-3A. Resolution 2023-23

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philips, with four voting "Aye" to approve the Preliminary/Final Land Development Plan for 215 Windsor, LLC. One opposed. Motion approved 4-1.

H. RESOLUTION No. 2023-24 – DCNR Community Conservation Partnership Program’s Community and Watershed Forestry Grant Application – Community Garden Meadow and Rain Garden Project. Authorization to submit a grant application, in partnership with the Township EAC, Shade Tree Commission and Sanitary & Stormwater Authority, to the PA Department of Conservation and Natural Resources C2P2 Program for the Township Community Garden Meadow and Rain Garden Project.

Board Action:

It was moved by Supervisor Kenney, seconded by Supervisor Philips, all voting “Aye” to approve Resolution #2023-24 for DCNR Grant Application for Community Garden. None opposed. Motion approved 5-0.

I. RESOLUTION No. 2023-25 – DCNR Community Conservation Partnership Program’s Community and Watershed Forestry Grant Application – Crow Creek Riparian Buffer Project. Authorization to submit a grant application, in partnership with the Township EAC, Shade Tree Commission and Sanitary & Stormwater Authority, to the PA Department of Conservation and Natural Resources C2P2 Program for the Crow Creek Riparian Buffer Project.

Board Action:

It was moved by Supervisor Kenney, seconded by Vice-Chair Jenaway, all voting “Aye” to approve Resolution #2023-25 for DCNR Grant Application for Crow Creek Project. None opposed. Motion approved 5-0.

J. RESOLUTION No. 2023-26 – Multimodal Transportation Fund Grant Application – Moore Road Multimodal Trail and Linear Park Project. Authorization for the Township Manager, in partnership with the KOP BID, to submit a Multimodal Transportation Fund Grant in the amount of \$612,000 to the Commonwealth Financing Authority to be used for Preliminary Design, Environmental Site Assessment and Environmental / Cultural Studies, Easement Acquisition and Administrative Costs for the Moore Road Multimodal Trail and Linear Park project.

Board Action:

It was moved by Supervisor Waks, seconded by Vice-chair Jenaway, all voting “Aye” to approve Resolution # 2023-26 for Multimodal Transportation Fund Grant Application. None opposed. Motion approved 5-0.

ACCOUNTS PAYABLE & PAYROLLS:

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair, all voting “Aye” to approve the Accounts Payables for invoices processed from June 1, 2023 through July 5, 2023 and Payrolls dated June 9th, 12th, 16th, and 23rd of 2023 for a total of \$4,964,347.45. None opposed. Motion approved 5-0

ADDITIONAL BUSINESS:

Supervisors Philips and Jenaway wanted to remind residents to stay safe during the extreme heat and during storm. Vice-Chair Jenaway mentioned that there were recently four water rescues during the last storm due to flooding.

Vice-Chair Jenaway also mentioned that on Wednesday the Board along with the Department Heads attended the Goals and Objectives Meeting. He felt that this was the first time they had a strategic approach. He feels that they have a better approach for planning, funding and implementing future projects.

Chairperson Garzillo agreed with Vice-Chair Jenaway and commended the staff on their strategic plans for the next three to five years.

PUBLIC COMMENT:

Resident Mrs. Janet Barcaro from Redwood Road brought her concerns about different holes she has found in the streets while she takes her daily walk and she would like them to be addressed before they become sinkholes. Mrs. Barcaro's main concern though is the Brownlie Road bridge down the street from her home which has been closed for over four (4) years. Not only is it unsightly and can affect property value it is very inconvenient for walking and driving every day but most of all it makes it more difficult for emergency vehicles to respond to calls in that area. She also is concerned for the children in the area who play on the bridge and fears it could collapse. In addition, due to the deterioration and boulders falling into the stream this can cause flooding to the nearby homes due to blocking the flow of water when another storm occurs.

Mrs. Hamaday said that they received money from a grant and that the project is going out to bid and the bridge should be completed by the end of this year. Mrs. Barcaro wants reassurance that Brownlie Road will not be closed for a fifth year. After all, this project has been put off for years and the neighbors are tired of waiting and are concerned that something worse will happen. After a long dialog the Board of Supervisors assured her that the bridge should be completed by the end of this year as long as the contractor can get the supplies.

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 9:21 pm. None opposed. Motion approved 5-0.



ANTHONY HAMADAY
TOWNSHIP MANAGER

lr
Minutes Approved:
Minutes Entered: