

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
SEPTEMBER 14, 2023

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, September 14, 2023, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:11 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Bill Jenaway, Tina Garzillo and Greg Waks. Absent was Supervisor Carole Kenney. Also, present was Anthony Hamaday, Township Manager and John Walko, Esq., Solicitor's Office.

MEETING MINUTES:

June 1, 2023 – Zoning Workshop
June 8, 2023 – Business Meeting
August 3, 2023 – Workshop
August 10, 2023 – Business Meeting

Board Action:

It was moved by Vice-chair Jenaway, seconded by Supervisor Waks, all voting "Aye" to approve the Minutes. None opposed. Motion approved 4-0-1 with Supervisor Philips abstaining from the vote since he was not present at one of the meetings.

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo extended condolences to the family of Eileen Rodrigue, who passed away on September 4th. Eileen was a former township employee, thus the Township Flag will be lowered to half mast. Next, she mentioned that the third Friday in September is POW MIA recognition day, which honors Prisoners of War and Missing in Act Services Members. She then read parts of President Biden's Proclamation.

CITIZEN BOARD VACANCIES:

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

CC Advisory Board Student Member	- 1 Vacancy
Economic & Comm Dev Committee	- 2 Vacancies
ECDC Student Member	- 1 Vacancy
Environmental Advisory Council	- 1 Vacancy
Farmers Market Student Member	- 1 Vacancy
Human Relations Commission	- 2 (Alternates)
Media Advisory Board Student Member	- 1 Vacancy
Public Safety Citizen Advisory Board	- 1 Vacancy
Public Safety Board Student Member	- 1 Vacancy

Shade Tree Comm Student Member - 1 Vacancy
Upper Merion Foundation Sub-Committee - 1 Vacancy
Upper Merion Historical Commission - 3 Vacancies

NEW BUSINESS:

A. POLICE/PUBLIC SAFETY DEPARTMENT PROMOTIONS:

Police Chief Tom Nolan said due to three Public Safety Employees retiring the Township had to hire three replacements. Lt. of Parole Allan Elverson is retiring after 28 years of service from the Township but will continue his career as an investigator for Montgomery County Aging and Adult Services. Lt. Elverson's last day will be September 19th.

Chief Nolan asked Officer Michael Loane who has been with Upper Merion since 2016 to come forward to be promoted to Corporal. Next he asked Corporal Chris Dolga who was hired in 2006 to come forward to be promoted to Sergeant and finally he called Sergeant Brandy Faherty to be promoted to Lieutenant. Brandy was also hired by Upper Merion in 2006.

Judge Patrick Krouse came up to the podium to swear all three into their new positions.

B. SWEARING-IN OF FIRE-FIGHTER/EMT MARK O'NEILL:

Chief James Johnson for Fire and EMS called Mark O'Neill up to be sworn in as a new member of the Fire/EMS team. Firefighter Mark resides in Plymouth Meeting Township and has an Associates Degree in Fire Science from Montgomery County College and has numerous Fire Certifications to Level II.

Judge Patrick Krouse came up to the podium again to swear in Mark as an Upper Merion Firefighter then Mark's wife Jen pinned on his badge.

C. PUBLIC HEARING - AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING CODE, CHAPTER 165, SECTION 165-160.2, TO REQUIRE THAT BUILDINGS IN THE KPMU DISTRICT CONTAINING DWELLING UNITS SHALL NOT EXCEED THIRTY PERCENT OF THE NET DEVELOPABLE AREA OF A PARCEL AND AMENDING SECTION 165-168, BUSINESS SIGNS, TO PROVIDE FOR KPMU SIGNAGE REQUIREMENTS

Solicitor John Walko opened the hearing and presented five (5) exhibits.

- 1) The Ordinance itself
- 2) Proof of submission to the Montgomery County Law Library on August 8, 2023
- 3) Proof of submission to the Upper Merion Planning Commission on August 15, 2023
- 4) Proof of submission to the Montgomery County Planning Commission on August 15, 2023

- 5) Proof of publication of this Ordinance with legal notice summarizing this Ordinance for tonight's hearing in the Times Harold News Paper on August 30th and September 6, 2023

This Ordinance provides requirements that buildings in the KPMU District containing dwelling units not to exceed 30% of the net developable area of a parcel. It also provides Business sign requirements in the KPMU District.

PUBLIC COMMENT:

Resident Mr. Robert Erickson from 536 Lawndale Avenue, KOP wanted clarification were the KPMU District was. Mr. Hamaday said the area is between Allendale and First Avenue down to N. Gulph Road towards W. Valley Forge Road/Rt. 23. Mr. Walko explained that Renaissance area is not included also that the BID is different from KPMU District.

With no other comments Mr. Walko adjourned the Public Hearing and returned it back to the Public Meeting.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philip, all voting "Aye" to approve the Ordinance Amending Chapter 165 Section 165-160.2 of the Zoning Code. None opposed. Motion approved 4-0.

D. CONSENT AGENDA:

1. Presentation and acceptance of the Township's 2024 Financial Requirements and Minimum Municipal Obligation (MMO) in the amount of \$2,373,214.00 for the Police and \$684,000.00 for the Non-Uniform Pension Plans.
- 2.
3. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulation for Amazon.Com Services LLC, 760 Moore Road, for the tax year 2023 resulting in the overpayment of real estate taxes in the amount of \$10,090.08.
4. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulation for Commerce Bank, PA, 122 N. Henderson Road, for the tax year 2023 resulting in the overpayment of real estate taxes in the amount of \$520.34.
5. Resolution 2023-28 –Township Municipal Industrial Pretreatment Program Administration Changes. Adoption of Resolution No. 2023-28 repealing Resolution No. 95-33, being the industrial user permit fee resolution, and providing for updated procedures to permit the Township to recover costs for sampling and testing as required by the program.
6. Capital Equipment Lease/Purchase – Authorization to lease/purchase the following vehicles through any state/Costars contract or Government Leasing Program:
 - a. Public Safety Department – 2023 Chevrolet Silverado 1500
 - b. Public Safety Department – 2023 Chevrolet Tahoe

7. Capital Equipment Purchase – Authorization the purchase a replacement LED sign for the Henderson Road/ Valley forge Road Community Sign from Signature Sign of Reading, PA in the amount of \$38,000 as recommended by the Media Communications Advisory Board and Director of Communications.
8. Financial Escrow Security Release No. 2 – Stonebrook at Upper Merion – Phase 2, Toll Mid-Atlantic LP Company, Inc, 232 N. Henderson Road. Approval of Escrow Release No. 2 in the amount of \$291,375.50 for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
9. Financial Escrow Security Release No. 3 - Stonebrook at Upper Merion – Phase 3, Toll Mid-Atlantic LP Company, Inc., 232 N. Henderson Road. Approval of Escrow Release No. 3 in the amount of \$587,416.00 for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
10. Financial Escrow Security Release No. 4 - Stonebrook at Upper Merion – Phase 1, Toll Mid-Atlantic LP Company, Inc., 232 N. Henderson Road. Approval of Escrow Release No. 4 in the amount of \$274,472.00 for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
11. Permission to Advertise a proposed Ordinance for consideration at the October 12, 2023 Business meeting, amending Chapter 4, Collection Fees, of the Township Code to provide for attorney's fees, collection fees and costs for unpaid municipal claims collections for delinquent accounts.
12. Permission to schedule a public hearing on and advertise a proposed Ordinance for consideration at the November 9, 2023 Business meeting, amending Chapter 165, Zoning, to amend steep slope regulations, Shopping Center District Permitted Uses, Nonconformity provisions, eliminate dwelling conversion provisions, define interior signage eliminate cluster overlay and development plan provisions, land development plan submission requirements and traffic impact submission requirements.
13. 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 October 31, 2023 in order to complete punch list items.
14. First Avenue Linear Park Phase 2 Project: Approval of Payment Application 7-REV1 in the amount of \$220,137.29 to Road-Con, Inc. of West Chester, PA for contract work completed to date.
15. First Avenue Linear Park Phase 3 Solar Lighting Bid. Authorization to advertise and conduct a bid for the procurement and installation of solar light poles and bollards for the First Avenue Linear Park project via the PennBid website.

16. Trout Run WPCC Pug Mill & Sludge Conveyor: Award the General Contract to PSI Pumping Solutions, Inc. of York Springs, PA in the amount of \$413,583.00 and award the Electrical Contract to US Solutions, Inc. of Quakertown, PA in the amount of \$36,133.00 as recommended by the Director of Public Works

PUBLIC COMMENT: None

Board Action:

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

ACCOUNTS PAYABLE & PAYROLLS:

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Waks, all voting "Aye" to approve the Accounts Payables for invoices processed from August 3, 2023 through September 6, 2023 Payrolls dated August 4th and 18th of 2023 for a total of \$5,689,507.12. None opposed. Motion approved 4-0.

ADDITIONAL BUSINESS:

Chair Garzillo read a statement from Supervisor Kenney indicating that the Shade Tree Commission and the EAC along with Stormwater Authority received two grants and will make a sample demonstrator Pollinator and Raingarden at the Community Garden off of Ross Road.

Chair Garzillo also thanked Home Depot for the \$300 donation and said that Home Depot is looking forward to partnering with the Township. Then she said the last Concert Under the Stars is this weekend. She also noted all the activities every weekend in October including the Farmers Market, Community Fair and the Fall Fun Fest at Nor-View Farm.

PUBLIC COMMENT:

Mrs. Janet Barcaro brought up her concerns about the Brownlie Road Bridge again and said the person she spoke with from PennDOT said the Township should have received their approval today. Mr. Hamaday said he didn't receive the notice but will check with Mr. Hickman tomorrow to see if he received anything from PennDOT. Once they have the approval the project will go out to bid. By PA Law all contractors that meet the requirements can submit a proposal and the Township has to accept the lowest bid that qualifies, having bid security and a Pennsylvania License.

Next, resident Mr. James Daniels from 150 Ross Road, KOP stated that at last months meeting he complained about his neighbor making a berm in her yard 10 years ago to stop her property from flooding. This has created his property to flood as well as other neighbors and wants to know when is it going to be corrected. Mr. Hamaday said our codes department is looking into the situation.

Finally, Ms. Robin Westley from 914 Croton Road, Wayne thanked the Township for having PennDOT come out and dig across the street from her to correct her water problem.

She brought up concerns that the berm in front of her property is too large and has become a safety hazard. It was noted that the Township will look into this issue.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Vice-Chair Jenaway, seconded by Supervisor Philips, all voting "Aye" to adjourn the meeting at 9:21 pm. None opposed. Motion approved 4-0.



ANTHONY HAMADAY
TOWNSHIP MANAGER

lr
Minutes Approved:
Minutes Entered: