

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

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 9, 2023, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:16 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Tina Garzillo, Carole Kenney and Greg Waks. Also, present was Anthony Hamaday, Township Manager, John Walko, Esq., Solicitor's Office, Jarrett Lash, Township Planner and Leanna Colubriale, Township Engineer. Absent was Vice-Chair Bill Jenaway,

MEETING MINUTES:

August 10, 2023 – BOS Workshop
October 5, 2023 – Zoning Workshop
October 5, 2023 – BOS Workshop
October 12, 2023 – Business Meeting

Board Action:

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

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo welcomed Jarrett Lash, the new Township Planner. She also stated this Friday, November 10th the Township Offices and the Library will be closed to honor Veteran's Day. Leaf pickup program will run as scheduled.

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 - 2 Vacancies
- UM Historical Comm. Student Member - 1 Vacancy
- Zoning Hearing Board Alternate - 1 Vacancy

NEW BUSINESS:

A. PROCLAMATION – Small Business Saturday:

Chairperson Garzillo read the Proclamation for Small Business Saturday which will be November 25, 2023. She mentioned that the Economic and Community Development Board (ECDC) has two initiatives that they sponsor. Each month they highlight a small local business through the Township's Social Media Platform. If any resident would like to recommend a small business they can notify the ECDC and they will add it to their list. The other initiative the ECDC has is on the Township's Facebook page where they have a Bulletin Board for small businesses to advertise for employment opportunities, new hours, etc.

B. PUBLIC HEARING – An Ordinance 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:

Solicitor John Walko closed the regular meeting to open the hearing for the new Ordinance which he marked as exhibit one and read the above title again which summarized what the Ordinance is for and what it includes.

1. The Ordinance itself
2. Proof of publication for the legal Notice in the Times Herald dated Oct. 25th and November 1, 2023
3. Proof of submission to Montgomery County Law Library on October 4, 2023
4. Proof of submission to the Upper Merion Planning Commission on September 27, 2023 and appeared on the October 11th agenda.
5. Proof of submission to the MONTCO Planning Commission on September 25, 2023

Next Mr. Walko explained that this Ordinance has been discussed six or seven times during the past two years at the BOS Workshop meetings.

PUBLIC COMMENT:

Resident Mr. Christopher Malinowski from 100 Weadleytown Road asked the Board to postpone this vote to give residents more time to figure it out. He feels this Ordinance will have a negative impact on property owners. Mr. Walko said the amendment is to remove the language from the area which states "significant naturally occurring slopes of 25% or greater", so the word naturally was removed.

He also mentioned they removed the language that applied to slopes that were altered, not naturally occurring or manmade slopes after 1940. So, by changing the wording all natural or manmade slopes would be treated the same and would only apply to a zoning plan that would disturb those slopes.

Resident Mr. Narinds Garg from 681 South Gulph Road asked how do you define a manmade slope from a natural slope and if someone has already started to develop a property would they be exempt from the new Ordinance. Mr. Walko said this Ordinance does not define natural or manmade slopes, it is to regulate deep slopes in a certain district of a parcel containing slopes of 25% or greater that occupies 1000 or more contiguous feet for the land itself. Also, Mr. Walko said that any development plans or permits that were already submitted would not be affected by the new Ordinance.

With nothing else to be said Mr. Walko closed the hearing and reopened the regular meeting so the Ordinance could be voted on by the Board.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to adopt the new Ordinance. None opposed. Motion approved 4-0.

Chairperson Garzillo announced the Supervisor Philips is recusing himself from voting on the Consent Agenda due to a conflict on one of the items.

C. CONSENT AGENDA re:

1. First Avenue Linear Park Phase II: Approval of a no-cost time extension request by Road Con, Inc., extending the contract completion date to 12/31/2023 in order to complete bus shelter construction.
2. Permission to advertise proposed Ordinance Amendment - Chapter 140 A & B - Stormwater, Grading & Erosion Control. Consolidation of current Chapter 140A and 140B of the Township Code into one Chapter with additional provisions for Green Infrastructure and Low Impact Development.
3. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulation for 250 MB, LLC, 250 Mall Boulevard, for the tax years 2021-2023 resulting in the overpayment of real estate taxes in the amount of \$14,675.74.
4. Brownlie Road Culvert Replacement: Award of the General Construction Contract for the Brownlie Road Culvert Replacement project in the amount of \$680,510.40 to G&B Construction of Feasterville-Treose, Pennsylvania, being the lowest responsible bidder as recommended by the Director of Public Works.
5. Abrams PS, Valleybrook PS, Trout Run WPCC MPS Pump Station Upgrade Project: Approval of Payment Application 7 in the amount of \$16,430.39 to Blooming Glen Contractors, Inc. of Perkasio, Pennsylvania for work completed to date.
6. Business Tax Appeal Settlement – Approval of a Business Tax Appeal submitted by William A. J. Schaeffer's & Sons, 420 B Drew Court, King of Prussia, in the amount of \$3,098.57 as a result of mail issue.

7. Henderson Road Pedestrian Crossing Improvement Project:
Award of the General Construction Contract for the Henderson Road Pedestrian Crossing project in the amount of \$180,425.00 to Ply-Mar Construction Co., Inc. of Plymouth Meeting, Pennsylvania, being the lowest responsible bidder as recommended by the Township Traffic Engineer.
8. Board of Community Assistance Policy Guideline amendment.
Approval of an amendment to the BCA Policy Guidelines to allow high school juniors to submit BCA scholarship applications.
9. Upper Merion Transportation Authority Joint Defense and Joint Privilege Agreement - Approval of a Joint Defense and Privilege Agreement with the Transportation Authority for the Toll Bros Land Use Appeal and Mandamus Action regarding the transportation impact fee assessment for the Stonebridge Subdivision.
10. Approval of Request for Inclusion in Township Health Benefit Program – Supervisor Philips.
11. Resolution 2023-34 – Statewide Local Share Assessment Grant - Moore Road Multimodal Trail and Linear Park Preliminary Design.
12. Citizen Board Appointments:
 - a. Historical Commission Appointment.
 - b. Public Safety Appointment.
 - c. Economic & Community Development Appointment

Supervisor Kenney asked the Township Manager about Item 4, when will the Brownlie Road Bridge (Culvert) construction start? Tony said demolition should be the beginning of 2024 with completion hopefully by late Spring.

Supervisor Waks commented on Items 7 and 8. He said that the Board has been working on #7, the Henderson Road Pedestrian Crossing Project for years. Mr. Waks wants to remind everyone who uses the crossing after pushing the button to still look both ways before crossing because sometimes drivers don't obey the law. Next, he thanked members of the BCA for working on making Juniors eligible to receive scholarships, he thinks it's innovated and will improve the BCA and the scholarship process.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the Consent Agenda. None opposed. Motion approved 3-0. Supervisor Philips recused himself.

PUBLIC COMMENT:

Resident Mrs. Janet Barcaro, 203 Redwood Road thanked the Board for finally getting the Brownlie Bridge (Culvert) started and also appreciates that the information is now prominently posted on the website for people to see. Next she asked if the new bridge/culvert would include a pedestrian sidewalk and Mr. Hamaday said definitely a sidewalk would be installed on at least one side of the bridge.

Resident Mr. Rocco Rossi from 150 East Dekalb Pike, Rossi Auto Salvage asked for clarification on Item #9, Transportation Authority Joint Defense & Privilege Agreement. Mr. Walko said there was an active litigation filed by Toll Brothers against both the Township and the Transportation Authority disputing whether or not they need to pay fees under Act 209. Since the Township and the Authority are two separate entities this will allow them to work together on this litigation without revealing issues such as attorney-client privilege and to pull resources to further that litigation.

D. POSTING OF THE 2024 BUDGET:

Chairperson Garzillo commented on the proposed 2024 budget. She explained that it is a practical recommendation for things that have to be done in the Township that have been postponed due to the pandemic and staff furloughs. There is a lot to take care of and they're trying to catch up and take care of the facilities and infrastructure before something major happens. Therefore, there will be a tax increase in 2024. She then asked the Township Manager, Mr. Hamaday to give a brief synopsis of the budget.

Mr. Hamaday presented a balanced budget that includes the General, Sewer and Library Funds. The goal of the budget was to get us back to the service level funding that we had before the pandemic. Upper Merion Township would like to get back in the lead to show that our programs, policies and our actions are leading municipalities. This budget will reallocate our capital, during the pandemic we diverted our park tax millage to our operating funds not to impact the residents with significant tax increases.

Next, Mr. Hamaday presented the budget that they have been working on since June and said they have an operating budget of \$50,694,582.00. Then he mentioned that there has been a rise in income from Real Estate Taxes, Permits and Fees, Business Taxes, Grants and Aid, Park & Rec Fees as well as Liquid Fuels. The next chart Tony presented showed the breakdown of Township expenses and due to the collective bargaining agreements with the Police, Fire and EMT Paramedics this is a large portion of the budget. Also, since the Township needs to hire twelve more firefighters that we desperately need the staff has put together a great grant application for a safer grant that will fund the firefighters for the next three years.

Mr. Hamaday then thanked the Board for not selling the Sewer Operations because the municipalities that sold theirs are now seeing higher rate increases. Also, the sewer revenue we're receiving out-weighs the expense so there will not be a rate increase in 2024. Plus we have enough revenue to utilize for Collections and any of the Plant's projects. Finally, he went through the remaining departments expenses showing small increases which are necessary to keep up with day to day operations.

PUBLIC COMMENT:

Resident Brett Montich from Sweetbrier Road asked the Board what is the proposed tax increase for 2024. He also how did they come up with roughly about 11% income from grants and is that realistic. In addition, he asked what the deal would be in three years for the twelve new firefighters.

Mr. Hamaday said the tax increase for the average home will pay about \$76.00 more per year and the grant that the Township will receive would cover the first three years for the twelve firefighters. The Board along with the Township are trying to prepare for the 1.2 million dollar increase four years from now by applying for other grants and aid that is offered so there won't be a big increase.

ACCOUNTS PAYABLE & PAYROLLS:

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the Accounts Payables for invoices processed from October 5th through November 1, 2023 and Payrolls dated October 13th and 27th of 2023 for a total of \$4,098,708.60. None opposed. Motion approved 4-0.

ADDITIONAL BUSINESS:

Supervisor Philips thanked everyone who voted on Election Day and said he appreciates everyone who voted for him and Supervisor Kenney. He also said that Saturday is Veterans' Day and to please thank a Vet for their service if you know one or see one. Then he mentioned our countries 250th anniversary is approaching and there is a National effort USA 250 and the Veterans Affairs will also be doing a 250 Veterans effort. He suggested that even though Upper Merion Township celebrated 300-year anniversary in 2013 we should also celebrate our Country's 250th anniversary of the USA.

Supervisor Kenney agrees with Supervisor Philips and thanked him and all Veterans for their service. She also thanked all the volunteers that turnout at Volpe Park to plant hundreds of plants, bushes and trees for the rain garden. She thanked Barley Van Clief and Theresa Landewe for their wonderful design and inspiration to us all.

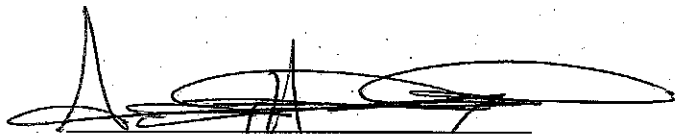
Supervisor Waks congratulated both Supervisors Kenney and Philips on their re-election and thanked the Public Works Department, especially Dave Dolga for all their work with the Fall Fun Fest celebration.

Chairperson Garzillo said the Holiday Village is returning this year on December 2nd at the Township Building from 12 to 3 pm. Then she congratulated Supervisors Kenney and Philips on their re-election for another 6 years. Finally, she wished everyone a happy and safe Thanksgiving.

PUBLIC COMMENT: None

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to adjourn the meeting at 8:46 pm. None opposed. Motion approved 4-0.



ANTHONY HAMADAY
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: