

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
MAY 15, 2014

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, May 15, 2014, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:38 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: Sally Slook, Assistant Township Manager; Joseph McGrory, Andrew Olen, Township Solicitor; Rob Loeper, Township Planner, Tom Beach, Township Engineer, Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the March 13, 2014 Minutes of the Joint Meeting with Citizen Board Chairs, the April 3, 2014 Zoning Workshop Minutes, and the April 3, 2014 Workshop Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated there was no Executive Session held prior to this meeting.

NEW BUSINESS

PROCLAMATION RE: AMERICAN CANCER SOCIETY – RELAY FOR LIFE

The Board of Supervisors recognized the American Cancer Society's Relay for Life, which is held in the township each year. The Board proclaimed May 17 and 18, 2014 as Relay for Life Days in Upper Merion Township. Mrs. Kenney read and presented the proclamation to Barbara Choc on behalf of the Board of Supervisors.

PROCLAMATION RE: NATIONAL POLICE WEEK

On behalf of the Board of Supervisors, Mr. Jenaway read and presented a proclamation proclaiming National Police Week – May 12 thru May 18, 2014 and May 15, 2013 as Peace Officers Memorial Day to Police Chief Tom Nolan.

In response to Mr. Waks request, Chief Nolan provided the details about the Police Department displays and demonstration in honor of Police Week to be held on Saturday at the King of Prussia Mall.

SWEARING-IN OF NEW POLICE OFFICER BY JUDGE JAMES GALLAGHER

Chief Tom Nolan introduced Officer Dylan Kull to the Board of Supervisors and the public. Chief Nolan stated the Upper Merion Township Police Department has set very high standards that a candidate must meet to become part of the Department. Over the past five months the potential candidates worked their way through a process of a written examination, a physical agility test, an oral interview panel, a comprehensive background investigation, a lie detector test and a Command interview. Of the original pool of candidates only 13 individuals made it through to the Command interview process.

Officer Dylan Kull is a 2008 graduate of Penncrest High School in Media. He graduated from West Chester University in 2012 with a Bachelor of Science

Degree in Criminal Justice. Officer Kull attended the Delaware County Police Academy; graduating in December 2013. He was previously employed as a Seasonal Police Officer in Ocean City, Maryland and a Correctional Officer at the Chester County Prison.

POLICE DEPARTMENT PROMOTIONS EFFECTIVE MAY 29, 2014 BY JUDGE JAMES GALLAGHER RE:

- Lieutenant James Early to Captain
- Sergeant James Tees to Lieutenant
- Corporal Declan Coyle to Sergeant
- Officer Patrick Krouse to Corporal

Chief Nolan stated there are four promotions due to the pending retirement of Captain John Hellebush and these promotions will take effect on May 29, 2014 at 3 p.m. Promotions are based on a current eligibility list which was established after a comprehensive testing and evaluation process.

Judge James P. Gallagher administered the oath to all newly promoted officers.

CONSENT AGENDA:

1. Awarding of the 2014-2016 Heating/Ventilation/Air Conditioning (HVAC) Contract to the low bidder W. Kramer Associates, Inc. for a total of \$27,779.00
2. Awarding of the 2014-2015 Montgomery County Consortium Vehicle Fuel Contract to the low bidder Petroleum Traders Corporation in the estimated amount of \$5,531,497.23 for 2,037,095 gallons of fuel to service 18 municipalities
3. Equipment Replacement Requests re:
 - a. Replace Public Works Department Truck #722 – heavy duty vehicle used to carry heavy equipment - \$65,500
 - b. Replace Air Monitor used for atmosphere resting at Trout Run Sewer Plant - \$745
 - c. Purchase 2015 Diesel Mack Heavy Duty Vehicle w/Snow Plow Package - \$180,844
4. Adopt Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds to Ensure Compliance with IRS Regulations
5. Authorization to Sign Settlement Stipulations re: Liberty Property v. Upper Merion Area School District. Dockets No. 2010-34928 and 2010-35160
6. Waiver of Alcohol Policy for Upcoming Library Fundraiser

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting “Aye” to approve the Consent Agenda as submitted. None opposed. Motion approved 5-0.

DEVELOPMENT PLAN – BONEFISH GRILL, 160 N. GULPH ROAD, KING OF PRUSSIA MALL (PLAZA), WIDEN EXISTING SIDEWALK TO ALLOW OUTDOOR DINING AREA AT FORMER TGI FRIDAYS. RESOLUTION NO. 2014-29

Mr. Rob Loeper, Township Planner, stated the plan has been reviewed previously at a workshop meeting. He indicated this is a relatively minor plan for

the reconfiguration of the former TGI Friday's restaurant at the King of Prussia Mall. Most of the renovations will be interior to upgrade the former TGI Friday's into a Bonefish Grill. The applicant is proposing to extend the sidewalk to match the existing sidewalk at the entrance to allow for the construction of a 672 square foot dining patio providing seating for about 24 patrons. The area will be enclosed with gated fencing and secure as would be required for any type of restaurant facility. Staff reviewed the plan to make sure the sidewalk bump-out would not create any traffic problems. The driveway width will be maintained at 30 feet between the parking field and the existing and proposed curbing along the building. The applicant has requested a waiver of the formal subdivision land development process.

Remington Vernick & Beach issued a review letter on April 4, 2014, and the applicant responded on April 22, 2014.

Pending approval by the Board of Supervisors, Mr. Waks asked when the applicant intends to open the restaurant. Mr. Evan Snyderman, Bonefish Grill, responded it is slated for first quarter 2015.

Mrs. Kenney asked for clarification about other construction ongoing near the proposed Bonefish Grill and was assured by the applicant's engineer that they are not doing anything structurally above the building.

Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Spott, all voting "Aye" to approve Resolution No. 2014-29 as submitted. None opposed. Motion approved 4-0.

DEVELOPMENT PLAN – PERFECT POOCH, 200 KING MANOR DRIVE.
CONSTRUCT 3,800 SF STRUCTURE OVER EXISTING PAVED AREA FOR
OUTDOOR DOG PLAY AREA. RESOLUTION 2014-30.

Mr. Loeper stated Perfect Pooch LLC is a tenant at this property which is a 3-acre property zoned Heavy Industrial (HI) at the end of King Manor Drive. The proposed 3,800 square foot addition will be attached to the existing building on one side. The remaining sides will have an overhead door to create an open air play/exercise yard, with the ability to be enclosed during inclement weather.

The applicant is requesting a waiver of the formal subdivision land development plan due to the minimal impact of the proposal.

The plan was submitted to Remington Vernick & Beach and a review letter was issued last week with some minor comments which were discussed with the applicant. The applicant has indicated to both the Township Engineer and Township Planner that they will comply with all the provisions outlined in the review letter.

Mr. Loeper indicated renderings of the proposed building were requested by the supervisors at the workshop meeting, and he noted the applicant has provided some basic renderings.

Mr. Rob Pauley, CB Structures, described the components of the steel frame structure which will have an exterior steel skin. It will have a number of overhead doors around the entire parameter which would close during inclement weather to provide an indoor play area for the dogs. Weather permitting they would open up all those doors for the dogs to play outside under the shade.

Mr. Kevin Lehman, Owner, stated for the majority of the year the proposed structure will function as a pavilion with the garage doors open with the option to close when necessary. The structure is going over an all impervious area.

For the benefit of the viewing audience, Mr. Waks asked for confirmation that this is a non-residential area. Mr. Loeper responded this is a non-residential isolated area. Utilizing the aerial, he pointed out the location of industrial buildings and the nearest residential area to the north.

Pending approval of the Board of Supervisors, Mr. Waks asked how long it would take to construct and open the facility. Mr. Kevin Lehman, Owner, responded the next step would be to respond to the questions from the Township Engineer about the survey and the impervious area and once that is resolved he will make application for the building permit. Depending on how long the permitting process takes construction could begin right away and their hope is to have the facility open sometime this summer.

Mr. Jenaway asked if there is fencing or some type of protection system while the animals are in the play area with the doors open. Mr. Pauley responded there is an exterior 6 foot fence around the majority of the building, but not in front of the building where the parking is located. He said they will also use 6 foot fence panels to divide the dogs into different pens and areas to contain the dogs. There will be at least two fences separating the dogs and the exterior at all times.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution No. 2014-30. None opposed. Motion approved 4-0.

RECOMMENDATION BY THE BOARD OF COMMUNITY ASSISTANCE FOR GRANTS/SCHOLARSHIPS TO NON-PROFIT ORGANIZATIONS AND STUDENTS AS VOTED ON BY THE BOARD OF SUPERVISORS

Mr. Scott Milner, Chairperson, Board of Community Assistance (BCA), expressed appreciation to all the members of the BCA for their hard work over the last six months as they thoroughly reviewed and examined each application.

Mr. Milner stated last year there was approximately \$145,000 in available funds, \$128,000 was awarded and \$17,000 was kept for coffers. This year \$160,000 was available to start and pending approval from the Board of Supervisors, the BCA recommended \$154,441 for allocation.

Mr. Milner indicated it is important to note the growth in the number of applicants that went through the process. Last year there was a total of 41 applications (29 organizations, 4 sports and 8 scholarships). Because of the vigorous outreach efforts of the Board of Supervisors and BCA, the number of applications has doubled for a total of 95 (53 organizations, 9 sports and 33 scholarships).

This year's BCA recommendations to the Board of Supervisors include 26 organizations, 5 sports and 28 scholarships as follows:

Mrs. Robyn Briggs, BCA member, announced the organizational grants as follows:

- Upper Merion Tree Tenders (\$500)
- Valley Forge Convention and Visitors Bureau (Revolutionary Run for next year's race (\$1,000)
- Neighborhood Meals on Wheels (\$2,500)
- Upper Merion Skate Park -engineer costs (\$5,000)
- Feel the Warmth (\$500)
- Upper Merion Emergency Aid - Back to School Project (\$3,500).
- Swedesburg Volunteer Fire Company –shingles and emergency door (\$3,300)

- Candlebrook Elementary School – Read to Succeed 1st Grade (\$500)
- Daisy Girl Scout Troop #7157 (\$500)
- Caley Elementary School - playground equipment (\$9,500)
- Rotary Club of King of Prussia - education and literacy program (\$1,500)
- Upper Merion Farmers Market (\$7,500)
- Valley Forge Optimist Club (\$2,500)
- Upper Merion Special Education Parent Resource and Interest (\$343)
- Communities in Motion - Solar Car Challenge (\$5,000)
- Upper Merion Park and Historic Foundation (\$9,500)
- Laurel House - Domestic Violence and Shelter for Women (\$5,000)
- Upper Merion Mother's Club - Operation Backpack (\$1,000)
- Roberts Elementary School -Roberts Learning Garden (\$5,000)
- Outdoor School in Horsham (\$10,000)
- Upper Merion Middle School - STEM Program (\$698)
- Upper Merion High School Literacy Night (\$2,500)
- Upper Merion Police Department – Radio Interoperability Project (\$6,150)
- Upper Merion Foundation – Concert (\$10,000)
- Elwood Park Zoo (\$5,000)
- Upper Merion Senior Service Center (\$5,000)

Ms. Lydia Dan Sardinas announced the sports grants as follows:

- Upper Merion Stingrays Swim Team (\$500)
- Upper Merion Aquatic Club (\$5,000)
- Upper Merion Lacrosse Club (\$5,000)
- King of Prussia Soccer Club (\$800)
- Upper Merion Youth Field Hockey (\$400)

Ms. Dan Sardinas announced the scholarships as follows:

- David Burns \$500
- Nolan Campbell (1,000)
- Sabrina Carroll (\$1,000)
- Brendan DeVoue (\$1,000)
- Emma Elliott (\$500)
- Maddalana Ghanayem (\$2,000)
- Jonathan Gross (\$500)
- Bruce Hilton (\$750)
- Justin Howley (\$1,000)
- Jason Karver (\$1,000)
- Kellie Keen (\$1,000)
- Jourey Newell (\$2,000)
- Abigail Nolan (\$500)
- Michael Cole O'Donnell (\$2,000)
- Aanand Patel (\$1,000)
- Samik Patel (\$500)
- Andrew Raskiewicz (\$2,000)
- Tyler Roberts (\$2,000)
- Gabrielle Sborline (\$1,000)
- Jacqueline Schauble (\$500)
- Matthew Schoenlank (\$5,000)
- James Shelton (\$1,500)
- Nicholas Shendge (\$2,500)
- Ariana Smith (\$1,000)
- Thomas Stalker (\$2,000)
- Brenden Steiner (\$2,000)
- Richardo Leander Stephen (\$1,000)
- Michael Zadroga (\$2,000)

Mr. Waks stated it is important to note there were 95 applications to review in three months. He pointed out the number of pages associated with each application tends to vary depending on attachments and there are 10-15 pages on average with each application for review by the BCA. Because it is a very competitive process each application is thoroughly reviewed and discussed until a consensus is reached for their recommendations.

Mr. Waks expressed appreciation to all the members of the Board of Community Assistance who made some very difficult decisions for recommendations that will help a variety of organizations and students within our community.

Mrs. Kenney also wanted to thank the School District for helping to spread the word about the scholarship application process.

Mrs. Spott encouraged everyone who did or did not receive funds this year to keep trying as it is a great resource available in the community. Mr. Waks said it is very important to keep trying again. He mentioned there were at least two organizational applicants who were not successful last year; they reapplied and received funds this year. Conversely there were organizations that received funding in 2013 that were not successful this year.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the recommendations of the Board of Community Assistance for grants/scholarships. None opposed. Motion approved 4-0.

Mr. Waks noted the award recipients will be invited to attend the second BCA award ceremony to be held sometime this summer. Notices will be sent in the mail in the near future.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from April 16, 2014 to May 7, 2014 in the amount of \$781,982.99 and the Payroll for April 25, 2014 and May 9, 2014 in the amount of \$1,342,505.79 for a total of \$2,124,488.78. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

SWIM CLUB OPENING

Mr. Jenaway reminded everyone that the Swim Club will be open starting Memorial weekend running through Labor Day weekend and anyone interested in joining should to www.umswimandtennis.com for more details.

UPPER MERION FIRE DEPARTMENTS INVOLVEMENT IN THE COMMUNITY

Mrs. Kenney enumerated the various ways the fire departments in Upper Merion Township give back to the community above and beyond saving lives and property by helping with fundraisers for some worthy community projects.

GRAND OPENING OF THE FARMERS MARKET – FIFTH YEAR

Mrs. Kenney noted the Upper Merion Farmers Market grand opening is on May 17th.

UPCOMING MEETINGS AND ANNOUNCEMENTS

Mr. Waks announced a number of upcoming Township meetings and events. He noted a special Business Meeting of the Board of Supervisors will be held on June 5, 2014 in Freedom Hall at 7 p.m. to discuss the award of the construction contracts for the Community Center. Mr. Waks cautioned that a flash flood watch has been declared for Upper Merion Township for Friday, May 16th.

From the Public:

Mr. Herb Baiersdorfer, Gypsy Lane, discussed a stop work notice for his retaining wall.

Mr. James Schofield, Radnor Road, discussed issues with water runoff near Crow Creek. He was advised the Township will continue to evaluate the issue with the assistance of the Township Engineer. Mr. Schofield also asked to see the stream study that was done last year, and was told it would be made available to him.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 9:00 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered