

**UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 4, 2021 WORKSHOP MEETING ~ 6:30 PM**

AGENDA

1. Meeting Called to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Chairman's Comments:
5. Discussions:
 - A. Contract Management Services Agreement with the King of Prussia Business Improvement District (KOP BID) for Phase 2 & 3 of the First Ave Linear Park Project.
 - B. DeKalb Street Sidewalk Project Update and Contract Payment Request.
 - C. UDR Development, 751 Vandenburg Road: Discussion on the property owner's request for the removal of Conditional Use Approval conditions requiring up to 2,200 sq. ft. of commercial/retail use within the residential building.
 - D. 1266 & 1272 Gulph Creek Lane Subdivision: Lot line change transfer of tennis court, no improvements. 4.91 acres R-1A cluster. Plan Expiration: March 14, 2021.
 - E. Proposed Zoning Map Amendment – DeKalb Pike and Saulin Blvd. Discussion on a proposed rezoning of the existing 10.31 acre HI, Heavy Industrial to CG, General Commercial.
 - F. Proposed Zoning Text Amendment – Discussion regarding amending R3A to lower height restrictions on homes with slab on grade foundations but exclude uninhabitable peaked roofs from height calculation.
 - G. Proposed Zoning Map Amendment – GEI Corp., 450 E. Valley Forge Road. Proposed rezoning of 4 parcels from the HI Heavy Industrial District to the R-3 Residential District to allow for a residential development consisting of townhouse and multi-family units.
 - H. Public Meeting Rules and Regulations Discussion.
 - I. February Business Meeting Agenda Review.
6. Adjournment.

**AGREEMENT TO PERMIT KING OF PRUSSIA
BUSINESS IMPROVEMENT DISTRICT TO MANAGE SELECTED BIDDER
FOR THE FIRST AVENUE LINEAR PARK PHASE 2 & PHASE 3 PROJECT**

This Agreement to Permit King of Prussia Business Improvement District to oversee Selected Bidder for the First Avenue Linear Park Phase 2 & Phase 3 Project ("Agreement") is made this _____ day of _____, 2021, between **UPPER MERION TOWNSHIP** ("Township") with a principal administrative office address of 175 W. Valley Forge Road, King of Prussia, PA 19406, and the **KING OF PRUSSIA BUSINESS IMPROVEMENT DISTRICT, INC.** ("KOP BID"), a registered 501(c)(3) not-for-profit organization with an administrative office address of 234 Mall Boulevard, Suite 150, King of Prussia, PA 19406.

BACKGROUND

A. The Township is eligible to receive Multimodal Transportation Funds ("MTF") from the Pennsylvania Department of Community & Economic Development for development, redevelopment, reuse, revitalization, and infrastructure improvements related to business development.

B. KOP BID was founded under the Commonwealth of Pennsylvania's Neighborhood Improvement District legislation to engage public and private partners to collaboratively improve the economic environment in King of Prussia by making it more vibrant, attractive, and prosperous.

C. To improve the economic environment in King of Prussia, the Township, co-applicant with KOP BID, submitted an application for MTF grant and was subsequently awarded MTF grant funding for sidewalk installation, site furnishings, pedestrian scale lighting, and landscaping associated with the First Avenue Linear Park Phase 2 & Phase 3 Project located within the Township ("Project");

D. The Township and KOP BID desire that KOP BID will arrange for the general planning, development and oversee construction of the Project from the MTF grant funds.

E. The Township will follow all conditions and procedures, including proper competitive bidding and selection procedures for hiring a general contractor to construct improvements with MTF grant funds, that the Township is required to follow under the Second Class Township Code, 53 P.S. § 65101, *et seq.*

F. The Township will select and contract with the selected bidder for the Project in accordance with the Commonwealth's bidding requirements; and KOP BID agrees to oversee such work on behalf of the Township in accordance with the Commonwealth's requirements.

G. The Township will own the improvements made with MTF grant funds and KOP BID will maintain improvements on behalf of the Township.

AGREEMENT

In consideration of the promises, covenants and conditions contained in this Agreement, the parties agree as follows:

1. The recitals set forth above are incorporated herein by reference as though each were fully set forth at length.

2. The Township hereby authorizes and agrees to permit KOP BID to oversee the contractor selected from the proper competitive bidding and letting procedures. The Township and KOP BID acknowledge and understand that the MTF grant funding will be disbursed to the Township, and the Township shall make such funds available to the KOP BID for the Project in accordance with the terms and requirements of this Agreement. KOP BID agrees to follow all Commonwealth requirements under the MTF.

3. Each of the parties hereto agrees to execute and deliver any additional documents, materials, information, or writings which may reasonably be required in order to consummate this Agreement or to ensure that the Agreement is being followed, including any documents that would aid the Township or KOP BID in the selection, contracting, funding and construction of the Project.

4. The parties hereto agree that this Agreement represents the entire understanding of the parties with regard to this transaction and that there are no prior or contemporaneous agreements, covenants, or conditions with respect thereto. This Agreement may be amended only by a written amendment.

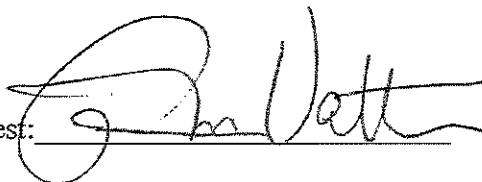
5. The parties agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6. Facsimile and scanned signatures of this Agreement shall be considered originals.

7. Except as otherwise provided herein, all costs and expenses incurred in connection with this Agreement or related transactions shall be paid by the party incurring such cost or expense.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto, have caused this Agreement to be duly executed as of the date first above written.

UPPER MERION TOWNSHIP

Attest: 

By: 

Name: Anthony Haskins

Title: Township Manager

**KING OF PRUSSIA
BUSINESS IMPROVEMENT DISTRICT, INC.**

Attest: _____

By: _____

Name: _____

Title: _____

Application and Certificate For Payment

| | | |
|---|--|--|
| To Owner: UPPER MERION TOWNSHIP 175 WEST VALLEY FORGE ROAD KING OF PRUSSIA, PA 19406 From (Contractor): MARINO CORPORATION 1400 CRESSMAN ROAD PO BOX 1209 SKIPPACK, PA 19474 Phone: 610 584-1800 | Project: ECMS 96238 DEKALB PIKE SW | Application No: 4 Date: 12/12/2020 |
| | Contractor Job Number: 20-006 Via (Architect): Contract For: | Period To: 12/14/20 Architect's Project No: Contract Date: |

Contractor's Application For Payment

| Change Order Summary | Additions | Deductions | | | | |
|---|-----------------|---------------|-----------------------------------|--|--|--|
| Change orders approved in previous months by owner | 1,910.00 | | | | | |
| <table border="1"> <thead> <tr> <th>Number</th> <th>Date Approved</th> </tr> </thead> <tbody> <tr> <td>Change orders approved this month</td> <td></td> </tr> </tbody> </table> | Number | Date Approved | Change orders approved this month | | | |
| Number | Date Approved | | | | | |
| Change orders approved this month | | | | | | |
| Totals | | | | | | |
| Net change by change orders | 1,910.00 | | | | | |

| | |
|--|------------------|
| Original contract sum | 373,780.00 |
| Net change by change orders | 1,910.00 |
| Contract sum to date | 375,690.00 |
| Total completed and stored to date | 325,750.17 |
| Retainage | |
| 0.0% of completed work | 0.00 |
| 0.0% of stored material | 0.00 |
| Total retainage | 0.00 |
| Total earned less retainage | 325,750.17 |
| Less previous certificates of payment | 264,829.85 |
| 0.000% of taxable amount | 0.00 |
| Current sales tax | 0.00 |
| Current payment due | 60,920.32 |
| Balance to finish, including retainage | 49,939.83 |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor:
 By: _____ Date: _____
 State of: _____ County of: _____
 Subscribed and sworn to before me this ____ day of _____,
 _____ (year). Notary public: _____
 My commission expires _____.

Architect's Certificate for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: \$ _____

Architect:
 By: _____ Date: _____

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

ORDINANCE NO. _____

**AN ORDINANCE OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING THE
UPPER MERION TOWNSHIP ZONING ORDINANCE TO
PERMIT CERTAIN ADDITIONAL HEIGHT REGULATIONS IN THE LIGHT
INDUSTRIAL "LI" DISTRICT**

WHEREAS, the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania has enacted the Upper Merion Township Zoning Ordinance which contains inter alia, provisions governing residential and commercial zoning districts in Upper Merion Township; and

WHEREAS, the Board of Supervisors of Upper Merion Township desires to amend the Upper Merion Township Zoning Ordinance to facilitate, encourage and promote the development of life science, biotech and other valuable enterprises in the Light Industrial "LI" Zoning District; and

WHEREAS, the Board of Supervisors of Upper Merion Township has determined that permitting such uses is in the best interest of the health, safety and welfare of the residents of Upper Merion township.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Members of Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Section 165-145. of the Upper Merion Township Zoning Ordinance is hereby amended by adding the following sentence to the end of the existing language: "Notwithstanding anything contained herein to the contrary, for developments on tracts in excess of 100 acres, building height may be increased to a maximum of 80 feet, provided that for every two feet of height in excess of 50 feet, there shall be added to each yard requirement one corresponding foot of width or depth."

{00339182;3}

II. Section 165-145.J. of the Upper Merion Township Zoning Ordinance is hereby created which shall read as follows: "Restaurants shall be permitted on lots, parcels or tracts of land containing at least 50 acres."

III. All provisions of the Upper Merion Township Zoning Ordinance not inconsistent herewith are declared to be in full force and effect. If any provision of the Upper Merion Township Zoning Ordinance is inconsistent with the provisions of this Ordinance, the provision of this Ordinance shall govern, and the Upper Merion Township Zoning Ordinance provision is hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Upper Merion Township Zoning Ordinance.

IV. This Ordinance shall take effect five (5) days after its enactment.

ENACTED and ORDAINED this _____ day of _____, 2020.

ATTEST:

Upper Merion Township Board of Supervisors

William Jenaway, Chair

**RESOLUTION NO. 2021-06
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PA**

**A RESOLUTION INCREASING THE SALARY OF THE UPPER MERION TOWNSHIP TAX
COLLECTOR FOR THE NEXT FOUR-YEAR TERM BEGINNING IN THE YEAR 2022**

WHEREAS, the Local Tax Collection Law requires that any action by a taxing district to change the compensation of the tax collector must be passed prior to the fifteenth day of February of the year of the municipal election where the office is filled;

WHEREAS, it is the decision of the Upper Merion Board of Supervisors to pass a resolution setting the compensation of the Upper Merion Township Tax Collector for the next four-year term beginning in the year 2022;

NOW THEREFORE, BE IT RESOLVED, that the Upper Merion Township Board of Supervisors hereby agree to set the compensation of the tax collector for the next four-year term beginning 2022:

1. For Year 2014 through Year 2017, the Upper Merion Tax Collector's annual salary shall be set according to the following schedule:
 - a. The Compensation of the Upper Merion Tax Collector for **Year 2022** is set at \$32,459.
 - b. The Compensation of the Upper Merion Tax Collector for **Year 2023** is set at \$32,459.
 - c. The Compensation of the Upper Merion Tax Collector for **Year 2024** is set at \$32,459.
 - d. The Compensation of the Upper Merion Tax Collector for **Year 2025** is set at \$32,459.
2. Commencing in Year 2022, the Upper Merion Tax Collector's compensation shall be increased to include additional payment in the amount of \$3.75 per bill for work by the Upper Merion Township Tax Collector related to collection efforts with regard to taxes levied and assessed upon a duplicate issued after an interim assessment.
3. Upper Merion Township will also provide a stipend to the Upper Merion Township Tax Collector in the amount of **Six Thousand Three Hundred Dollars (\$6,300.00)** per year for postage, printing, and other general office supplies expenses ("Office Supplies Stipend"). Actual expenses incurred in excess of the yearly \$6,300.00 Office Supplies Stipend shall be the responsibility of the Tax Collector unless PRIOR approval is authorized by the Board of Supervisors.

RESOLVED, this 14th day of January, 2021.

WITNESS BY:

UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Anthony T. Hamaday
Township Secretary- Manager

By: _____
William Jenaway, Chairperson

ORDINANCE NO. _____

**AN ORDINANCE OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING THE
UPPER MERION TOWNSHIP ZONING ORDINANCE TO
PERMIT CERTAIN ADDITIONAL USES IN THE HEAVY INDUSTRIAL “HI”
DISTRICT**

WHEREAS, the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania has enacted the Upper Merion Township Zoning Ordinance which contains inter alia, provisions governing residential and commercial zoning districts in Upper Merion Township; and

WHEREAS, the Board of Supervisors of Upper Merion Township desires to amend the Upper Merion Township Zoning Ordinance to broaden the scope of uses permitted in the Heavy Industrial “HI” Zoning District; and

WHEREAS, the Board of Supervisors of Upper Merion Township has determined that permitting such uses is in the best interest of the health, safety and welfare of the residents of Upper Merion township.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Members of Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Section 165-153.A. of the Upper Merion Township Zoning Ordinance is hereby amended by adding the following language to the beginning of the section: “Except as provided for below in Section 165-153.E....”

II. Section 165-153.E. of the Upper Merion Township Zoning Ordinance is hereby created and shall read as follows:

“E. “Heavy Industry Redevelopment (“HIR”) Overlay District.” The intent of the Heavy Industry Redevelopment Overlay Zoning District is to facilitate the redevelopment of property located in the HI zoning district.

1. Conditional Use Standards: Parcels that meet the following standards shall be eligible to be developed under the HIR Overlay District pursuant to conditional use:

- a. The Parcel must be located south of the Pennsylvania Turnpike.
- b. The Parcel must be in the HI Zoning District.
- c. The Parcel must be a minimum of 30 acres.
- a. An application for conditional use under this section shall meet all of the criteria identified in Section 165-219.1.

2. Conditional Uses. Uses permitted in the HIR Overlay Zoning District shall include pursuant to conditional use shall include:

a. Any use permitted in the LI Zoning District which is not otherwise permitted in the HI Zoning District;

b. Any use identified in Table CD.1 as a permitted use within the following categories in General Commercial Zoning District:

- i. Information
- ii. Finance and Insurance
- iii. Professional, Scientific and Technical Service
- iv. Educational Service
- v. Health Care and Social Service
- vi. Arts, Entertainment and Recreation
- vii. Accommodation and Food Service

III. Section 165-153.F. of the Upper Merion Township Zoning Ordinance is hereby created and shall read as follows:

“F. Research and Development. Notwithstanding any provision contained herein to the contrary, Research and development in the physical, engineering, life sciences, social sciences and humanities shall be permitted in the HI zoning district as a by-right use.

IV. All provisions of the Upper Merion Township Zoning Ordinance not inconsistent herewith are declared to be in full force and effect. If any provision of the Upper Merion Township Zoning Ordinance is inconsistent with the provisions of this Ordinance, the provision of this Ordinance shall govern, and the Upper Merion Township Zoning Ordinance provision is hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Upper Merion Township Zoning Ordinance.

IV. This Ordinance shall take effect five (5) days after its enactment.

ENACTED and ORDAINED this _____ day of _____, 2020.

ATTEST:

Upper Merion Township Board of Supervisors

William Jenaway, Chair

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 18, 2021 MEETING ~ 7:30 PM

AGENDA

1. Meeting Called to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Meeting Minutes:
5. Chairman's Comments:
6. New Business:
 - A. Conditional Use Hearing (continued) – Mancill Mill Road Company, 850 Mancill Mill Road. Application of the Mancill Mill Road Company, 850 Mancill Mill Rd seeking Conditional Use Approval, pursuant to Section 165-135, Use Regulations, of the Township Code to permit a Residential-Oriented Development (ROD) to be located on the SM-1 zoned property.
 - B. Public Hearing re: An Ordinance to amend Chapter 165, Zoning, Section 165-145 of the Township Code to provide for a Heavy Industrial Redevelopment Overlay District and to permit certain research and development uses by right within the HI Zoning District.
 - C. Resolution 2020-42 – Preliminary/Final Subdivision Plan – GenTerra Corporation Subdivision, 624 Columbus Street. Consideration of a preliminary/final subdivision plan submitted by the GenTerra Corporation, as prepared by Wilkinson & Associates, dated April 20,2020 last revised July 21, 2020 for the subdivision of the existing R-3 Residential parcel into 4 residential lots and the construction of 4 new townhouse units.
 - D. Consent Agenda re:
 1. Resignation of Evelyn Ankers from the Community Center Complex Advisory Board
 2. Resignation of William DeCollo from the Upper Merion Historical Commission
 3. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulations:
 - a. SSN Ruchi Hotels Land Development LLC, 875 Mancill Mill Road
 - b. ALISUE LLC & ANEFF LLC, 1000 First Avenue
 - c. ALISUE LLC & ANEFF LLC, 1020 First Avenue
 - d. ALISUE LLC & ANEFF LLC, 1040 First Avenue
 - e. ALISUE LLC & ANEFF LLC, 1060 First Avenue
 - f. Duce Park, LLC, 631 Park Avenue
 - g. ASP Realty, Inc, 304 W. DeKalb Pike
 - h. Baruch Triad LLC, 2200 Renaissance Boulevard
 - i. 145 W. DeKalb Pike Associates, LP, 135-145 W. DeKalb Pike
 - j. KOP Hotel XXXI Owner LP, 260 Mall Boulevard
 - k. Brandywine Operating Partnership LP, 935 First Avenue, Condo 2

4. Township Outdoor Police Firing Range Soil Remediation Project Contract – Gordian. Consideration of a contract with Gordian of Greenville, South Carolina, through the Keystone Purchasing Network, for the soil remediation at the Township’s outdoor Police Firing Range in the amount of \$97,717.94
 - E. Verizon Land Lease – Twp Public Works Garage, 455 W. Church Road. Consideration of a 5-year renewable land lease with Celco Partnership, d/b/a Verizon wireless for the installation of a 394 sq. ft wireless cellular communications facility, including a 81’ monopole tower on the Township property at an annual lease rate of \$12,000.
 - F. Fence Height Exception Request – 1112 Lafayette Road, Wayne: Consideration of a request from the property owner of 1112 Lafayette Rd, pursuant to Section 165-208 of the Township Zoning Code, to permit an 8’ high solid fence along the rear property line adjacent to a railroad line.
7. Accounts Payable & Payrolls.
 8. Additional Business.
 9. Adjournment.

In order to comply with the Governor’s Order and Social Distancing recommendations, the Board of Supervisors will limit in-person attendance at the meeting. As an alternate to in-person attendance, the Board of Supervisors has established the use of the MyUMT Communications App on the Township’s website, [www.umtownship .org](http://www.umtownship.org) to accommodate virtual public participation in the meeting. The meeting will be broadcast on Comcast Channel 22 and Verizon Channel 33, and streamed live on the Township’s website. Residents can register and use the MyUMT App or call in via telephone to (484) 636- 3930 to submit questions and comments during the meeting. For more information regarding participation options, please check the Township website.

In-person Meeting Guidance

All individuals attending a Township meeting shall be required to comply with the following:

1. Adhere to all CDC & PA Dept of Health COVID-19 Guidelines.
2. Masks are required to be worn at all times within a Township facility.
3. Practice Social Distancing
4. All attendees will be required to have a temperature check before admittance to a meeting room.
5. Due to occupancy limits of meeting rooms, attendees may be asked to wait outside a meeting room until there is available seating or called to enter the room by the meeting chairperson to discuss an agenda topic or participate in public comment.