

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
MAY 11, 2023

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, May 11, 2023, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:00 p.m., followed by a pledge to the flag.

ROLL CALL:

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

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo stated that there will be an Executive Session following this meeting involving litigation. Then she congratulated long time employee Barbara Choc on her retirement from the Township after 50 years of service. Barb held many positions throughout the years at the Township with the last 16 years in the Police Department as Quartermaster.

On a sadder note Chairperson Garzillo extended her condolences to former Supervisor Ralph Volpe's family. Mr. Volpe served Upper Merion Township for 24 years in various rolls including Supervisor for 9 years. He passed away on April 19, 2023 in Florida and was laid to rest next to his beloved wife at Valley Forge Memorial Gardens.

MEETING MINUTES:

April 13, 2023 – BOS Workshop
April 13, 2023 – Business Meeting

Board Actions:

It was moved by Supervisor Kenney, seconded by Supervisor Philips, all voting "Aye" to approve both Workshop minutes. None opposed. Motion passed 5-0.

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:

AMENDING THE AGENDA:

Chairperson Garzillo received a time extension request from the developer for Preliminary/Final Land Development Plan - Norcini, 121 East Church Road.

Board Action:

It was moved by Supervisor Philips, seconded by Vice-Chair Jenaway, all voting "Aye" to remove item H from the agenda. None opposed. Motion approved 5-0.

A. NATIONAL PUBLIC WORKS WEEK PROCLAMATION (MAY 21 – 27, 2023):

Chairperson Garzillo asked Supervisor Philips read the Proclamation.

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Kenney, all voting "Aye" to approve the Public Works Week Proclamation. None opposed. Motion approved 5-0.

B. PRESENTATION BY THE BOARD OF COMMUNITY ASSISTANCE TO ANNOUNCE 2023 BCA AWARD RECIPIENTS:

Board of Community Assistance member Lydia Dan-Sardinas explained the purpose of the BCA and its process. The board consists of a five (5) member board comprised of two (2) Casino Resort Representatives and three (3) Residents along with one (1) Supervisor Liaison and one (1) Staff Liaison. Lydia said that the BCA received sixty-five (65) applications and they are recommending fifty (50) for the Board of Supervisors to approve, which includes twenty-seven (27) Organizations, three (3) Sports and twenty (20) Scholarships - totaling \$144,231.00. She then proceeded with a power point presentation outlining the awards.

Supervisor Waks, Liaison for the BCA thanked the all five members for all the hard work and gave some insight on how tedious the process is for them to go over all the applications. He also thanked the Township staff that assisted in getting everything together from start to finish. Lastly, he congratulated all the award recipients.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the fifty (50) recommended Grants and Scholarships. None opposed. Motion approved 5-0.

C. CONSENT AGENDA re:

1. Change Order – Crow Creek Trail. Approval of Change Order to James R. Kenney Excavating & Paving, Inc. for the net increase of \$28,183.50 as follows:

- a. Base Bid Allowance Deduct - \$39,177.50
 - b. Unsuitable material Quantity Increase - \$112,061.00
 - c. Regulated Soli Allowance Deduct - \$30,000.00
 - d. Bridge Scour Protection Add - \$25,800.00
 - e. Retaining Wall Deduct - \$20,500.00
2. Crow Creek Trail - James R. Kenney Excavating & Paving Inc. Approval of Final Payment to James R. Kenney Excavating & Paving Inc. in the amount of \$99,319.18 for work completed to date on the project.
 3. Change Order No. 1 – Abrams/Valley Brook/Trout Run Pump Stations Upgrades. Approval of Change Order No. 1 to Blooming Glen Contractors in the amount of \$81,120.06 for the installation of wet tap and line stop to provide for by-pass pumping at the Abrams Pump Station.
 4. Township Library Collection Management Policy – Approval of a revised Township Library Collection Management Policy as recommended by the Library Board.
 5. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulation:
 - a. MCR King of Prussia, LLC, 530 W. DeKalb Pike, for the tax years 2021-2023 resulting in an overpayment of real estate taxes in the amount of \$16,465.50.
 - b. Shree Sai Siddhi King of Prussia, LLC, 260 N. Gulph Road, for the tax years 2021-2023 resulting in an overpayment of real estate taxes in the amount of \$20,084.16.
 6. 2023 Road Re-Surfacing Project – Recommendation to Award the 2023 Road Re-Surfacing Project to Allan Myers, L.P. for the contract amount of \$1,623,289.24, with Mall Boulevard being removed from the project scope for 2023.
 7. Capital Equipment Lease/Purchase – Authorization to lease/purchase the following vehicles through any state/Costars contract or Government Leasing Program:
 - a. Wastewater & Collections – 2024 Chevy Silverado 2500 Truck.

Board Action:

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

D. MANAGEMENT SERVICE CONTRACT FOR THE 2023 CONCERT UNDER THE STARS SERIES — Rising Star Productions – Approval of a one (1) year management service contract with Rising Star Productions for the operation of the Township's 2023 Concert Under the Stars Series.

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Waks, all voting "Aye" to approve the Concert Under the Stars Contract. None opposed. Motion approved 5-0.

E. PERMISSION TO ADVERTISE – PROPOSED ZONING ORDINANCE AMENDMENT – CONDITIONAL USE PROCEDURE. Authorization to advertise a proposed Zoning Ordinance Amendment to Chapter 165, Section 165-219.1, Conditional Use Procedure, require conditional use applications to be submitted to the Planning Commission and applicants appear before the Planning Commission prior to the conditional use hearing.

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Philips, all voting "Aye" to approve Permission to Advertise. None opposed. Motion approved 5-0.

F. TOWNSHIP COVID-19 PANDEMIC EMERGENCY REGULATIONS – Authorization to end the Township's COVID-19 Pandemic Emergency Regulations on May 11, 2023 in concurrence with the termination of the U.S. National Emergency Declaration in response to the COVID-19 Pandemic.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to approve to End the Township's Covid-19 Regulations. None opposed. Motion approved 5-0.

G. PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – LOCKHEED MARTIN, 230 MALL BOULEVARD. Approval of a new 55,000 sq. ft. laboratory. – Consideration of a preliminary/final Land Development Plan for Lockheed Martin, 230 Mall Boulevard, prepared by Langan Engineers, dated October 19, 2022, last revised xxx-xx-2023 for the construction of a 51,150 sq. ft building and associated site improvements on the 89.9-acre parcel. LI Industrial. Resolution 2023-17

Public Comment:

Mr. Dan Reilly from Sal Ewing Law Firm representing Lockheed Martin said they eliminate the Stormwater waiver that they previously requested and Leanna Colubriale, Township Engineer contested to it and said that everything else was pretty standard.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Waks, all voting "Aye" to approve this Preliminary/Final Land Development Plan. None opposed. Motion approved 5-0.

H. PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – NORCINI, 121 EAST CHURCH ROAD. Consideration of a preliminary/final Land Development Plan for Charles & Janet Norcini, 121 E. Church Road, prepared by Woodrow & Associates, dated January 3, 2023, last revised xxx-xx-2023 for the construction of a 1,080 sq. ft. pole barn and associated improvements on the 43,380 sq. ft property, including waivers as outlined in said resolution. LI Limited Industrial. Resolution 2023-18

Per Chairperson Garzillo this item was revised at the beginning of this meeting to allow them an Extension.

Board Action:

It was moved by Supervisor Philips, seconded by Vice-Chair Jenawy, all voting "Aye" to approve the Extension Letter. None opposed. Motion approved 5-0.

I. WPCC PROCESS EQUIPMENT PAINTING AND COATING PROJECT Bid – Consideration to reject all bids received for the Water Pollution Control Center Process Equipment Painting and Coatings Project bids as recommended by the Director of Public Works.

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Waks, all voting "Aye" to reject all bids for the Water Pollution Control Center. None opposed. Motion approved 5-0.

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 April 6, 2023 through May 3, 2023 and Payrolls dated April 14th and 28th of 2023 for a total of \$3,757,872.64. None opposed. Motion approved 5-0

ADDITIONAL BUSINESS:

Supervisor Philips reiterated that we need volunteers for the Citizen Board Committees especially the Historical Commission which has three (3) vacancies.

Supervisor Kenney thanked the BCA for the Rain Garden Project Grant. This is joint project between Upper Merion Environmental Advisory Council, Stormwater Authority and the Shade Tree & Beautification Commission.

Finally, Chairperson Garzillo spoke about the Farmer's Market which is held every Saturday at the NorView Farm on Henderson Road between 9 am to 1 pm.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Vice-Chair Jenawy, seconded by Supervisor Phillips, all voting "Aye" to adjourn the meeting at 8:26 pm. None opposed. Motion approved 5-0.


ANTHONY HAMADAY
TOWNSHIP MANAGER

lr
Minutes Approved:
Minutes Entered:

