

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
OCTOBER 17, 2024

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, October 17, 2024, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:14 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; Amanda Lafty, Assistant Township Manager; Kalie Melchior, Solicitor's Office and Leanna Colubriale, RVE Township Engineer. Absent was Vice-chair Bill Jenaway.

Meeting Minutes: August 1, 2024 – Zoning Workshop
August 1, 2024 – BOS Workshop
August 8, 2024 – Business Meeting
August 15, 2024 – Business & Comprehen. Plan Workshop
September 5, 2024 – Zoning Workshop
September 5, 2024 – BOS Workshop
September 12, 2024 – Business Meeting

Board Action:

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

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo said there was an Executive Session prior to this meeting to discuss real estate matters.

CITIZEN BOARD VACANCIES:

Chairperson Garzillo gave an update on current Citizen Board vacancies.

CC Advisory Board	- 1 Vacancy
Economic Comm Dev Committee	- 2 Vacancy
ECDC Board Young Adult Mem.	- 1 Vacancy
Farmers Market Young Adult	- 1 Vacancy
Human Relations Commission	- 1 (Alternates)
Property Maintenance UCC Board	- 1 (Alternates)
Public Safety Advisory Board	- 1 Vacancy
Public Safety Board Young Adult	- 1 Vacancy
UM Foundation Sub-Committee	- 1 Vacancy
Upper Merion Historical Commission	- 1 Vacancies
UM Historical Comm. Young Adult	- 1 Vacancy
Zoning Hearing Board	- 1 Vacancy (Alternate)

NEW BUSINESS:

A. Proclamation re: Fire Prevention Month – October, 2024.

Supervisor Philips read the Proclamation and thanked the Upper Merion Team.

B. Presentation re: Upper Merion Fire and Emergency Service Awards.

Director of Public Safety Chief Blaine Leis thanked everyone for recognizing the hard work and excellent job our Fire and EMS division does each and every day in Upper Merion. Next, he introduced Chief James Johnson of Fire and EMS asking him to come to the podium to recognize their team members.

Chief Johnson thanked everyone for coming to the annual awards presentation to acknowledge the award recipients. Then he said he will be presenting EMS and Fire Service Person of the Year plus numerous Years of Service Awards to many deserving individuals. Next, Chief Johnson said the Township has a fleet of equipment and personnel ready to serve the community with fire, rescue and advanced life support response. Then he went on to thank all the men and women for their service calling each of them up to the podium to receive their award.

Five Year Service Awards:

Myles Gamble and Mike Gould from Swedeland's Station. Kyle Blundin, Cameron Beebe, Jessica Poley, Rachel Roomberg and Joel Zimmermann from Swedesburg's Station. David Azzoli, Alex Davis, Matt Knight, Cameron Michell and Walt Nelson from King of Prussia Station.

Ten Year Service Awards:

Erin Laffredo and Rich Volpi from Swedland's Station and Brandon Jenkins from King of Prussia's Station.

Fifth-teen Year Service Awards:

Kimberly Nellet from Swedesburg's Station and Andrew Gray from King of Prussia's Station.

Twenty Year Service Awards:

Shannon Schreur from Swedeland's Station and Steve Geltman from King of Prussia's Station. Also, Thomas Houseal, Joseph Maggio, Michael Milke, Jr., Jerry Recupido and Sid Sturz from Swedesburg's Station.

Twenty-five Year Service Awards:

Mike Gallager, Jr., Mike Gallager, Sr. and Robert Smith from Swedeland's Station. Andrew Moletszky and Michael Bralski from Swedesburg's Station.

Thirty Year Service Awards:

Andrew Poley from Swedesburg's Station.

Fifty Year Service Awards:

Benjamin Burchard from Swedesburg's Station and Gary Touchton from King of Prussia's Station.

Sixty-five Year Service Awards:

Windy Helenski from Swedeland's Station.

C. Presentation of the Mary Bacchi Emergency Medical Services Responder of the Year Award to Kayla McClure.

This award was instituted in 2013 by the Upper Merion Township Supervisors to honor a member of the Fire and EMS Department for outstanding emergency medical service. This year's award went to EMT Kayla McClure for the many jobs that she performs always with a smile. Kayla also has taken the responsibility of the Yearly Subscription Program communicating and answering questions. Also, she ensures hands-on service for our older population and will go to their house to help them. In addition, Kayla has elevated her EMS Certification to Advanced EMT.

D. Presentation of the Bernard S. Gutkowski, Sr. Firefighter of the Year Award to James Gallagher.

Chief Johnson asked Bernard S. Gutkowski, Jr. to join him at the podium to present this award which was instituted in 1966. This award is presented to a member of the Upper Merion Supervisors by a member of the Fire and EMS Volunteer Fire Division for outstanding service.

This year's award goes to James Gallagher along with the below Proclamation which Chairperson Garzillo read.

E. Proclamation – King of Prussia Fire Chief James Gallagher.

Chief James Gallagher has received many citations and was the recipient of the Firefighters Association of the State of Pennsylvania James Pence Instructor of the Year Award in 2000. Also, over the years he has received multiple awards from the King of Prussia Volunteer Fire Company and wears many hats.

In 1994, he was elected Assistant Chief of the King of Prussia Station then deputy Chief in 1996 and in 2013 he became Chief. In addition, in 2019 he served as Deputy Chief for Fire and EMS for Upper Merion Township.

Chairperson Garzillo gave sincere appreciation from the Board of Supervisors of Upper Merion Township on his achievements and his retirement as Chief of the King of Prussia Volunteer Fire Company.

Chief Johnson said after 47 years of Public Service with 36 years serving as an Officer in Upper Merion Fire and EMS department, Chief Gallagher has accomplished an incredible milestone that should be admired. Chief Johnson also mentioned how Chief Gallagher helped him acclimate to Upper Merion Township when he first came here showing him the lay of the land. Chief Gallagher made Chief Johnson feel comfortable with his many countless introductions which Chief Johnson appreciated and admires his leadership. Finally, Chief Johnson read a plaque that was presented to Chief Gallagher on his retirement.

F. Public Hearing – A Proposed Ordinance – Business Improvement Districts amending Chapter 7, Business Improvement Districts, of the Township Code to reenact the provisions of Chapter 7 and renew the King of Prussia Business Improvement District for an additional 10-year term pursuant to the terms outlined in the District’s Renewal Plan.

Solicitor Ms. Kalie Melchior, open the Hearing and presented (4) four exhibits then turned the floor over to Mr. Andrew Rau.

- 1) The Ordinance itself.
- 2) Proof of publication in the Times Harold on October 4, 2024.
- 3) Correspondence dated October 1, 2024 to Montco Law Library.
- 4) Correspondence dated October 1, 2024 to the Times Harold providing the proposed ordinance amendment for public inspection.

Mr. Rau, Solicitor for the BID thanked the Board for approving a ten-year contract with the BID when their renewal comes up. Their first three contracts were for five years each bringing them to about 15 years of existence in Upper Merion Township. This Ordinance memorializes all of the terms of the plan into UM’s code book.

Mr. Rau mentioned there was a forty-five-day objection period following the Boards approval of the 10-year Plan and are pleased to report neither the King of Prussia District nor the Township received any objections. So, if the Board has any questions for him or Mr. Eric Goldstein about the Plan or the procedure they can answer before the Board votes.

Public Comments: None

Since there was no public comments Ms. Melchior adjourned the Hearing and reopened the Public Meeting.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Phillips, all voting “Aye” to approve the proposed Ordinance for the BID. None opposed. Motion approved 4-0.

G. Public Comment – Agenda Items.

Chairperson Garzillo explained that beside having Public Comments after a Hearing or before taking a vote and also at the very end of the meetings they added another Public Comment section at the beginning the Consent Agenda for comments residents or whomever is involved with an item on the Consent Agenda or a discussion item.

She also mentioned this is for comments only not a question and answer forum. Next, Chairperson Garzillo said the Public Comment at the end of the meeting is for general information that a resident would like to share. Then she opened the floor for comments.

Ms. Kristen Pionzio an attorney with Hamburg, Ruben, Mullen, Maxwell and Lupin came to the podium to discuss Item #6 on the Consent Agenda. She is here on behalf of her client, the owner of the shopping center at Goddard Blvd. This has to do with the Zoning Hearing Board application for Dave & Busters and she’s asking the Board not to oppose her client’s application.

Then she handed them an aerial photo of the parking lot in question where Best Buy use to be. Across is Bahama Breeze and the Japanese Restaurant and to the left side is the Regal Theater and I-fly.

Dave and Busters would like to take over the second floor above Dick's outlet the former Best Buys. Ms. Pionzio said her client is having a difficult time leasing this space for retail because the good retail is over at the Mall. In addition, all 13 prospective tenants consider the property in question an entertainment shopping center.

Ms. Pionzio mentioned they're going in for a parking variance and understand that Upper Merion has a very tough Zoning Hearing Board with a tough solicitor to guide them. She said they are going to get an actual parking count on Friday and Saturday nights to show the ZHB that the code requires X but what's going on in that parking lot is Y. She also stated that Dave and Busters would not invest millions of dollars to fit out this space and employ 70 people on its largest shift if they didn't think there was adequate parking.

Next, Ms. Pionzio mentioned there is a large amount of spaces between I-Fly and the Regal Movie Theater that are unused. She was there at 7:45 Saturday night and there were only 3 cars parked at I-Fly because they close at 7:30 during the week and at 8:30 on Friday and Saturday nights. She said it would be understandable if this was near a neighborhood where cars might be spilling into sides streets due to inadequate parking but this is a commercial area with adequate parking. It might not be convenient parking for everyone visiting Dave & Busters but she's confident that people will utilize the empty spaces and there is no harm to the public.

Before moving onto the Consent Agenda Chairperson Garzillo asked if anyone else from the audience had a comment and with no one coming forward she entered into the Consent Agenda.

H. CONSENT AGENDA re:

1. Memorandum of Understanding with the King of Prussia Mall for 2025 Police Services – Consideration of a Memorandum of Understanding with the King of Prussia Mall for the payment and reimbursement of costs for additional police coverage at the all Complex for the period of 1/1/2025 – 12/31/2025.
2. Budget Transfer: \$8,000.00 from 01-430-3170 Snow/Ice Control to 01-430-3185 Debris/Waste Removal to fund additional waste management services.
3. Resolution 2024-31 – Reduction of Police officer contributions to the Police Pension Plan for the year 2024 to 4%.
4. Resolution 2024-32 – PennDOT Winter Maintenance Agreement.
5. Resignation of Jordan Rhone from the Public Safety Citizen Advisory Board.
6. Authorization for the Township Solicitor to attend hearing and oppose the ZHB Application for Dave & Busters.

7. First Avenue Linear Park Phase 3 Lighting Project: Approval of Payment Application 4 in the amount of \$69,637.50 to Hobbs & Company, Inc. of Boothwyn, Pennsylvania, as recommended by the project consultant.
8. First Avenue Linear Park Phase 3 Lighting Project: Approval of Payment Application 5 (Final Payment) in the amount of \$38,500.00 to Hobbs & Company, Inc. of Boothwyn, Pennsylvania, as recommended by the project consultant.
9. First Avenue Linear Park Phase 2 Project: Approval of Payment Application 19 in the amount of \$7,963.42 to RK&K, LLP of King of Prussia, Pennsylvania, as recommended by the Director of Public Works.
10. Authorization to Bid Contract – 2025-2027 Residential Rambler Shuttle Service. Authorization for the proper township officials to advertise a contract for the township's Residential Rambler shuttle service for the year 2025 with an option for two (2) additional service years.
11. Website Service Agreement– New Township Website Vendor: To approve a service agreement with CivicPlus for the development and hosting of the Township Website in the amount of \$55,413.14 as recommended by the Township Director of Communication and Media Advisory Board.
12. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulation for HCR Healthcare Properties, LLC and 600 W. Valley Forge Road Operations, LLC, 600 W. Valley Forge Road for the tax years 2022- 2024 resulting in an overpayment of real estate taxes in the amount of \$12,717.69.
13. Public Safety Capital Equipment Purchase – Authorization to purchase the following through any State/Costars or Cooperative Program utilizing General Fund Reserve funds:
 1. Police Dispatch Radio Equipment - \$250,714.96
 2. Dispatch Recording Equipment - \$35,750.00

Board Action:

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

Board Comments:

Supervisor Waks thanks Don Herbert and the Media Board for all their hard work on finding a new Website Service and is looking forward to the Public Information Officer's presentation coming up later in the agenda.

Chairperson Garzillo and on behalf of Vice Chair Jenaway, whom was absent from tonight's meeting thanked Mr. Jordan Rhone for the time he served on the Public Safety Citizen Advisory Board. He had to resign due to moving out of the Township.

Next, the Board invited up Don Herbert, Public Information Officer to give a presentation on our new Website. After a year of extensive research and

evaluation, the Public Information Officer along with the Media Board felt CivicPlus was the best fit for the Township. Don mentioned that CivicPlus has over 25 years of experience, they only serve Government Entities and they have over ten thousand customers and employ over 850 employees.

During the presentation Mr. Herbert stated that CivicPlus is user-friendly, has enhanced menus, improved search functions and has a chatbot which helps navigate the website. There is also a language translation through Google Translate and there is an ADA compliance module which will keep the website up to date on all changes.

In addition, Township Events will be attached to Google Maps so residents will know exactly where an event is taking place. There will also be an Alert Center, in which a banner can run on the front-page informing residents of any alerts or changes like with weather closings, emergency closings, etc.

Finally, he mentioned that the website will have unlimited storage for large files such as Development Plans. He projected the website to be up and running in approximately seven (7) months.

- I. Resolution No. 2024-33. Request for Waiver of Land Development - Valley Forge Presbyterian Church. To approve the request for a waiver of land development by the Valley Forge Presbyterian Church for their proposed conversion of the existing ancillary building on the property to 20 Residential Units in the Garden Apartment Zoning District subject to the conditions outlined in said resolution.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to approve Resolution No. 2024-33 for waiver of Land Development. None opposed. Motion approved 4-0.

Board Comments:

Supervisor Waks stated that having some affordable housing in Upper Merion has been long overdue. He feels this development will help members of our working community who may not be able to afford to live in Upper Merion to finally be able to do so. He also said it may put a small dent in the homeless problem within the Township.

Supervisor Philips agreed with Supervisor Waks statements. He did state that granting this waiver only means the church does not to go through the Land Development Process, which takes approximately 180 days but they still have to meet all the other requirements.

Supervisor Kenney asked if the people moving into the apartments would have to put down a deposit. Mr. Mike Henry from the church stated he was not sure since the contracts are with the Delta Group and Montgomery County. Next, Supervisor Kenney asked if there will have a policy in place if there is a problem with one of the tenants. Mr. Henry again stated that the Delta Group would be handling the younger adults with any issues that arise.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the Accounts Payables for invoices processed from September 5, 2024 to October 9, 2024 and Payrolls dated September 13th and 27th of 2024 for a total of \$5,542,876.37. None opposed. Motion approved 4-0.

Public Comments:

Resident Mr. Len Nardone from Keebler Road is petitioning the Board to immediately halt and restrict any future deer hunting in the Township. In his opinion, besides being morally objectionable to many residents the overall basis the Board originally used to approve the Deer Management Program is flawed and without merit. Mr. Nardone's explanation for his remark is that the Board stated the hunt was for safety reasons but the hunt is happening immediately adjacent to resident's properties and are not on state game lands or open fields. Also, he hasn't seen any signs posted alerting anyone that these public properties are being used to hunt.

The Board cited that deer collisions with vehicles in the Township were one of the main reasons the program was started. Mr. Nardone said according to the Police blotter he received, there have been only 4 reported collisions in the last 5-year period. So, if you compare that number to the number of cars moving through the Township, that's statistically 0%, and he does not see that as a safety issue.

Also, Mr. Nardone said Lyme disease was mentioned as a reason to thin the deer herd but according to the CDC, the Black Lake tick that transmit Lyme's disease is infected by rodents. Deer's do not carry Lyme disease so they can't infect ticks. In addition, according to the PA department of Health Tick-borne disease dashboard in the months of July, August, September and October of 2024, tick-borne diseases have been dramatically less than those same months in 2023. Then he mentioned the Township never conducted an actual deer count so they do not know if there is 10, 100 or 1,000 deer within the Township nor do they have a metric in place to determine the number of deer being killed.

Next, Mr. Nardone said any perceived increase in deer sightings in the Township is directly related to the Board's poor planning, zoning and open space management over the past several years. This has greatly diminished the amount of open space in Upper Merion and for these reasons the Board should cease and prohibit any further deer hunts in the Township.

Board Comments:

Chairperson Garzillo differs in the number of vehicle accidents with deer that was mentioned by Mr. Nardone. Just this last month she personally called in 3 dead deer to be removed from Township roads and doesn't know how many more were killed. So, she asked that the Township get the number from the Game Commission to know exactly how many deer they have picked up from the side of the roads that have been killed.

Supervisor Waks said it is not a requirement to report when a vehicle hits a deer and most people don't call the police when this happens including himself. So, that's why the numbers seem low. He also mentioned that all neighboring municipalities are doing deer management. Finally, he addressed the open space issue, stating that people have the right to develop their land within the zoning code. Most of the time when land development is denied it is because people didn't like or want a particular project to be developed.

However, if that project complies with our zoning code the developer will then sue the Township. If the project is in compliance the court will side with the developer, therefore causing the Township to incur expensive legal fees and in the end the project moves forward. A perfect example is the King of Prussia Town Center.

ADDITIONAL BUSINESS:

Supervisor Philips mentioned he is the liaison to the Zoning Hearing Board and he thinks a lot of residents don't understand the zoning process. He said the ZHB is an independent Board that the Board of Supervisors appoint and the reason is that it's a quasi-judicial board. They don't wear a black robe but they're a court of limited jurisdiction in which they interpret our zoning code.

Supervisor Kenney there will be two presentations on different days about the Comprehensive Planning for the public in November. At the meetings the public will see what the Township has been working on and the public will have an opportunity to ask questions and/or add input or comments.

Chairperson Garzillo wanted to remind everyone that the Farmer's Market is at Nor-view Farm on Saturdays, but for the month of October they will be on Friday nights and she urged residents to come out to see the new Pavilion. Next, she mentioned on August 20th there was a forum in Freedom Hall with PECO and our ECDC Board about bill assistance programs that PECO offers. She stated the forum was very informative.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to adjourn the meeting at 8:41 pm. None opposed. Motion approved 4-0.


ANTHONY HAMADAY
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered:

