



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING

May 15, 2017
7:00 p.m.

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UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING,
CONDITIONAL USE HEARINGS

AGENDA
May 15, 2017
7:00 p.m.

- I. CALL TO ORDER
 - A. Salute to the Flag
 - B. Moment of Silence
- II. APPROVAL OF MINUTES: April 11, 2017 Board of Supervisors Workshop
April 17, 2017 Board of Supervisors Meeting
- III. APPROVAL OF PAYMENTS
- IV. TREASURER'S REPORT
- V. SUPERVISORS' REPORT
 - A. Community Service Recognitions
 - B. Calendar:
 - May 29, 2017 Office Closed ~ Memorial Day
 - June 13, 2017 4:00 p.m. Board of Supervisors Workshop
 - June 17, 2017 6:00 p.m. 9th Annual Upper Uwchlan Township Block Party on Route 100
 - June 19, 2017 7:00 p.m. Board of Supervisors Meeting
 - Yard Waste Collections: May 17, May 24, May 31, June 7, June 14
 - Do not use plastic bags for yard waste as these materials will be composted. Place materials curbside the night before to guarantee collection. Use biodegradable bags or open containers (without lids).
- VI. ADMINISTRATION REPORTS
 - A. Township Engineer's Report
 - B. Building and Codes Department Report
 - C. Police Chief's Report
 - D. Public Works Department Report
- VII. LAND DEVELOPMENT
 - A. Escrow Release: Toll Brothers Reserve at Chester Springs \$159,922.76 Consider Approval
 - B. Marsh Lea Preliminary/Final Subdivision and Land Development Plan – Consider Approval
 - C. Marsh Lea Sewage Facilities Planning Module – Authorize Submission to PaDEP
 - D. Byers Station (Parcel 5C) Amended Approval - Planned Residential Development (PRD)
- VIII. ADMINISTRATION
 - A. Authorize Advertisement of Zoning Ordinance Amendments - Medical Marijuana, and Keeping of Chickens
 - B. Resolution Proclamation – National Public Works Week May 21-27, 2017
- IX. OPEN SESSION
- X. CONDITIONAL USE HEARINGS:
 - A. At or After 7:00 p.m. Applicant Gunner Properties
re: Seasonal, Temporary Eating/Drinking Establishment at 160 Park Road
 - B. At or After 7:30 p.m. Applicant 260 Sierra Drive L.P.
re: Manufacturing/Assembling a Medical Device at 260 Sierra Drive
- XI. ADJOURNMENT



Upper Uwchlan Township
JOINT BOARDS and COMMISSIONS
WORKSHOP
April 11, 2017
4:00 p.m.
Minutes
DRAFT

In attendance:

Kevin Kerr, Chair
Jamie Goncharoff, Vice-Chair
Guy Donatelli, Member
Cary Vargo, Township Manager
Shanna Lodge, Assistant Township Manager
John DeMarco, Police Chief

Gwen Jonik, Township Secretary
Don Carlson – Municipal Authority Member
Michael Knouse – ARRO, Municipal Authority
Bob Schoenberger, Planning Commission Chair
Sally Winterton, Planning Commission Vice-Chair
Brett Hand, Historic Commission Chair

Kevin Kerr called the Workshop to order at 4:02 p.m.

Board of Supervisors

Cary Vargo called attention to Chester County's recently publicized *WalkWorks! 1 Billion Step Initiative*. The County is promoting the WalkWorks Program and would like to be deemed the "Healthiest County" in the United States, challenging and encouraging all residents and those who work in the County to collectively log at least 1 billion steps by the end of 2017. Visit <http://chesco.org/walkworks> and join Team "Upper Uwchlan Township".

Park & Recreation Board. Shanna Lodge advised that the review of the Park & Recreation Board ordinance and policies has been completed. A call for volunteers to fill out the 5-7 member Board was placed in the Spring newsletter and on the Township website. Residents who have completed a Volunteer Application will be invited to an informational meeting in May at which time they'll review the variety of tasks and activities the Park & Recreation Board should accomplish.

Township Manager's report. Cary Vargo provided an update of the following projects:

Sunoco's Mariner 2 and 3 pipeline projects are just getting underway and will occur in other areas of the County before making their way into Upper Uwchlan. A pre-construction meeting will be held for the horizontal directional drilling (HDD) installation, which is the majority of the project in Upper Uwchlan. Sunoco personnel have been made aware of the specific drilling hours in our ordinance but there may be certain times that they'll be outside compliance. Residents can communicate directly with Sunoco.

The website redesign is underway; the first re-design since 2010. It should be complete this Fall.

Finance is working on a financial dashboard. Statistical data from the last 3 years is being entered and the public will be able to access real-time financial data for all funds. The dashboard will also include building permit and public works services information – no names or personal information will be included, strictly numbers.

We await delivery of the Street Sweeper/Vacuum Truck, hoping to clean the streets by the end of April.

A Sewer Agreement is being drafted for the McKee-Milford (Fetters Tract) project, which triggers Phase III of the Route 100 wastewater treatment plant.

The 2016 Audits are complete; Jill Bukata is working on compiling the Comprehensive Annual Financial Report (CAFR).

The Park Road Trail Phase IV is moving along. Right-of-Way Plans have been submitted to PennDOT for review and we'll start to reaffirm construction and/or permanent easements with several property owners.

Devereux School. Chief DeMarco hosted a meeting of representatives from the Devereux School, the County Department of Emergency Services and a number of neighboring police departments to discuss a change in the policies and procedures if/when a Devereux student leaves the property. In the future, the School will immediately notify surrounding Police Departments if a student leaves the campus without permission. Residents can choose to be notified via ReadyChesco and the Reverse 9-1-1 system.

Shanna Lodge has been expanding the Township Administration's social media presence, trying to equal or surpass the Police Department's presence.

Construction of the Eagle Village Trail connections is moving along nicely, from Upland Farms Park to Park Road, along Route 100 and Little Conestoga Road. Both segments should be complete in 2-3 weeks and the contractor will overlay the existing trail for consistency and aesthetics.

The large pine tree by the Police Department was struck by lightning last year and it was trimmed with the hope it could recover. That is not the case; it's slated for removal this week.

Route 100 and Graphite Mine Road swap. Township and McMahon Associates personnel completed a walking assessment of both roadways to determine the repairs that would be needed to Route 100 (Pottstown Pike) before we'd swap ownership with PennDOT. Graphite Mine Road would be designated as Route 100, the entire length owned by the State, and the Township would take ownership of Pottstown Pike between the two Graphite Mine Road junctions.

Kevin Kerr announced the next presentation would be out of the agenda order.

Municipal Authority

Mike Knouse, ARRO, advised that the Authority is investigating parcels near existing Route 100 treatment plant infrastructure for potential disposal fields. There are several properties of interest, one being the Columbia Gas property. Further investigation is needed.

Adaptive reuse of Uppatinas School property. The Authority has been made aware that the Developer of the property is proposing 15 townhomes and requested treatment capacity in the Greenridge Plant. The Greenridge facility is at its treatment limits due to the size of the lagoon. The Developer is exploring a COLDs (community on- lot disposal system), which the Authority supports in this case and is assisting the Developer with PaDEP. Comments included that the Greenridge lagoon would have to be enlarged or a second one built; managing another COLDs isn't necessarily preferred; it's cost prohibitive to connect this area to the Route 100 Facility.

The Authority is preparing bid specifications to replace the split rail fencing around the Reserve at Eagle lagoon, and will check into including replacing the fencing along Font Road, which would require contributions from the Homeowners' Association. It would be preferred to replace the section along Font Road with split rail fencing for aesthetic reasons, to match Mr. McCorry's property. Cement posts will be investigated as they won't rot.

No Trespassing Signs at the Lakeridge Plant aren't working to keep out motorized vehicles, which damage the disposal fields. The Authority will look into split rail fencing around the sand mounds and perhaps security cameras.

The Authority members thanked the Board of Supervisors for their support regarding the delinquent account policy. The number of delinquent accounts is leveling off and Sheriff Sales letters are getting attention.

Don Carlson suggested an off-leash, fenced dog park in an area of Upland Farms that isn't a disposal field or potential disposal field. Several attendees were in favor of pursuing this idea;

others were not in favor due to maintenance issues and dog owners not cleaning up after their pet. Current State laws and Township Park regulations require canines to be leashed.

Emergency Management Planning Commission (EMPC)

Jamie Goncharoff reported on behalf of Scott Nicely, who couldn't attend. The EMPC has recently been the recipient of 3 AEDs and some lighted traffic cones, via grants; Scott Nicely is attending training for his position as Township Emergency Management Coordinator; Shanna Lodge is working with Byron Nickerson on a business continuity plan program for local businesses.

Historic Commission (HC)

Brett Hand reported there are 3 vacancies on the Historic Commission. Seven residents have submitted Volunteer Applications and they're invited to attend the April Historic Commission meeting; members are working on preparing the township history poster boards for use at the Block Party in June; the HC is considering updating the historic resource inventory personally or working with the historic preservation consultant; they're working on a historic structure demolition permit ordinance; and Sally Winterton suggested we consider inviting our older residents to create an oral history for the township – sit down and have conversations with some of the older, lifelong residents and record their memories.

Planning Commission (PC)

Bob Schoenberger reported the PC has been reviewing conditional use and land development plans – Marsh Lea (Popjoy), McKee-Milford Associates (Fetters), Gunner Properties (270-290 Park Road, Byers Station Parcel 6C), and LandTrust Properties (Byers Station Parcel 5C).

Technology Advisory Board (TAB)

Peter Drinkwater wasn't able to attend. There are no current projects.

Zoning Hearing Board (ZHB)

Cary Vargo advised the Nica application will be heard April 26 to review a non-compliant, existing structure.

Open Session

Guy Donatelli wanted to follow-up last month's discussion regarding GEYA's request for a reduced field use fees as he'd like to look into this further. Discussion included: the request is driven by finances, or by their desire to use those fields exclusively; field use fees aren't a revenue stream - the Township spends \$100,000 - \$160,000 maintaining grass fields in a year's time; they 2017 budget has been set since December – any potential reduction in fees would have to wait until preparing the 2018 budget and we'd have to look at reducing everyone's fees, not just GEYA's; GEYA should sharpen their field scheduling as they might not need as many hours as they think or previously reserved, which would cut their costs – perhaps pay hourly rather for the Season.

Guy Donatelli asked about the Planning Commission reviewing in May potential zoning ordinance amendments in relation to Medical Marijuana. Cary Vargo said they should also review the Planned Industrial and Limited Industrial zoning ordinances regarding amendments to manufacturing, assembling, and production so some of those uses could be by-right rather than requiring conditional use approval.

Adjournment

There being no further business to be brought before the Board, Kevin Kerr adjourned the Workshop at 5:23 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
MEETING

April 17, 2017
7:00 p.m.
DRAFT

In Attendance:

Board of Supervisors

Kevin C. Kerr, Chair

Jamie W. Goncharoff, Vice-Chair

Guy A. Donatelli, Member

Township Administration

Cary B. Vargo, Township Manager

Shanna Lodge, Assistant Township Manager

Gwen A. Jonik, Township Secretary

Jill Bukata, Township Treasurer

John DeMarco, Police Chief

Al Gaspari, Codes Administrator

Mike Heckman, Director of Public Works

Mr. Kerr called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and offered a moment of silence

Approval of Minutes

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve as presented the minutes of the March 20, 2017 Board of Supervisors Workshop, held at 5:00 PM and the March 20, 2017 Board of Supervisors Meeting, held at 7:00 PM. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mr. Goncharoff, to approve the payments to all vendors as listed April 12, 2017. The Motion carried unanimously.

Treasurers Report

Jill Bukata reported the Township has a strong balance sheet; year-to-date revenue is at 28.9% of budget; expenses are at 21.6% of budget; earned income tax receipts for the first quarter are slightly behind budget and at this time last year.

Supervisor's Report

Mr. Kerr announced that an Executive Session was held March 20, 2017 regarding a legal matter.

Recognition of Community Members. Chief DeMarco introduced Maxwell Quinn, who was named by Glen Moore Fire Company as their 2016 Junior Fire Fighter of the Year. Mr. Kerr presented Mr. Quinn with a framed Letter of Recognition, and congratulated him on behalf of the Board of Supervisors and the Community.

Mr. Kerr read the following published calendar: April 23-26, 2017 Annual Pennsylvania State Association of Township Supervisors' (PSATS) Educational Conference in Hershey; April 26, 2017 7:00 p.m. Zoning Hearing Board – Nica Application; May 9, 2017 4:00 p.m. Board of Supervisors Workshop; May 15, 2017 7:00 p.m. Board of Supervisors Meeting; May 29, 2017 Office Closed ~ Memorial Day; June 17, 2017 6:00 p.m. 9th Annual Upper Uwchlan Township Block Party on Route 100; and yard waste collection dates are April 19, April 26, May 10, and May 17.

Administration Reports

Township Engineer's Report

Dave Leh reported that the McKee Group submitted preliminary land development plans which were reviewed by the Planning Commission and consultants; the Planning Commission recommended approval of the Marsh Lea Plan, which is 21 single family homes along Little Conestoga Road at the Township boundary with Wallace; and a conditional use application was received for the Jankowski Tract, proposing 55 single family homes and a connector road along Route 100 at the Township boundary with West Vincent.

Building / Codes Department Report

Al Gaspari reported that 62 building permits were issued in March, totaling \$95,527.54 in permit fees; the renovations in the Acme store are nearing completion – Frosted Mug Restaurant with beer and wine sales; there is a restauranteur interested in opening a 'farm to table' restaurant where Stadium Grille was located; a 50' flagpole for the American flag at Upland Farms Park will be delivered tomorrow.

Police Chief's Report

Chief DeMarco reported that 1,024 incidents were logged last month including 93 traffic citations and 8 criminal arrests; the Junior Police Academy will be held June 20-23, 2017; a meeting was held with officials from the Devereaux School and neighboring Township Police Departments to address procedures of notification and assistance when students leave the facility; and residents are encouraged to register with ReadyChesCo to receive notifications for a variety of situations or events.

Public Works Department Report

Mike Heckman reported that along with routine maintenance, the Department received 46 Municipal Authority related work orders; 45 PA-1 calls; 43 public works; 7 Parks and 12 Solid waste/recycling;

The new 5500 dump truck, plow and spreader have been received; conducting roadway inspections for this year's paving projects, targeting paving 3 miles; and switched equipment from snow removal to grass mowing and Parks maintenance.

Mr. Kerr asked Mr. Heckman to explain how to log a public works concern through the website. Residents can complete and submit the online Form, which is received by the appropriate Township Staff to address the Request. The Form can be accessed as follows: "Resources/Request a Service", "Resources/Forms/PublicWorks/Request a Service" or "Departments/PublicWorks/Report an Issue-Request A Service".

Mr. Goncharoff asked if storm water inlets in the Pickering Springs development were going to be repaired and Mr. Heckman advised they will be repaired as the roadway(s) is being prepared for paving.

Land Development

McHugh Minor Subdivision Sewage Facilities Planning Module (SFPM). Mr. Kerr advised that the SFPM for the 3-Lot Minor Subdivision Plan, for on-site septic systems, is prepared and ready for submission to the PaDEP for their review and approval. Mr. Donatelli moved, seconded by Mr. Goncharoff, to adopt Resolution #04-17-17-06, authorizing submission of the SFPM to PaDEP. The Motion carried unanimously.

Escrow Release. Dave Leh explained Toll Brothers' request for the final escrow release, in the amount of \$57,698.34, for sanitary sewer disposal infrastructure for the Ewing Tract in West Vincent Township. ARRO reviewed the request and finds it acceptable to release that amount. Cary Vargo advised that Upper Uwchlan Township will take dedication of these facilities in May or June following receipt of maintenance bond. Mr. Donatelli moved, seconded by Mr.

Goncharoff, to recommend to the West Vincent Township Supervisors to release the final funds in the amount of \$57,698.34 for the sanitary sewer spray disposal infrastructure in Ewing/West Vincent. The Motion carried unanimously.

2017 Road Materials Contracts. Mike Heckman advised that bids were received and opened April 11, 2017 for this year's road materials as follows: 3 bids were received for bituminous concrete and Mr. Heckman recommends awarding the contract to the low bidder, Glasgow Inc., at \$35,300 at plant and \$41,280 delivered if all material is purchased; 2 bids were received for coarse aggregate and Mr. Heckman recommends awarding the contract to the low bidder, New Enterprise, at \$2,810 at plant and \$5,079.50 delivered if all material is purchased. Mr. Goncharoff moved, seconded by Mr. Donatelli, to award the Contracts as recommended by Mr. Heckman. The Motion carried unanimously.

Struble Trail/Dorlan Mill Road Pedestrian Crossing Signal. Cary Vargo advised that the County has completed plans and an application for submission to PennDOT for an advanced warning, mid-block crossing on Dorlan Mill Road from the Struble Trail parking area to the existing trail into Marsh Creek State Park. The Township will own the crossing signal, and we'll enter into an Indemnification Agreement with the County, which will provide for their reimbursing the Township for maintenance items. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolution #04-17-17-07 which authorizes Cary Vargo to execute PennDOT's TE-160 Application for Traffic Signal Approval. The Motion carried unanimously.

Open Session

Mr. Kerr made comment of receiving a note from GEYA regarding ball field preparation. Mr. Vargo advised that the field(s) would be prepared in time for the first users.

Ray Erfle commented on the expanded Agenda for tonight's meeting that was posted on the website and suggested a Table of Contents be included in the future.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the Meeting at 7:27 p.m.

Respectfully submitted,

Gwen A. Jonik,
Township Secretary

Range of Checking Accts: GENERAL to GENERAL Range of Check Ids: 47890 to 47987
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
47890	05/15/17	CARRJ010 JOSEPH CARR	230.90	1544
47891	05/15/17	21ST 21st CENTURY MEDIA PHILLY	1,105.74	1544
47892	05/15/17	ACEP0010 ACE PORTABLES, INC.	75.00	1544
47893	05/15/17	AQUAP010 AQUA PA	1,569.62	1544
47894	05/15/17	ARAMA010 ARAMARK	604.89	1544
47895	05/15/17	ARROC010 ARRO CONSULTING, INC.	6,876.25	1544
47896	05/15/17	ASPHA010 ASPHALT PAVING SYSTEMS, INC.	189.00	1544
47897	05/15/17	BACKT010 BACK TO BASICS SOIL CONSULTING	495.00	1544
47898	05/15/17	BARBA010 BARBACANE THORNTON & COMPANY	16,675.00	1544
47899	05/15/17	BOROPOTT BOROUGH OF POTTSTOWN	100.00	1544
47900	05/15/17	BRANDSPC BRANDYWINE VALLEY SPCA	41.20	1544
47901	05/15/17	BRANDWIN BRANDYWINE CONSERVANCY	90.00	1544
47902	05/15/17	BROWN010 BROWN'S COMMERCIAL CLEANING	1,049.98	1544
47903	05/15/17	BUCKL010 BUCKLEY, BRION, MCGUIRE, MORRI	711.75	1544
47904	05/15/17	BUKAT010 JILL BUKATA	478.00	1544
47905	05/15/17	CINTA010 CINTAS CORPORATION #287	237.23	1544
47906	05/15/17	CIRCUSTI CIRCUS TIME	3,095.00	1544
47907	05/15/17	COLLIFL COLLIFLOWER, INC	331.35	1544
47908	05/15/17	COLON010 COLONIAL ELECTRIC SUPPLY CO.,	72.35	1544
47909	05/15/17	COMCA010 COMCAST	645.55	1544
47910	05/15/17	CORELOG CORELOGIC	17,636.31	1544
47911	05/15/17	CRAZYFAC CRAZYFACES	225.00	1544
47912	05/15/17	DELAW030 DVHT	55,009.85	1544
47913	05/15/17	DELLMARK DELL MARKETING, L.P.	1,432.00	1544
47914	05/15/17	DEMAR010 JOHN DEMARCO	41.65	1544
47915	05/15/17	DRUGS010 DRUGSCAN. INC.	235.00	1544
47916	05/15/17	EAGLE130 EAGLE TERMITE & PEST CONTROL	85.00	1544
47917	05/15/17	EAGLHARD EAGLE HARDWARE	278.61	1544
47918	05/15/17	EMERGVEH EMERGENCY VEHICLE OUTFITTERS	195.00	1544
47919	05/15/17	FRAME010 FRAME POWER EQUIPMENT	259.96	1544
47920	05/15/17	GATHE010 BRIAN E. GATHERCOLE	710.77	1544
47921	05/15/17	GILMO020 GILMORE & ASSOCIATES, INC	1,803.76	1544
47922	05/15/17	GLSAYRE G. L. SAYRE	54.00	1544
47923	05/15/17	GREENSTA GREENSTAR CABLING COMPANY, INC	1,500.00	1544
47924	05/15/17	HAWEI010 H.A. WEIGAND, INC.	756.20	1544
47925	05/15/17	HDCHESTE H-D OF CHESTER SPRINGS	196.76	1544
47926	05/15/17	HELPNOW HELP NOW	4,067.37	1544
47927	05/15/17	HOHMANNB HOHMANN & BARNARD	1,860.00	1544
47928	05/15/17	HONEYBRO HONEY BROOK OUTDOOR POWER	61.32	1544
47929	05/15/17	HOWETTS HOWETT'S SCREEN PRINTING	656.50	1544
47930	05/15/17	JOHNGOOD JOHN E. GOOD ASSOCIATES	102.00	1544
47931	05/15/17	JONESSTE STEVEN R. JONES	1,215.00	1544
47932	05/15/17	JONESTOM THOMAS S. JONES	125.00	1544
47933	05/15/17	KEENC010 KEEN COMPRESSED GAS COMPANY	20.10	1544
47934	05/15/17	KONIC010 KONICA MINOLTA BUSINESS SOLUTI	363.87	1544
47935	05/15/17	LAPORTAC LAPORTA CONSTRUCTION	4,305.00	1544
47936	05/15/17	LAWSO010 LAWSON PRODUCTS, INC.	281.57	1544
47937	05/15/17	LERETA LERETA	1,057.00	1544
47938	05/15/17	LEVEN010 LEVENGOOD SEPTIC SERVICE	553.50	1544
47939	05/15/17	LINESYST LINE SYSTEMS, LSI	976.52	1544
47940	05/15/17	LODGESEA SHANNA LODGE	77.76	1544

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
47941	05/15/17	LUBRI010 LUBRICATING & LIFTS EQUIPMENT,	1,057.00	1544
47942	05/15/17	LUDWI060 LUDWIG'S CORNER SUPPLY CO.	243.58	1544
47943	05/15/17	MAILF010 MAIL FINANCE	280.00	1544
47944	05/15/17	MARSH020 MARSH CREEK SIGNS	659.00	1544
47945	05/15/17	MCGRA010 KATHI MCGRATH	102.19	1544
47946	05/15/17	MCMAH010 MCMAHON ASSOCIATES, INC.	10,454.67	1544
47947	05/15/17	MEADE010 MEADE APPLIANCE	1,988.32	1544
47948	05/15/17	MONTE010 MONTESANO BROS.	150.00	1544
47949	05/15/17	NANCYPOU NANCY POULTNEY	450.00	1544
47950	05/15/17	NAPA0010 NAPA	1,940.18	1544
47951	05/15/17	NORTH040 NORTHERN SAFETY & INDUSTRIAL	313.30	1544
47952	05/15/17	PEC00010 PECO	2,166.97	1544
47953	05/15/17	PENNO010 PENNONI ASSOCIATES, INC.	3,844.10	1544
47954	05/15/17	PHOTO010 PHOTO CARD SPECIALISTS, INC	178.19	1544
47955	05/15/17	PIPEL020 PIPE LINE PLASTICS, INC	258.29	1544
47956	05/15/17	PMLPENNA PENNSYLVANIA MUNICIPAL LEAGUE	130.00	1544
47957	05/15/17	RANSO010 RANSOME CAT	695.00	1544
47958	05/15/17	REDTH010 RED THE UNIFORM TAILOR	208.77	1544
47959	05/15/17	ROBLITL ROBERT E. LITTLE, INC.	120.35	1544
47960	05/15/17	SERVIKIN SERVICE KING CHESTER SPRINGS	3,068.81	1544
47961	05/15/17	SIGNALCO SIGNAL CONTROL PRODUCTS, INC.	2,900.00	1544
47962	05/15/17	SKYSHOOT SKYSHOOTER DISPLAYS BY ZY PYRO	3,750.00	1544
47963	05/15/17	SLEEP010 SLEEPY HOLLOW FARM, INC.	697.50	1544
47964	05/15/17	SNAPON01 SNAP-ON TOOLS	526.80	1544
47965	05/15/17	STANL010 STANLEY STEEMER	278.10	1544
47966	05/15/17	STAPLADV STAPLES ADVANTAGE	480.48	1544
47967	05/15/17	STAPLCRP STAPLES CREDIT PLAN	1,364.09	1544
47968	05/15/17	STEPHEQU STEPHENSON EQUIPMENT, INC.	1,000.00	1544
47969	05/15/17	STYER010 STYER PROPANE	208.15	1544
47970	05/15/17	SWEETWAT SWEETWATER NATURAL PRODUCTS LL	455.43	1544
47971	05/15/17	TOTAL010 TOTAL RENTAL	508.95	1544
47972	05/15/17	TRIAD010 TRIAD TRUCK EQUIPMENT, INC.	85.40	1544
47973	05/15/17	TURFEQUI TURF EQUIPMENT AND SUPPLY CO	265.94	1544
47974	05/15/17	UUTMU010 UUTMA	190.80	1544
47975	05/15/17	VARGO005 VARGO, CARY	118.79	1544
47976	05/15/17	VERIZ010 VERIZON	285.11	1544
47977	05/15/17	VERIZ2020 VERIZON WIRELESS	623.63	1544
47978	05/15/17	VERIZFIO VERIZONFIOS	119.99	1544
47979	05/15/17	VERZIPAD VERIZON IPAD	169.46	1544
47980	05/15/17	VILLA010 VILLAGE MEDICAL CENTER	135.00	1544
47981	05/15/17	WELLSFAR WELLS FARGO REAL ESTATE TX SRV	5,211.11	1544
47982	05/15/17	WGAMERIC WG AMERICA COMPANY	25.86	1544
47983	05/15/17	WILLS010 WILLS PROPERTY MAINTENANCE	875.00	1544
47984	05/15/17	WITME010 WITMER PUBLIC SAFETY GROUP, INC	1,566.94	1544
47985	05/15/17	WOLFI010 WOLFINGTON BODY COMPANY, INC.	335.33	1544
47986	05/15/17	YISCO010 YIS/COWDEN GROUP, INC.	174.75	1544
47987	05/15/17	UPPER030 UPPER UWCHLAN POLICE ASSOCIATO	1,750.00	1550

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	98	0	183,227.52	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	98	0	183,227.52	0.00



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

TO: BOARD OF SUPERVISORS

FROM: Jill Bukata, Township Treasurer

RE: Status Update

DATE: May 15, 2017

Finance has worked on the following items during the month

- Received and processed 141 trash and 317 sewer payments (4/13/17 to 5/10/17)
- Filed the 1Q payroll tax returns
- Seven writs were issued for delinquent sewer accounts
- Letters were mailed to delinquent trash accounts – resulting in the collection of more than \$7,000 in delinquent trash accounts
- Attended the PSATS Conference (Sandy)
- Sewer bills were recently mailed out for the 2Q of 2017
- Completed the financial and statistical inputs to the Financial Dashboard
- Prepared the financial statements for the 2016 CAFR

Projects and goals

- Revise the Accounting Manual in accordance with current procedures and staffing
- Obtain understanding from Keystone regarding timing of EIT payments
- Revise and update the Employee Personnel Manual

Highlights of the April 30, 2017 financial statements

- The balance sheet remains strong with cash of over \$7.1 million
- Year to date revenues (combined) are **\$3,018,591 or 40.6%** of the annual budget. Combined expenses are **\$1,828,179 or 28.6%** of the budget. The combined year to date net income (General Fund and Solid Waste Fund) is **\$1,190,412 before the transfer to the Capital Fund of \$950,000. It is \$240,412 after the transfer.**
- Earned income tax revenue YTD is **\$945,228** which is approximately \$50,000 less than the same period last year. As of May 8, we received \$558,500 in EIT distributions. As of May 8, we are **\$101,000 behind collections in 2016 as of May 31.**

Upper Uwchlan Township
General Fund
Balance Sheet
As of April 30, 2017

ASSETS

Cash			
01-100-000-100	General Checking - Fulton Bank	\$	192,651.44
01-100-000-200	Meridian Bank		1,622,791.69
01-100-000-210	Meridian Bank - Payroll		54,930.78
01-100-000-250	Nat Penn - Turf Field		261,140.49
01-100-000-300	Petty Cash		300.00
	Total Cash		2,131,814.40
Investments			
01-120-000-100	Certificate of Deposit - 7/2/18		259,828.85
			259,828.85
Accounts Receivable			
01-145-000-020	Engineering Fees Receivable		69,682.57
01-145-000-021	Engineering Fees Receivable-CU		167.50
01-145-000-030	Legal Fees Receivable		2,260.60
01-145-000-040	R/E Taxes Receivable		620,181.83
01-145-000-050	Hydrant Tax Receivable		43,046.68
01-145-000-080	Field Fees Receivables		19,602.50
01-145-000-085	Turf Field Receivables		32,915.00
01-145-000-086	EIT Receivable		17,003.71
01-145-000-090	RE Transfer Tax Receivable		25,000.00
01-145-000-095	Misc accounts receivable		68,000.00
	Total Accounts Receivable		897,860.39
Other Current Assets			
01-130-000-001	Due From Municipal Authority		72,222.48
01-130-000-003	Due From Liquid Fuels		-
01-130-000-004	Due from ACT 209 Fund		-
01-130-000-005	Due From Capital Fund		27,318.16
01-130-000-006	Due from Solid Waste Fund		-
01-130-000-007	Due from Water Resource Protection Fund		-
01-130-000-008	Due from the Sewer Fund		-
01-130-000-009	Due from Developer's Escrow Fund		-
01-131-000-000	Suspense Account		-
	Total Other Current Assets		99,540.64
Prepaid Expense			
01-155-000-000	Prepaid expenses		-
	Total Prepaid Expense		-
	Total Assets		3,389,044.28

LIABILITIES AND FUND BALANCE

Accounts Payable			
01-200-000-000	Accounts Payable		-
01-252-000-001	Deferred Revenues		62,427.95
	Total Accounts Payable		62,427.95

Upper Uwchlan Township
General Fund
Balance Sheet
As of April 30, 2017

Other Current Liabilities

01-199-000-000	Suspense Account	-
01-210-000-000	Payroll Liabilities	(33.66)
01-210-000-001	Federal Tax Withheld	-
01-211-000-000	FICA Tax Withheld	-
01-212-000-000	Earned Income Tax W/H	9,027.18
01-214-000-000	Non-Uniform Pension	-
01-215-000-000	Police Pension Withheld	-
01-216-000-000	Domestic Relation W/H	-
01-217-000-000	State Tax Withheld	-
01-218-000-000	Police Association Dues	2,250.00
01-219-000-000	LST Tax Withheld	360.00
01-220-000-000	State UnemploymentW/H	566.81
01-221-000-000	Benefit Deduction-Aflac	542.33
01-222-000-000	457 Contribution Deduction	-
01-223-000-000	Direct Deposit	-
01-224-000-000	Payroll Deduction Adjustments	-
01-239-000-001	Due to Municipal Authority	1,149.80
01-239-000-003	Due To Liquid Fuels	-
01-239-000-004	Due to Act 209 Fund	1,628.48
01-239-000-005	Due to Capital Fund	4,800.00
01-239-000-006	Due to Solid Waste Fund	7.50
01-239-000-007	Due to Water Resource Protection Fund	-
01-239-000-008	Due to Developer's Escrow Fund	8,376.35
01-258-000-000	Accrued Expenses	60,418.50
	Total Other Current Liabilities	89,093.29

Total Liabilities **151,521.24**

EQUITY

01-272-000-000	Opening Balance Equity	812,921.60
01-272-000-001	Retained Earnings	2,684,391.53
	Current Period Net Income (Loss)	(259,790.09)
	Total Equity	3,237,523.04

Total Fund Balance **3,237,523.04**

Total Liabilities & Fund Balance **3,389,044.28**

**Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017**

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
REVENUES					
01-301-000-010	Current Real Estate Taxes	808,069.24	970,000.00	(161,930.76)	83.3%
01-301-000-013	Real Estate Tax Refunds	-	(25,000.00)	25,000.00	0.0%
01-301-000-030	Delinquent Real Estate Taxes	7,417.49	30,000.00	(22,582.51)	24.7%
01-301-000-071	Hydrant Tax	57,012.77	65,000.00	(7,987.23)	87.7%
01-310-000-010	Real Estate Transfer Taxes	73,321.68	375,000.00	(301,678.32)	19.6%
01-310-000-020	Earned Income Taxes	958,149.42	3,677,100.00	(2,718,950.58)	26.1%
01-310-000-021	EIT commissions paid	(12,921.67)	(50,009.00)	37,087.33	25.8%
01-320-000-010	Building Permits	125,298.54	150,000.00	(24,701.46)	83.5%
01-320-000-020	Use & Occupancy Permit	4,470.00	8,000.00	(3,530.00)	55.9%
01-320-000-030	Sign Permits	-	100.00	(100.00)	0.0%
01-320-000-040	Contractors Permit	900.00	2,000.00	(1,100.00)	45.0%
01-320-000-050	Refinance Certification Fees	1,410.00	4,000.00	(2,590.00)	35.3%
01-321-000-080	Cable TV Franchise Fees	60,000.00	250,000.00	(190,000.00)	24.0%
01-331-000-010	Vehicle Codes Violation	15,228.38	60,000.00	(44,771.62)	25.4%
01-331-000-011	Reports/Fingerprints	655.75	2,000.00	(1,344.25)	32.8%
01-331-000-012	Solicitation Permits	-	500.00	(500.00)	0.0%
01-331-000-050	Reimbursable Police Wages	646.43	1,000.00	(353.57)	64.6%
01-341-000-001	Interest Earnings	5,034.18	15,000.00	(9,965.82)	33.6%
01-342-000-001	Rental Property Income	8,000.00	24,000.00	(16,000.00)	33.3%
01-354-000-010	County Grants	-	-	-	#DIV/0!
01-354-000-020	State Grants	-	1,808.00	(1,808.00)	0.0%
01-354-000-030	Police Grants	-	-	-	#DIV/0!
01-355-000-001	PURTA	-	6,000.00	(6,000.00)	0.0%
01-355-000-004	Alcoholic Beverage Tax	200.00	400.00	(200.00)	50.0%
01-355-000-005	State Aid, Police Pension	-	85,000.00	(85,000.00)	0.0%
01-355-000-006	State Aid, Non-Uniform Pension	-	55,000.00	(55,000.00)	0.0%
01-355-000-007	Foreign Fire Insurance Tax	-	112,000.00	(112,000.00)	0.0%
01-360-000-010	Vehicle Storage Fees	-	1,000.00	(1,000.00)	0.0%
01-361-000-030	Zoning/SubDivision Land Development	23,020.00	4,000.00	19,020.00	575.5%
01-361-000-032	Fees from Engineering	20,120.81	100,000.00	(79,879.19)	20.1%
01-361-000-033	Admin Fees from Engineering	312.63	8,000.00	(7,687.37)	3.9%
01-361-000-035	Admin Fees from Legal	188.60	1,500.00	(1,311.40)	12.6%
01-361-000-036	Legal Services Fees	2,259.50	3,000.00	(740.50)	75.3%
01-361-000-038	Sale of Maps & Books	50.00	250.00	(200.00)	20.0%
01-361-000-039	Fire Inspection Fees	-	-	-	#DIV/0!
01-361-000-040	Fees from Engineering - CU	14,500.10	-	14,500.10	#DIV/0!
01-361-000-042	Copies	-	100.00	(100.00)	0.0%
01-367-000-010	Recreation Donations	-	1,000.00	(1,000.00)	0.0%
01-367-000-020	Tennis Fees	-	-	-	#DIV/0!
01-367-000-021	Field Programs	-	30,000.00	(30,000.00)	0.0%
01-367-000-025	Turf Field Fees	22,000.00	45,000.00	(23,000.00)	48.9%
01-367-000-030	Community Events Donations	4,215.00	10,000.00	(5,785.00)	42.2%
01-367-000-040	History Book Revenue	-	200.00	(200.00)	0.0%
01-367-000-089	Donations for Park Equipment	-	-	-	#DIV/0!
01-380-000-001	Miscellaneous Revenue	239.72	5,000.00	(4,760.28)	4.8%
01-380-000-010	Insurance Reimbursement	1,008.33	3,000.00	(1,991.67)	33.6%
01-392-000-008	Municipal Authority Reimbursement	72,222.48	216,667.00	(144,444.52)	33.3%
01-392-000-020	Transfer from Capital Fund	-	-	-	#DIV/0!
01-392-000-030	Transfer from Solid Waste Fund	-	-	-	#DIV/0!
01-395-000-000	Refund of Prior Year Expenses	-	-	-	#DIV/0!
Total Revenue		2,273,029.38	6,247,616.00	(3,974,586.62)	36.4%

**Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017**

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
GENERAL GOVERNMENT					
01-400-000-113	Supervisors Wages	625.00	2,500.00	(1,875.00)	25.0%
01-400-000-150	Payroll Tax Expense	47.81	191.00	(143.19)	25.0%
01-400-000-320	Telephone	652.57	2,000.00	(1,347.43)	32.6%
01-400-000-340	Public Relations	200.00	6,500.00	(6,300.00)	3.1%
01-400-000-341	Advertising	935.56	7,500.00	(6,564.44)	12.5%
01-400-000-342	Printing	3,161.00	1,000.00	2,161.00	316.1%
01-400-000-344	Community Notice	-	2,000.00	(2,000.00)	0.0%
01-400-000-350	Insurance-Bonding	2,636.00	4,500.00	(1,864.00)	58.6%
01-400-000-352	Insurance-Liability	-	24,378.00	(24,378.00)	0.0%
01-400-000-420	Dues/Subscriptions/Memberships	525.00	5,000.00	(4,475.00)	10.5%
01-400-000-460	Meeting & Conferences	-	6,000.00	(6,000.00)	0.0%
01-400-000-461	Bank Fees	2,663.45	500.00	2,163.45	532.7%
01-400-000-463	Misc expenses	81.36	2,000.00	(1,918.64)	4.1%
		11,527.75	64,069.00	(52,541.25)	18.0%
EXECUTIVE					
01-401-000-100	Administration Wages	137,749.96	463,336.00	(325,586.04)	29.7%
01-401-000-150	Payroll Tax Expense	10,624.99	35,445.00	(24,820.01)	30.0%
01-401-000-151	PSATS Unemployment Compensation	-	1,170.00	(1,170.00)	0.0%
01-401-000-156	Employee Benefit Expense	31,113.04	152,289.00	(121,175.96)	20.4%
01-401-000-157	ACA Fees	-	340.00	(340.00)	0.0%
01-401-000-160	Non-Uniform Pension	8,130.44	35,774.00	(27,643.56)	22.7%
01-401-000-174	Tuition Reimbursements	-	4,000.00	(4,000.00)	0.0%
01-401-000-181	Longevity Pay	-	5,100.00	(5,100.00)	0.0%
01-401-000-183	Overtime Wages	1,814.31	5,000.00	(3,185.69)	36.3%
01-401-000-200	Supplies	5,568.60	10,000.00	(4,431.40)	55.7%
01-401-000-205	Meals & Meal Allowances	-	-	-	#DIV/0!
01-401-000-215	Postage	2,469.67	3,500.00	(1,030.33)	70.6%
01-401-000-230	Gasoline & Oil	515.11	2,200.00	(1,684.89)	23.4%
01-401-000-235	Vehicle Maintenance	39.97	500.00	(460.03)	8.0%
01-401-000-252	Repair & Maintenance	-	2,000.00	(2,000.00)	0.0%
01-401-000-316	Training & Seminars	2,573.00	7,000.00	(4,427.00)	36.8%
01-401-000-317	Parking/Travel	450.30	1,200.00	(749.70)	37.5%
01-401-000-322	Ipad Expenses	189.46	600.00	(410.54)	31.6%
01-401-000-352	Insurance - Liability	-	-	-	#DIV/0!
01-400-000-353	Insurance-Vehicle	-	154.00	(154.00)	0.0%
01-401-000-354	Insurance-Workers Compensation	1,963.92	1,655.00	308.92	118.7%
01-401-000-420	Dues/Subscriptions/Memberships	3,987.38	2,500.00	1,487.38	159.5%
01-401-000-450	Contracted Services	9,214.63	6,685.00	2,529.63	137.8%
		216,404.78	740,448.00	(524,043.22)	29.2%
AUDIT					
01-402-000-450	Contracted Services	900.00	26,650.00	(25,750.00)	3.4%
		900.00	26,650.00	(25,750.00)	3.4%
TAX COLLECTION					
01-403-000-100	Tax Collector Wages	5,923.08	19,000.00	(13,076.92)	31.2%
01-403-000-150	Payroll Tax Expense	453.16	1,454.00	(1,000.84)	31.2%
01-403-000-200	Supplies	82.62	500.00	(417.38)	16.5%
01-403-000-215	Postage	2,570.86	2,000.00	570.86	128.5%
01-403-000-350	Insurance-Bonding	-	600.00	(600.00)	0.0%
01-403-000-450	Contracted Services	2,216.40	3,000.00	(783.60)	73.9%
		11,246.12	26,554.00	(15,307.88)	42.4%

Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
LEGAL					
01-404-000-305	Reimbursable Legal Fees - CU	-	-	-	#DIV/0!
01-404-000-310	Reimbursable Legal Fees	5,037.30	10,000.00	(4,962.70)	50.4%
01-404-000-311	Non Reimbursable Legal	6,689.07	30,000.00	(23,310.93)	22.3%
01-404-000-450	Contracted Services	-	5,000.00	(5,000.00)	0.0%
		11,726.37	45,000.00	(33,273.63)	26.1%
COMPUTER					
01-407-000-200	Supplies	31.79	2,000.00	(1,968.21)	1.6%
01-407-000-220	Software	1,868.77	4,000.00	(2,131.23)	46.7%
01-407-000-222	Hardware	-	7,000.00	(7,000.00)	0.0%
01-407-000-240	Web Page	-	5,000.00	(5,000.00)	0.0%
01-407-000-450	Contracted Services	37,179.09	52,000.00	(14,820.91)	71.5%
		39,079.65	70,000.00	(30,920.35)	55.8%
ENGINEERING					
01-408-000-305	Reimbursable Conditional Use	3,075.10	25,000.00	(21,924.90)	12.3%
01-408-000-310	Reimbursable Engineering	79,176.55	75,000.00	4,176.55	105.6%
01-408-000-311	Traffic Engineering	9,043.91	25,000.00	(15,956.09)	36.2%
01-408-000-313	Non Reimbursable Engineering	4,571.80	20,000.00	(15,428.20)	22.9%
01-408-000-366	Ordinance Update	-	4,500.00	(4,500.00)	0.0%
01-408-000-367	General Planning	4,924.71	4,000.00	924.71	123.1%
01-408-000-368	MS4 Expenses	-	-	-	#DIV/0!
		100,792.07	153,500.00	(52,707.93)	65.7%
TOWNSHIP PROPERTIES					
<i>Public Works Building</i>					
01-409-001-200	Supplies	69.99	1,000.00	(930.01)	7.0%
01-409-001-231	Propane & heating - PW bldg	9,866.69	13,000.00	(3,133.31)	75.9%
01-409-001-250	Maint & Repair	3,319.52	16,150.00	(12,830.48)	20.6%
01-409-001-320	Telephone	1,554.45	1,700.00	(145.55)	91.4%
01-409-001-351	Insurance - property	-	4,118.00	(4,118.00)	0.0%
01-409-001-360	Utilities	1,995.37	12,000.00	(10,004.63)	16.6%
01-409-001-450	Contracted Services	554.44	5,820.00	(5,265.56)	9.5%
<i>Township Building</i>					
01-409-003-101	Employee Cost Allocated	-	-	-	#DIV/0!
01-409-003-200	Supplies	439.36	2,000.00	(1,560.64)	22.0%
01-409-003-231	Propane & Heating Oil	-	5,000.00	(5,000.00)	0.0%
01-409-003-250	Maintenance & Repairs	16,477.62	8,000.00	8,477.62	206.0%
01-409-003-320	Telephone	5,144.50	7,000.00	(1,855.50)	73.5%
01-409-003-351	Insurance Property	-	4,118.00	(4,118.00)	0.0%
01-409-003-360	Utilities	8,774.81	15,000.00	(6,225.19)	58.5%
01-409-003-450	Contracted Services	5,555.27	25,000.00	(19,444.73)	22.2%
<i>Milford Road</i>					
01-409-004-200	Supplies	-	500.00	(500.00)	0.0%
01-409-004-231	Propane	635.77	1,500.00	(864.23)	42.4%
01-409-004-250	Maintenance & Repairs	-	3,000.00	(3,000.00)	0.0%
01-409-004-320	Telephone	883.00	1,600.00	(717.00)	55.2%
01-409-004-351	Insurance - property	-	824.00	(824.00)	0.0%
01-409-004-360	Utilities	539.71	2,000.00	(1,460.29)	27.0%
01-409-004-450	Contracted Services	-	1,100.00	(1,100.00)	0.0%
		55,810.50	130,430.00	(74,619.50)	42.8%

Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
POLICE EXPENSES					
01-410-000-100	Police Wages	338,313.23	1,101,367.00	(763,053.77)	30.7%
01-410-000-150	Payroll Tax Expense	27,101.24	84,255.00	(57,153.76)	32.2%
01-410-000-151	PSATS Unemployment Compensation	-	2,535.00	(2,535.00)	0.0%
01-410-000-156	Employee Benefit Expense	107,556.21	345,027.00	(237,470.79)	31.2%
01-410-000-158	Medical Expense Reimbursements	1,416.05	7,500.00	(6,083.95)	18.9%
01-410-000-160	Pension Expense	37,515.00	150,060.00	(112,545.00)	25.0%
01-410-000-174	Tuition Reimbursement	2,430.00	15,000.00	(12,570.00)	16.2%
01-410-000-181	Longevity Pay	4,000.00	18,200.00	(14,200.00)	22.0%
01-410-000-182	Education incentive	2,500.00	3,500.00	(1,000.00)	71.4%
01-410-000-183	Overtime Wages	8,097.72	42,000.00	(33,902.28)	19.3%
01-410-000-187	Courttime Wages	4,670.46	12,000.00	(7,329.54)	38.9%
01-410-000-191	Uniform/Boot Allowances	5,800.00	10,700.00	(4,900.00)	54.2%
01-410-000-200	Supplies	1,183.80	12,000.00	(10,816.20)	9.9%
01-410-000-215	Postage	-	750.00	(750.00)	0.0%
01-410-000-230	Gasoline & Oil	10,450.32	25,000.00	(14,549.68)	41.8%
01-410-000-235	Vehicle Maintenance	4,130.44	30,000.00	(25,869.56)	13.8%
01-410-000-238	Clothing/Uniforms	1,679.54	5,000.00	(3,320.46)	33.6%
01-410-000-250	Maintenance & Repairs	439.71	1,500.00	(1,060.29)	29.3%
01-410-000-260	Small Tools & Equipment	882.20	7,000.00	(6,117.80)	12.6%
01-410-000-311	Non-Reimbursable-Legal	-	3,000.00	(3,000.00)	0.0%
01-410-000-316	Training/Seminar	2,672.16	14,500.00	(11,827.84)	18.4%
01-410-000-317	Parking & travel	-	400.00	(400.00)	0.0%
01-410-000-320	Telephone	813.11	8,000.00	(7,186.89)	10.2%
01-410-000-322	Ipad Expense	149.44	600.00	(450.56)	24.9%
01-410-000-327	Radio Equipment M & R	-	1,000.00	(1,000.00)	0.0%
01-410-000-340	Public Relations	1,730.37	7,000.00	(5,269.63)	24.7%
01-410-000-342	Police Accreditation	1,920.00	13,500.00	(11,580.00)	14.2%
01-410-000-352	Insurance - Liability	-	12,930.00	(12,930.00)	0.0%
01-410-000-353	Insurance - Vehicles	-	4,832.00	(4,832.00)	0.0%
01-410-000-354	Insurance - Workers Compensation	42,551.60	35,864.00	6,687.60	118.6%
01-410-000-420	Dues/Subscriptions/Memberships	425.00	750.00	(325.00)	56.7%
01-410-000-450	Contracted Services	11,024.71	15,500.00	(4,475.29)	71.1%
01-410-000-740	Computer/Furniture	2,527.88	4,000.00	(1,472.12)	63.2%
		621,980.19	1,995,270.00	(1,373,289.81)	31.2%
FIRE/AMBULANCE					
01-411-000-354	Insurance - Workers Compensation	13,475.14	28,000.00	(14,524.86)	48.1%
01-411-000-420	Dues/Subscriptions/Memberships	-	-	-	#DIV/0!
01-411-000450	Contracted Services	-	-	-	#DIV/0!
01-411-000-451	Hydrant expenses-Aqua	20,856.00	60,000.00	(39,144.00)	34.8%
01-411-001-001	Ludwigs	-	74,160.00	(74,160.00)	0.0%
01-411-001-002	Lionville	2,348.32	74,282.00	(71,933.68)	3.2%
01-411-001-003	Lionville Capital	-	-	-	#DIV/0!
01-411-001-004	Glenmoore	-	8,549.00	(8,549.00)	0.0%
01-411-001-005	E. Brandywine	7,954.00	15,908.00	(7,954.00)	50.0%
01-411-001-006	Reimbursement - Uwchlan Township	-	2,300.00	(2,300.00)	0.0%
01-411-001-007	Reimbursement - East Brandywine Twp.	-	200.00	(200.00)	0.0%
01-411-002-545	Contributions-Fire Relief	-	112,000.00	(112,000.00)	0.0%
		44,633.46	375,399.00	(330,765.54)	11.9%

**Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017**

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
AMBULANCE					
01-412-000-540	Uwchlan Ambulance	-	27,038.00	(27,038.00)	0.0%
01-412-000-544	Minquas Ambulance	-	-	-	#DIV/0!
		-	27,038.00	(27,038.00)	0.0%
CODES ADMINISTRATION					
01-413-000-100	Code Adminstrator Wages	71,108.37	229,144.00	(158,035.63)	31.0%
01-413-000-150	Payroll Tax Expenses	5,779.40	17,530.00	(11,750.60)	33.0%
01-413-000-151	PSATS Unemployment Compensation	-	585.00	(585.00)	0.0%
01-413-000-156	Employee Benefit Expense	24,476.48	75,783.00	(51,306.52)	32.3%
01-413-000-160	Pension	5,110.17	17,692.00	(12,581.83)	28.9%
01-413-000-181	Longevity Pay	4,800.00	6,600.00	(1,800.00)	72.7%
01-413-000-200	Supplies	1,261.57	1,000.00	261.57	126.2%
01-413-000-230	Gasoline & Oil	1,021.90	3,800.00	(2,778.10)	26.9%
01-413-000-235	Vehicle Maintenance	120.91	1,500.00	(1,379.09)	8.1%
01-413-000-316	Training/Seminar	745.00	3,000.00	(2,255.00)	24.8%
01-413-000-317	Parking/Travel	396.61	1,000.00	(603.39)	39.7%
01-413-000-320	Telephone	328.02	2,000.00	(1,671.98)	16.4%
01-413-000-322	Ipad Expense	149.44	600.00	(450.56)	24.9%
01-413-000-352	Insurance - Liability	-	-	-	#DIV/0!
01-413-000-353	Insurance - Vehicle	-	308.00	(308.00)	0.0%
01-413-000-354	Insurance - Workers Compensation	1,963.92	1,655.00	308.92	118.7%
01-413-000-420	Dues/Subscriptions/Memberships	245.00	7,500.00	(7,255.00)	3.3%
01-413-000-450	Contracted Services	-	53,760.00	(53,760.00)	0.0%
01-413-000-460	Meetings & Conferences	-	-	-	#DIV/0!
		117,506.79	423,457.00	(305,950.21)	27.7%
PLANNING & ZONING					
01-414-001-116	Compensation	-	-	-	#DIV/0!
01-414-001-200	Supplies	-	500.00	(500.00)	0.0%
01-414-001-301	Court Reporter	-	1,500.00	(1,500.00)	0.0%
01-414-001-315	Legal Fees	-	3,000.00	(3,000.00)	0.0%
01-414-001-365	Comp Plan Update	-	-	-	#DIV/0!
01-414-001-366	Ordinance Update	-	3,000.00	(3,000.00)	0.0%
01-414-001-367	General Planning	285.52	3,000.00	(2,714.48)	9.5%
01-414-001-368	Advertising	-	500.00	(500.00)	0.0%
01-414-001-451	ACT 209	-	-	-	#DIV/0!
		285.52	11,500.00	(11,214.48)	2.5%
VILLAGE CONCEPT					
01-414-002-367	General Planning	-	8,000.00	(8,000.00)	0.0%
		-	8,000.00	(8,000.00)	0.0%
ZONING					
01-414-003-100	Compensation	-	800.00	(800.00)	0.0%
01-414-003-301	Court Reporter	47.50	2,000.00	(1,952.50)	2.4%
01-414-003-315	Legal Fees	-	6,000.00	(6,000.00)	0.0%
01-414-003-366	Ordinance Update	-	-	-	#DIV/0!
01-414-003-450	Contracted Services	95.00	1,000.00	(905.00)	9.5%
		142.50	9,800.00	(9,657.50)	1.5%

Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017

GL Account #	Account Description	2017 YTD	2017	Over (Under)	Actual as
		Actual	Budget	Budget	% of Budget
EMERGENCY OPERATIONS					
01-415-000-200	Supplies	200.00	2,000.00	(1,800.00)	10.0%
01-415-000-260	Small Tools & Equipment	-	1,000.00	(1,000.00)	0.0%
01-415-000-316	Training/Seminar	-	1,200.00	(1,200.00)	0.0%
01-415-000-317	Parking/Travel	-	400.00	(400.00)	0.0%
01-415-000-320	Telephone	670.73	1,200.00	(529.27)	55.9%
01-415-000-330	Other Services/Charges	120.00	500.00	(380.00)	24.0%
01-415-000-420	Dues/subscriptions/memberships	-	50.00	(50.00)	0.0%
01-415-000-450	Contracted Services	-	500.00	(500.00)	0.0%
01-415-000-740	Computer/Office Equipment	-	1,000.00	(1,000.00)	0.0%
		990.73	7,850.00	(6,859.27)	12.6%
ANIMAL CONTROL/OTHER					
01-422-000-530	Contributions - SPCA	1,825.00	4,120.00	(2,295.00)	44.3%
01-422-000-601	Contributions - DARC	14,640.00	15,280.00	(640.00)	95.8%
		16,465.00	19,400.00	(2,935.00)	84.9%
SIGNS					
01-433-000-200	Supplies	2,471.70	5,000.00	(2,528.30)	49.4%
01-433-000-450	Contracted Services	-	1,000.00	(1,000.00)	0.0%
		2,471.70	6,000.00	(3,528.30)	41.2%
SIGNALS					
01-434-000-450	Contracted Services	5,849.16	12,700.00	(6,850.84)	46.1%
		5,849.16	12,700.00	(6,850.84)	46.1%
PUBLIC WORKS					
01-438-000-100	Public Works Wages	104,095.86	327,423.00	(223,327.14)	31.8%
01-438-000-101	Employee cost allocated	-	-	-	#DIV/0!
01-438-000-150	Payroll Tax Expense	10,401.30	25,048.00	(14,646.70)	41.5%
01-438-000-151	PSATS Unemployment Compensation	-	1,360.00	(1,360.00)	0.0%
01-438-000-156	Employee Benefit Expense	48,443.69	134,109.00	(85,665.31)	36.1%
01-438-000-160	Pension	6,118.55	19,439.00	(13,320.45)	31.5%
01-438-000-181	Longevity	-	5,700.00	(5,700.00)	0.0%
01-438-000-183	Overtime Wages	5,142.35	19,100.00	(13,957.65)	26.9%
01-438-000-200	Supplies	7,650.83	46,700.00	(39,049.17)	16.4%
01-438-000-205	Meals & Meal Allowances	-	500.00	(500.00)	0.0%
01-438-000-230	Gasoline & Oil	11,478.29	28,600.00	(17,121.71)	40.1%
01-438-000-235	Vehicle Maintenance	4,415.09	13,400.00	(8,984.91)	32.9%
01-438-000-238	Uniforms	1,662.06	3,050.00	(1,387.94)	54.5%
01-438-000-245	Highway Supplies	1,823.68	10,200.00	(8,376.32)	17.9%
01-438-000-260	Small Tools & Equipment	7,628.80	12,820.00	(5,191.20)	59.5%
01-438-000-316	Training/Seminar	160.00	4,600.00	(4,440.00)	3.5%
01-438-000-317	Travel/tolls	11.10	600.00	(588.90)	1.9%
01-438-000-320	Telephone	1,029.14	3,000.00	(1,970.86)	34.3%
01-438-000-322	Ipad Expense	189.50	1,200.00	(1,010.50)	15.8%
01-438-000-341	Advertising	267.92	-	267.92	#DIV/0!
01-438-000-342	Accreditation	-	5,000.00	(5,000.00)	0.0%
01-438-000-352	Insurance - Liability	-	-	-	#DIV/0!
01-438-000-353	Vehicle Insurance	-	5,663.00	(5,663.00)	0.0%
01-438-000-354	Insurance - Workers Compensation	10,474.24	8,601.00	1,873.24	121.8%
01-438-000-360	Heating Oil	-	3,000.00	(3,000.00)	0.0%
01-438-000-420	Dues and Subscriptions	165.00	400.00	(235.00)	41.3%
01-438-000-450	Contracted Services	3,723.35	74,840.00	(71,116.65)	5.0%
01-438-000-720	Road Resurfacing	-	206,067.00	(206,067.00)	0.0%
		224,880.75	960,420.00	(735,539.25)	23.4%

Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
<i>Public Works - Facilities Division</i>					
01-438-001-100	Wages	37,813.60	176,654.00	(138,840.40)	21.4%
01-438-001-101	Employee Costs Allocated	-	(170,063.00)	170,063.00	0.0%
01-438-001-150	Payroll Tax Expense	963.67	13,514.00	(12,550.33)	7.1%
01-438-001-151	PSATS Unemployment Compensation	-	1,360.00	(1,360.00)	0.0%
01-438-001-156	Employee Benefit Expense	16,310.78	50,831.00	(34,520.22)	32.1%
01-438-001-160	Pension Expense	694.34	7,308.00	(6,613.66)	9.5%
01-438-001-181	Longevity	-	1,500.00	(1,500.00)	0.0%
01-438-001-183	Overtime Wages	1,907.47	8,000.00	(6,092.53)	23.8%
01-438-001-230	Gasoline & Oil	1,987.34	-	1,987.34	#DIV/0!
01-438-001-235	Vehicle Maintenance	-	-	-	#DIV/0!
01-438-001-238	Uniforms	-	900.00	(900.00)	0.0%
01-438-001-316	Training & Seminars	-	3,600.00	(3,600.00)	0.0%
01-438-001-352	Insurance - Liability	-	-	-	#DIV/0!
01-438-001-353	Insurance - Vehicles	-	1,836.00	(1,836.00)	0.0%
01-438-001-354	Insurance - Workers Compensation	5,234.12	4,641.00	593.12	112.8%
01-438-001-450	Contracted Services	-	-	-	#DIV/0!
		64,911.32	100,081.00	(35,169.68)	64.9%
ROAD CONSTRUCTION					
01-439-000-752	East West Link	-	-	-	#DIV/0!
		-	-	-	#DIV/0!
PARK & RECREATION					
<i>Parks - General</i>					
01-454-001-101	Park wages allocation	-	170,063.00	(170,063.00)	0.0%
01-454-001-200	Supplies	2,086.56	2,500.00	(413.44)	83.5%
01-454-001-201	Halloween/Xmas Party	-	5,000.00	(5,000.00)	0.0%
01-454-001-202	Community Day	8,467.50	21,000.00	(12,532.50)	40.3%
01-454-001-230	Gasoline & Oil	-	-	-	#DIV/0!
01-454-001-235	Vehicle Maintenance	2,099.79	2,500.00	(400.21)	84.0%
01-454-001-250	Maintenance & Repairs	280.28	500.00	(219.72)	56.1%
01-454-001-260	Small Tools & Equipment	59.72	2,700.00	(2,640.28)	2.2%
01-454-001-316	Training/Seminars	-	5,000.00	(5,000.00)	0.0%
01-454-001-340	Public Relations	-	-	-	#DIV/0!
01-454-001-354	Insurance - Workers Compensation	3,272.20	2,759.00	513.20	118.6%
01-454-001-420	Dues/Subscriptions/Memberships	-	-	-	#DIV/0!
01-454-001-427	Waste Disposal	187.92	-	187.92	#DIV/0!
01-454-001-450	Contracted Services	-	500.00	(500.00)	0.0%
		16,453.97	212,522.00	(196,068.03)	7.7%
HICKORY PARK					
01-454-002-200	Supplies-Hickory	845.04	1,500.00	(654.96)	56.3%
01-454-002-231	Propane	240.18	2,000.00	(1,759.82)	12.0%
01-454-002-250	Maintenance & Repairs	1,483.00	7,000.00	(5,517.00)	21.2%
01-454-002-351	Insurance-Property	-	1,647.00	(1,647.00)	0.0%
01-454-002-360	Utilities	999.60	5,000.00	(4,000.40)	20.0%
01-454-002-450	Contracted Services	1,256.20	20,000.00	(18,743.80)	6.3%
		4,824.02	37,147.00	(32,322.98)	13.0%

**Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017**

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
FELLOWSHIP FIELDS					
01-454-003-200	Supplies	369.41	1,000.00	(630.59)	36.9%
01-454-003-250	Maintenance & Repairs	51.48	10,000.00	(9,948.52)	0.5%
01-454-003-312	Engineering Fees	-	2,000.00	(2,000.00)	0.0%
01-454-003-320	Telephone	621.87	2,500.00	(1,878.13)	24.9%
01-454-003-351	Insurance Property	-	3,295.00	(3,295.00)	0.0%
01-454-003-360	Utilities	4,113.28	9,000.00	(4,886.72)	45.7%
01-454-003-450	Contracted Services	-	13,000.00	(13,000.00)	0.0%
		5,156.04	40,795.00	(35,638.96)	12.6%
LARKINS FIELD					
01-454-004-200	Supplies-Larkins	-	1,000.00	(1,000.00)	0.0%
01-454-004-250	Maintenance & Repair	-	5,000.00	(5,000.00)	0.0%
01-454-004-312	Engineering Fee-Larkins	-	-	-	#DIV/0!
01-454-004-450	Contracted Services	-	3,000.00	(3,000.00)	0.0%
		-	9,000.00	(9,000.00)	0.0%
UPLAND FARMS					
01-454-005-200	Supplies	2,861.21	5,000.00	(2,138.79)	57.2%
01-454-005-231	Propane & Heating Oil	493.92	4,500.00	(4,006.08)	11.0%
01-454-005-250	Repairs & Maintenance	42.66	10,000.00	(9,957.34)	0.4%
01-454-005-351	Insurance - Building	-	2,471.00	(2,471.00)	0.0%
01-454-005-360	Utilities	5,068.29	4,000.00	1,068.29	126.7%
01-454-005-450	Contracted Services	315.00	5,000.00	(4,685.00)	6.3%
01-454-005-513	Engineering Fees	-	-	-	#DIV/0!
		8,781.08	30,971.00	(22,189.92)	28.4%
Total Parks and Recreation		35,215.11	330,435.00	(295,219.89)	10.7%
LIBRARY					
01-456-000-530	Contributions	-	5,000.00	(5,000.00)	0.0%
		-	5,000.00	(5,000.00)	0.0%
HISTORICAL COMMISSIONS					
01-459-000-200	Supplies	-	1,000.00	(1,000.00)	0.0%
01-459-000-320	Telephone	-	1,000.00	(1,000.00)	0.0%
01-459-000-450	Contracted Services	-	500.00	(500.00)	0.0%
		-	2,500.00	(2,500.00)	0.0%
Total Expenditures Before Operating Transfers		1,582,819.47	5,551,501.00	(3,968,681.53)	28.5%
Excess of Revenues over Expenses Before Operating Transfers		690,209.91	696,115.00	(5,905.09)	99.2%

Upper Uwchlan Township
General Fund
Statement of Revenues and Expenditures
For the Period Ended April 30, 2017

GL Account #	Account Description	2017 YTD Actual	2017 Budget	Over (Under) Budget	Actual as % of Budget
OPERATING TRANSFERS					
01-492-000-030	Transfer to Capital Projects Fund	950,000.00	950,000.00	-	100.0%
01-492-000-031	Transfer to Solid Waste Fund	-	-	-	#DIV/0!
01-492-000-033	Transfer to Developer's Escrow Fund	-	-	-	#DIV/0!
01-492-000-034	Transfer to Act 209 Fund	-	-	-	#DIV/0!
01-492-000-035	Transfer to Municipal Authority	-	-	-	#DIV/0!
01-492-000-036	Transfer to Water Resource Protection Fund	-	250,000.00	(250,000.00)	0.0%
		950,000.00	1,200,000.00	(250,000.00)	79.2%
Total Expenditures after Operating Transfers		2,532,819.47	6,751,501.00	(4,218,681.53)	37.5%
EXCESS OF REVENUES OVER EXPENSES		(259,790.09)	(503,885.00)	244,094.91	51.6%

Upper Uwchlan Township's 9th Annual Block Party

Being held on Route 100!

(Between Byers Road and Station Blvd.)



June 17, 2017, 6:00 to 9:00 pm!

**Grab a blanket or chair and stay until dark to see the most
amazing Firework Display!**

(Fireworks behind Township Building / School Soccer Field)

- Live Music provided by "The Left Edge" Classic Rock Band on the Main Stage
- Caricature Artists Donna *Courtesy of The Nose*
- "Crazy Faces" Face Painting by Jennifer and "Happy the Clown"
- Magician Richard Benninghoff
- Petting Zoo and Pony Rides! *Courtesy Sleepy Hollow Ponies*
- Moon Bounces & Slides for the kids! *Courtesy of Circus Time Amusements and Entertainment*
- Bring food to share with your neighbors or buy from our local food vendors: Eagle Tavern, Liberty Union, Capt'n Chucky's Crab Cakes, Scooped Ice Cream, Hopewell Boy Scout Troop 8, Jr's Soda Shoppe, Dia Doce Cupcakes, Jimmy's BBQ and more...
- Visit our many vendors and area business displays
- Amazing Firework Display to end the event! *Courtesy of Pyrotechnics, LLC*

This event is sponsored by Upper Uwchlan Township.





ENGINEER'S REPORT – UPPER UWCHLAN TOWNSHIP

Date: May 11, 2017

To: Cary B. Vargo - Township Manager
Board of Supervisors

From: David Leh, P.E.

The following is an overview of engineering activities for the previous month:

Fetters Property (McKee Group) – The Preliminary Land Development Plans have been reviewed by the Township Consultants and the Planning Commission at their April 13th meeting. No action was taken at that meeting and the applicant will be revising the plans and potentially returning to the Planning Commission's June 8th meeting for further discussion.

160 Park Road (Gunner Properties) – A conditional use application has been received for a beer garden for this property. The application will be reviewed by the Township Planning Commission at their May 11th meeting and the hearing is scheduled to be held on May 15th.

Jankowski Tract – A conditional Use Application has now been submitted for this property. The application proposes 55 single family homes utilizing the F1 overlay. The application will be reviewed by the Township Planning Commission at their May 11th meeting and the conditional use hearing is scheduled for June 19th.

Marsh Lea (Popioy Tract) - The Planning Commission, at their April 13th Meeting, recommended Preliminary / Final Plan Approval be granted. The applicant will be before the Board of Supervisors at their May 15th meeting seeking same.

General:

Meetings / Correspondence with staff regarding various matters.



DEVELOPMENT UPDATE – UPPER UWCHLAN TOWNSHIP

Date: May 11, 2017

To: Board of Supervisors

From: David Leh, P.E.

160 Park Road (Gunner Properties) – A conditional use application has been received for a beer garden for this property. The application will be reviewed by the Township Planning Commission at their May 11th meeting and the hearing is scheduled to be held on May 15th.

270-290 Park Road (Gunner Properties) - This project proposes a 44-unit multiple-family townhouse community along Park Road just north of Windsor Baptist Church. The Board approved the conditional use decision and order as well as Preliminary / Final Land Development Approval at their March 21st, 2016 meeting. A staff meeting was held with Toll Brothers in March to review the project and outstanding issues as they are considering purchasing.

American Tower (780 Dorlan Mills Road) – The Applicant submitted a conditional use application for a proposed cell tower on this property. A Conditional Use was granted by the Board of Supervisors at their July 20th, 2015 meeting. Zoning relief was also required and granted. No further activity has occurred.

Byers Station (Lot 5C) - The Board granted Final Plan Approval at their February 22nd meeting. The consultants have received revised plans to confirm their outstanding comments have been addressed.

Byers Station (Lot 6C) – A land agent appeared before the Planning Commission at their February 9th meeting to present a concept plan for a senior living facility. The plan was generally well received by the Planning Commission. No further activity has occurred.

Diament Building Group - Mr. Diament was before the Planning Commissions at their July 14th meeting to discuss a potential conditional use Application for a day care facility at his commercial site on Byers Road. No further activity has occurred.

Reference: Development Update

File No. 17-01084T
May 11, 2017

Eagleview Lot 1 (Office Building Site) – Site Construction continues. A conditional use application has been filed for a 12,500 SF manufacturing operation to be located within the proposed building. The application will be reviewed by the Township Planning Commission at their May 11th meeting and the conditional use hearing will be held on May 15th.

Eagleview Lot 5 – The removal of West Township Line Road is complete. No other construction has commenced.

EPC, LLC – The Board of Supervisors granted Revised Final Land Development Approval for this project at their July 20th, 2015 meeting. Building construction is generally complete. Curb and the walking trail still need to be installed along Little Conestoga Road.

Fetters Property (McKee Group) - A conditional use was approved on January 17th for an active-adult 55-year old and over community consisting of 116 single-family detached dwellings, 154 twin units, 105 triplex units, and associated amenities. The applicant has submitted Preliminary Land Development Plans which have been reviewed by the Township Consultants and the Planning Commission at their April 13th meeting. No action was taken at that meeting and the applicant will be revising the plans and potentially returning to the Planning Commission's June 8th meeting for further discussion.

Jankowski Tract- A conditional Use Application has now been submitted for this property. The application proposes 55 single family homes utilizing the F1 overlay. The application will be reviewed by the Township Planning Commission at their May 11th meeting and the conditional use hearing is scheduled for June 19th.

Marsh Lea – The Applicant has submitted a subdivision / land development application for a 27 lot, single-family home development on this property consistent with the recently approved rezoning application for the property. A Conditional Use for steep slope disturbance was approved at the Boards January 17th meeting. The Applicant's Engineer has now submitted revised plans which have been reviewed by the Planning Commission at their April 13th Meeting at which time they recommended Preliminary / Final Plan Approval be granted. The applicant will be before the Board of Supervisors at their May 15th meeting seeking same.

Reserve at Chester Springs (Frame Property) – Infrastructure construction continues. The road network for the entire development should be complete shortly.



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: The Board of Supervisors

FROM: Kathi McGrath *Kathi*
Administrative Assistant

RE: Codes Department Activity Report

DATE: May 11, 2017

Attached, please find the Codes Department Activity Report for the month of April, 2017.

Attachments:
Activity Report

/km

UPPER UWCHLAN TOWNSHIP

Permit Analysis
2014-2017

	2014			2015			2016			2017		
	# of Permits	Fees	YTD Permits	# of Permits	Fees	YTD Permits	# of Permits	Fees	YTD Permits	# of Permits	Fees	YTD Permits
Jan	33	\$ 7,844.00	33	\$ 7,844.00	55	\$10,196.32	55	\$10,390.32	33	\$19,195.00	33	\$19,195.00
Feb	28	\$ 2,913.00	61	\$ 10,757.00	34	\$ 4,098.54	92	\$ 14,486.06	38	\$ 31,184.74	71	\$ 50,379.74
Mar	51	\$ 4,271.00	92	\$ 15,026.00	59	\$ 9,580.34	151	\$ 24,049.20	58	\$ 30,003.50	109	\$ 59,383.24
Apr	42	\$ 4,833.00	134	\$ 19,661.00	135	\$ 16,230.00	286	\$ 39,279.20	84	\$ 68,297.00	173	\$ 147,680.24
May	41	\$ 7,073.00	175	\$ 26,934.00	119	\$ 33,693.18	405	\$ 74,072.38	125	\$ 14,112.00	294	\$ 161,792.24
Jun	71	\$ 7,430.70	246	\$ 34,364.70	154	\$ 21,189.54	559	\$ 94,113.92	109	\$ 9,919.12	407	\$ 171,711.36
Jul	95	\$16,371.26	344	\$ 50,735.98	98	\$ 11,329.56	657	\$ 105,448.44	95	\$ 8,120.56	462	\$ 179,831.92
Aug	152	\$13,972.00	496	\$ 64,707.96	68	\$ 9,531.00	723	\$ 114,979.44	83	\$ 50,103.08	545	\$ 229,935.00
Sept	239	\$17,214.45	735	\$ 61,922.41	41	\$ 6,911.88	784	\$ 121,691.36	57	\$ 8,844.90	602	\$ 238,779.90
Oct	213	\$17,112.76	95	\$ 98,035.17	72	\$ 12,443.02	836	\$ 134,334.08	64	\$ 8,144.42	566	\$ 246,923.42
Nov	124	\$18,209.66	1075	\$117,244.83	38	\$ 102,941.00	874	\$ 237,416.76	71	\$ 13,717.44	737	\$ 260,640.86
Dec	50	\$ 4,554.02	1125	\$121,798.96	51	\$ 6,235.24	925	\$ 243,512.02	42	\$ 9,920.00	779	\$ 270,569.86



**APRIL/MAY
2017 REPORT
UPPER UWCHLAN TOWNSHIP
PUBLIC WORKS DEPARTMENT**

The following projects were underway since we last met:

Ongoing:

- Aside from regular routine maintenance, the following work orders were submitted in April.
- Tracking of work orders through Munilogic.
 - Municipal Authority
 - 1 Work new orders submitted
 - 1 Completed
 - PA 1-calls
 - 79 Work orders submitted
 - 79 Completed
 - Public Works
 - 47 Work orders submitted
 - 33 Completed
 - Parks
 - 3 Work orders submitted
 - 3 Completed
 - Solid Waste
 - 9 Work orders submitted
 - 9 Completed
- Inlet cleaning was done with the leaf-vac and by shovels.
- Installed a sump pit and piping between fields 1 & 2 at Hickory Park to combat a continuous wet area. It is working well.
- Finished the resurfacing of Hickory Park's parking lot.
- Fence repairs were done at all sewer plants and pump stations.
- Many repairs were done to the F350 used by Bruce for MA work
- Trees were trimmed at various locations throughout the Township. Including the removal of the large tree in the driveway near North end of the Township parking lot.

- Toter swaps and deliveries were done as requested.
- Preventive maintenance, repairs, and Pa State Inspections continue on all Township owned vehicles and equipment.
- Roadways inspections for sight distance, signage view, and for surface conditions are constantly being done.
- Took delivery of new Flag Pole for Upland Farms.
- Put brine equipment into summer storage areas after treating fuel tanks and flushing tanks and pumps.
- Pothole repairs were done on various roads throughout the Township.
- Minor maintenance issues were handled at the Township Building

Bids:

- None

Road Dedications:

- None

Workforce

- All employees are working well and there are no issues to report.

Respectfully submitted,
Michael G. Heckman
Director of Public Works
Upper Uwchlan Township



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 5, 2017

File No. 11-11049T

Cary B. Vargo
Upper Uwchlan Township Manager
140 Pottstown Pike
Chester Springs, PA 19425

Reference: Reserve at Chester Springs
Performance Bond Reduction Request No. 4

Dear Cary:

Gilmore & Associates, Inc. has reviewed Toll Brothers Inc.'s May 2, 2017 request associated with release of escrow for the above-referenced project. Based upon our review of the submitted payment request, we recommend release of **\$159,922.76**. Following this release, there will be \$874,305.84 remaining in escrow.

Also enclosed is one (1) copy of the Escrow Status Report summary spreadsheet for this project for the Board's review and consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D.N. Leh'.

David N. Leh, P.E.
Municipal Services Manager
Gilmore & Associates, Inc.

cc: Board of Supervisors
Justin K. Hunt – TBI (via e-mail only)
Michael Downs, PE – TBI (via e-mail only)
Gary Chase – TBI (via e-mail only)
Christopher Kopitsky – TBI (via e-mail only)
John Tomson – TBI (via e-mail only)

N:\Share\Municipal\Upper Uwchlan Twp\2011\11-11049T - Frame Property - Conditional Use Review\3.7.0_Escrow\Vargo ltr 050517 Release 4- Reserve at Chester Springs.doc

ESCROW STATUS REPORT

GILMORE & ASSOCIATES, INC.
184 WEST MAIN STREET
SUITE 300
TRAPPE, PA 19426

PROJECT NAME:	RESERVE @ CHESTER SPRINGS	SUMMARY OF ESCROW ACCOUNT			AMOUNT OF CURRENT CONST. RELEASE: \$ 30,889.25
PROJECT NUMBER:	11-11049T	TOTAL CONSTRUCTION (100%) = \$ 2,471,109.01			AMOUNT OF CURRENT RETAINAGE/SECURITY RELEASE (10%): \$
PROJECT SPONSOR:	TOLL BROTHERS INC.	TOWNSHIP SECURITY (10%) = \$ 247,110.90			AMOUNT OF BUILDERS CONTINGENCY RELEASE (5%): \$ 23,641.11
MUNICIPALITY:	UPPER UWCHLAN TOWNSHIP	CONSTRUCTION INSPECTION \$ 236,411.11			AMOUNT OF CURRENT TOTAL RELEASE: \$ 54,530.36
ESCROW AGENT:		GRAND TOTAL ESCROWED = \$ 2,954,631.02			TOTAL OF CONST. RELEASES TO DATE: \$ 2,080,325.17
TYPE OF SECURITY:		RELEASE NO.: 4			CONSTRUCTION ESCROW REMAINING: \$ 579,912.72
AGREEMENT DATE:		REQUEST DATE: May 2, 2017			TOWNSHIP SECURITY REMAINING: \$ 247,110.90
					CONSTRUCTION INSPECTION REMAINING: \$ 47,282.22
					TOTAL ESCROW REMAINING: \$ 874,305.84
					70%

ESCROW TABULATION				CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)		ESCROW REMAINING (AFTER CURRENT REQUEST)		PERCENT COMPLETE	
CONSTRUCTION ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	PERCENT

A. CLEARING & GRUBBING											
1. CLEARING AND GRUBBING	LS	1	\$ 37,088.00	\$ 37,088.00		\$ -	1.00	\$ 37,088.00	0	\$ -	100%
SUBTOTAL ITEM A				\$ 37,088.00		\$ -		\$ 37,088.00		\$ -	100%

B. E&S CONTROL											
1. CONSTRUCTION ENTRANCES	SY	800	\$ 10.10	\$ 8,080.00		\$ -	800	\$ 8,080.00	0	\$ -	100%
2. 12' SILT SOCK	LF	260	\$ 4.00	\$ 1,040.00		\$ -	260	\$ 1,040.00	0	\$ -	100%
3. 24' SILT SOCK	LF	3,400	\$ 9.70	\$ 32,980.00		\$ -	3,400	\$ 32,980.00	0	\$ -	100%
4. TREE PROTECTION FENCE / LOD	LF	1,250	\$ 2.20	\$ 2,750.00		\$ -	1,250	\$ 2,750.00	0	\$ -	100%
5. INLET PROTECTION	EA	2	\$ 125.00	\$ 250.00		\$ -	2	\$ 250.00	0	\$ -	100%
6. TEMP SWALES	LS	1	\$ 11,472.00	\$ 11,472.00		\$ -	1	\$ 11,472.00	0	\$ -	100%
7. TEMP PIPE	LS	1	\$ 7,630.00	\$ 7,630.00		\$ -	1	\$ 7,630.00	0	\$ -	100%
8. TEMP SEED & MULCH	SF	881,900	\$ 0.05	\$ 44,095.00	132,285	\$ 6,614.25	881,900	\$ 44,095.00	0	\$ -	100%
9. EROSION CONTROL BLANKET (NAGS75 3:1 slopes)	SY	3,200	\$ 2.00	\$ 6,400.00		\$ -	3,200	\$ 6,400.00	0	\$ -	100%
SUBTOTAL ITEM B				\$ 114,697.00		\$ 6,614.25		\$ 114,697.00		\$ -	100%

C. EARTHWORK											
1. STRIP TOPSOIL	CY	34,480	\$ 3.10	\$ 106,888.00		\$ -	34,480	\$ 106,888.00	0	\$ -	100%
2. CUT	CY	53,400	\$ 2.60	\$ 138,840.00		\$ -	53,400	\$ 138,840.00	0	\$ -	100%
3. FILL	CY	68,200	\$ 1.50	\$ 102,300.00		\$ -	55,920	\$ 83,880.00	12,280	\$ 18,420.00	82%
4. RETURN TOPSOIL	CY	9,240	\$ 3.40	\$ 31,416.00		\$ -	7,582	\$ 25,778.80	1,658	\$ 5,637.20	82%
5. PERM SEED & MATTING	SY	4,540	\$ 1.40	\$ 6,356.00		\$ -			4,540	\$ 6,356.00	0%
SUBTOTAL ITEM C				\$ 385,800.00		\$ -		\$ 355,386.80		\$ 30,413.20	92%

D. STORM SEWER											
1. 15" RCP PIPE	LF	3020	\$ 25.31	\$ 76,436.20		\$ -	2800	\$ 70,868.00	220	\$ 5,568.20	93%
2. 18" RCP PIPE	LF	814	\$ 30.46	\$ 24,794.44		\$ -	814	\$ 24,794.44	0	\$ -	100%
3. 24" RCP PIPE	LF	1121	\$ 37.59	\$ 42,138.39		\$ -	1121	\$ 42,138.39	0	\$ -	100%
4. 30" RCP PIPE	LF	601	\$ 48.34	\$ 29,052.34		\$ -	601	\$ 29,052.34	0	\$ -	100%
5. 36" RCP PIPE	LF	857	\$ 63.18	\$ 54,145.26		\$ -	857	\$ 54,145.26	0	\$ -	100%
6. STONE BEDDING	TON	4850	\$ 12.50	\$ 60,625.00		\$ -	4650	\$ 58,125.00	200	\$ 2,500.00	96%
7. 2x4" INLETS	EA	2	\$ 2,454.50	\$ 4,909.00		\$ -			2	\$ 4,909.00	0%
8. TYPE C INLET	EA	37	\$ 1,966.24	\$ 72,750.88		\$ -	37	\$ 72,750.88	0	\$ -	100%
9. TYPE C MODIFIED INLET	EA	17	\$ 3,140.65	\$ 53,391.05		\$ -	17	\$ 53,391.05	0	\$ -	100%
10. TYPE M INLET	EA	13	\$ 1,954.00	\$ 25,402.00		\$ -	10	\$ 19,540.00	3	\$ 5,862.00	77%
11. TYPE M MODIFIED INLET	EA	2	\$ 2,777.00	\$ 5,554.00		\$ -	2	\$ 5,554.00	0	\$ -	100%
12. TYPE C DOUBLE INLETS	EA	4	\$ 3,599.50	\$ 14,398.00		\$ -	4	\$ 14,398.00	0	\$ -	100%

ESCROW STATUS REPORT

GILMORE & ASSOCIATES, INC.
184 WEST MAIN STREET
SUITE 300
TRAPPE, PA 19426

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PROJECT SPONSOR:	TOLL BROTHERS INC.	TOWNSHIP SECURITY (10%) = \$ 247,110.90				AMOUNT OF BUILDERS CONTINGENCY RELEASE (5%): \$ 23,641.11			
MUNICIPALITY:	UPPER UWCHLAN TOWNSHIP	CONSTRUCTION INSPECTION \$ 236,411.11				AMOUNT OF CURRENT TOTAL RELEASE: \$ 54,530.36			
ESCROW AGENT:		GRAND TOTAL ESCROWED = \$ 2,954,631.02				TOTAL OF CONST. RELEASES TO DATE: \$ 2,080,325.17			
TYPE OF SECURITY:		RELEASE NO.: 4				CONSTRUCTION ESCROW REMAINING: \$ 579,912.72			
AGREEMENT DATE:		REQUEST DATE: May 2, 2017				TOWNSHIP SECURITY REMAINING: \$ 247,110.90			
						CONSTRUCTION INSPECTION REMAINING: \$ 47,282.22			
						TOTAL ESCROW REMAINING: \$ 874,305.84			
						70%			

ESCROW TABULATION				CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)		ESCROW REMAINING (AFTER CURRENT REQUEST)		PERCENT COMPLETE	
CONSTRUCTION ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	PERCENT
13. STORM MANHOLES	EA	5	\$2,848.00	\$ 14,240.00	\$ -	\$ 14,240.00	0	\$ -	0	\$ -	100%
14. 24" DW ENDWALL	EA	1	\$1,544.00	\$ 1,544.00	\$ -	\$ 1,544.00	0	\$ -	0	\$ -	100%
15. 36" DW ENDWALL	EA	2	\$2,381.00	\$ 4,762.00	\$ -	\$ 4,762.00	0	\$ -	0	\$ -	100%
16. RIP RAP APRONS R3	TN	10	\$30.00	\$ 300.00	\$ -	\$ 300.00	0	\$ -	0	\$ -	100%
17. RIP RAP APRONS R4	TN	54	\$30.00	\$ 1,620.00	\$ -	\$ 1,620.00	0	\$ -	0	\$ -	100%
18. DUAL CULVERT 60' RCP	LF	100	\$331.00	\$ 33,100.00	\$ -	\$ 33,100.00	0	\$ -	0	\$ -	100%
19. CULVERT HWs	LS	1	\$86,390.00	\$ 86,390.00	\$ -	\$ 86,390.00	0	\$ -	0	\$ -	100%
20. CULVERT BYPASS PUMPING	LS	1	\$18,810.00	\$ 18,810.00	\$ -	\$ 18,810.00	0	\$ -	0	\$ -	100%
SUBTOTAL ITEM D				\$ 624,362.56	\$ -		\$ 605,523.36		\$ 18,839.20		97%

G. BASIN											
1. STRIP TOPSOIL	CY	8,040	\$3.10	\$ 24,924.00	\$ -	\$ 24,924.00	0	\$ -	0	\$ -	100%
2. CUT	CY	2,220	\$2.60	\$ 5,772.00	\$ -	\$ 5,772.00	0	\$ -	0	\$ -	100%
3. FILL	CY	15,560	\$1.50	\$ 23,340.00	\$ -	\$ 23,340.00	0	\$ -	0	\$ -	100%
4. GRADING	SF	223200	\$0.03	\$ 6,696.00	\$ -	\$ 6,696.00	0	\$ -	0	\$ -	100%
5. RESPREAD TOPSOIL	CY	6,500	\$3.40	\$ 22,100.00	\$ -	\$ 22,100.00	0	\$ -	0	\$ -	100%
6. SKIMMER	EA	1	\$4,069.00	\$ 4,069.00	\$ -	\$ 4,069.00	0	\$ -	0	\$ -	100%
7. OUTLET STRUCTURE 1.1	EA	1	\$4,243.00	\$ 4,243.00	\$ -	\$ 4,243.00	0	\$ -	0	\$ -	100%
8. 30' RCP PIPE CLASS III	LF	52	\$74.00	\$ 3,848.00	\$ -	\$ 3,848.00	0	\$ -	0	\$ -	100%
9. 30" ENDWALL	EA	1	\$2,240.00	\$ 2,240.00	\$ -	\$ 2,240.00	0	\$ -	0	\$ -	100%
10. ANTI-SEEP COLLAR	EA	2	\$1,085.00	\$ 2,170.00	\$ -	\$ 2,170.00	0	\$ -	0	\$ -	100%
11. TEMP SPILLWAY	SY	550	\$2.80	\$ 1,540.00	\$ -	\$ 1,540.00	0	\$ -	0	\$ -	100%
12. PERM SPILLWAY (CONC. MONOSLAB PAVERS)	SY	550	\$40.00	\$ 22,000.00	\$ -	\$ 22,000.00	0	\$ -	0	\$ -	0%
13. BAFFLE	LF	460	\$31.60	\$ 14,536.00	\$ -	\$ 14,536.00	0	\$ -	0	\$ -	100%
14. RAKE, SEED (PERM), & STRAW MULCH	SF	218700	\$0.08	\$ 17,496.00	\$ -	\$ 17,496.00	0	\$ -	0	\$ -	100%
15. RIP RAP APRON R4 @ SPILLWAY	TN	240	\$30.00	\$ 7,200.00	\$ -	\$ 7,200.00	0	\$ -	0	\$ -	100%
16. RIP RAP APRON R4 @ LEVEL SPREADER	TN	120	\$30.00	\$ 3,600.00	\$ -	\$ 3,600.00	0	\$ -	0	\$ -	100%
17. LEVEL SPREADER	CY	24	\$273.00	\$ 6,552.00	\$ -	\$ 6,552.00	0	\$ -	0	\$ -	100%
18. 6" PERFORATED UNDERDRAIN	LF	340	\$15.00	\$ 5,100.00	\$ -	\$ 5,100.00	0	\$ -	0	\$ -	0%
SUBTOTAL ITEM G				\$ 177,426.00	\$ -		\$ 150,326.00		\$ 27,100.00		85%

K. PAVING & CURBING											
1. FINE GRADE	SY	15,177	\$1.17	\$ 17,757.09	2,375	\$ 2,778.75	12,802	\$ 14,978.34	2,375	\$ 2,778.75	84%
2. 5" 2A MODIFIED	SY	15,177	\$5.75	\$ 87,267.75	2,375	\$ 13,656.25	12,802	\$ 73,611.50	2,375	\$ 13,656.25	84%
3. 3" 19MM BINDER	SY	15,177	\$11.45	\$ 173,776.65	2,375	\$ 27,193.75	12,802	\$ 146,582.90	2,375	\$ 27,193.75	84%
4. CLEAN & TACK	SY	15,177	\$0.50	\$ 7,588.50	\$ -	\$ -	\$ -	\$ -	15,177	\$ 7,588.50	0%
5. 1.5" 9.5MM WEARING	SY	15,177	\$6.60	\$ 100,168.20	\$ -	\$ -	\$ -	\$ -	15,177	\$ 100,168.20	0%
6. BELGIAN BLOCK	LF	8,810	\$16.40	\$ 144,484.00	3,021	\$ 49,544.40	8,810	\$ 144,484.00	0	\$ -	100%
7. 6' asphalt Trail ONSITE	LF	1,870	\$24.37	\$ 45,571.90	\$ -	\$ -	1,247	\$ 30,389.39	623	\$ 15,182.51	67%
8. 6' asphalt Trail OFFSITE	LF	1,640	\$45.21	\$ 74,144.40	\$ -	\$ -	\$ -	\$ -	1,640	\$ 74,144.40	0%
9. Concrete Sidewalk	SF	12,300	\$4.00	\$ 49,200.00	\$ -	\$ -	\$ -	\$ -	12,300	\$ 49,200.00	0%
SUBTOTAL ITEM K				\$ 699,958.49	\$ 93,173.15		\$ 410,046.13		\$ 289,912.36		59%

ESCROW STATUS REPORT

GILMORE & ASSOCIATES, INC.
184 WEST MAIN STREET
SUITE 300
TRAPPE, PA 19426

SUMMARY OF ESCROW ACCOUNT										AMOUNT OF CURRENT CONST. RELEASE: \$ 30,889.25								
TOTAL CONSTRUCTION (100%) = \$ 2,471,109.01 TOWNSHIP SECURITY (10%) = \$ 247,110.90 CONSTRUCTION INSPECTION \$ 236,411.11 GRAND TOTAL ESCROWED = \$ 2,954,631.02										AMOUNT OF CURRENT RETAINAGE/SECURITY RELEASE (10%) \$ AMOUNT OF BUILDERS CONTINGENCY RELEASE (5%) \$ 23,641.11 AMOUNT OF CURRENT TOTAL RELEASE: \$ 54,530.36 TOTAL OF CONST. RELEASES TO DATE: \$ 2,080,325.17 CONSTRUCTION ESCROW REMAINING: \$ 579,912.72 TOWNSHIP SECURITY REMAINING: \$ 247,110.90 CONSTRUCTION INSPECTION REMAINING: \$ 47,282.22 TOTAL ESCROW REMAINING: \$ 874,305.84 70%								
RELEASE NO.: 4 REQUEST DATE: May 2, 2017																		
ESCROW TABULATION																		
CONSTRUCTION ITEMS					UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT		CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)		ESCROW REMAINING (AFTER CURRENT REQUEST)		PERCENT COMPLETE		
L. SURVEYING																		
1. CONSTRUCTION STAKING	LS	1	\$56,050.00	\$	56,050.00	0.10	\$	5,605.00		0.85	\$	47,642.50	0	\$	8,407.50	85%		
2. MONUMENTS	EA	61	\$94.75	\$	5,780.00		\$	-			\$	-	61	\$	5,780.00	0%		
3. AS-BUILT	LS	1	\$10,700.00	\$	10,700.00		\$	-			\$	-	1	\$	10,700.00	0%		
SUBTOTAL ITEM L				\$	72,530.00		\$	5,605.00			\$	47,642.50		\$	24,887.50	66%		
M LANDSCAPING																		
1. PERIMETER BUFFER PLANTINGS	EA	226	\$116.08	\$	26,234.00		\$	-			\$	-	226	\$	26,234.00	0%		
2. STREET TREES	EA	167	\$304.44	\$	50,841.52		\$	-			\$	-	167	\$	50,841.52	0%		
3. RIPARIAN FOREST PLANTINGS (ZONES 1 & 2)	EA	436	\$58.95	\$	25,703.80		\$	-			\$	-	436	\$	25,703.80	0%		
4. RIPARIAN FOREST SEED (ERNST 178)	SF	51,135	\$0.08	\$	4,218.64		\$	-			\$	-	51,135	\$	4,218.64	0%		
SUBTOTAL ITEM M				\$	106,997.96		\$	-			\$	-		\$	106,997.96	0%		
N. MISCELLANEOUS																		
1. RETAINING WALL @ LOTS 3-6	SF	1,143	\$21.99	\$	25,140.00		\$	-	1,143	\$	25,140.00	0	\$	-	100%			
2. RETAINING WALL @ LOT 14	SF	1,140	\$22.05	\$	25,140.00	1,140	\$	25,140.00	1,140	\$	25,140.00	0	\$	-	100%			
3. RETAINING WALL @ BASIN	SF	3,236	\$21.40	\$	69,240.00		\$	-	3,236	\$	69,240.00	0	\$	-	100%			
4. RETAINING WALL @ LCR	SF	207	\$28.90	\$	5,982.00		\$	-	207	\$	5,982.00	0	\$	-	100%			
5. INSPECTIONS & CERTIFICATIONS @ ALL WALLS	LS	1	\$6,647.00	\$	6,647.00	0.25	\$	1,661.75	1.00	\$	6,647.00	0	\$	-	100%			
6. SLEEVES @ ALL WALLS	LS	1	\$16,350.00	\$	16,350.00	0.25	\$	4,087.50	1.00	\$	16,350.00	0	\$	-	100%			
7. STREET LIGHTS	EA	7	\$3,500.00	\$	24,500.00		\$	-	4	\$	14,000.00	3	\$	10,500.00	57%			
8. ADA Ped. Ramp w/ Truncated Domes	EA	10	\$1,000.00	\$	10,000.00		\$	-		\$	-	10	\$	10,000.00	0%			
9. Signs	EA	38	\$200.00	\$	7,600.00		\$	-		\$	15.00	\$	3,000.00	23	\$	4,600.00	39%	
10. Pavement Markings	LS	1	\$5,000.00	\$	5,000.00		\$	-		\$	-	1	\$	5,000.00	0%			
11. Tot Lot	LS	1	\$50,000.00	\$	50,000.00		\$	-		\$	-	1	\$	50,000.00	0%			
12. Basin Fencing (4' High Split Rail)	LF	1,330	\$5.00	\$	6,650.00		\$	-	997.5	\$	4,987.50	333	\$	1,662.50	75%			
SUBTOTAL ITEM N.				\$	252,249.00		\$	30,889.25			\$	170,486.50		\$	81,762.50	68%		
TOTAL IMPROVEMENTS - ITEMS A-N							\$	2,471,109.01		\$	136,281.65		\$	1,891,196.29		\$	579,912.72	77%
O. TOWNSHIP SECURITY (10%)				\$	247,110.90		\$	-		\$	-	1	\$	247,110.90		0%		
P. CONSTRUCTION INSPECTION				\$	236,411.11	0.1	\$	23,641.11	0.80	\$	189,128.88	\$ 0.20	\$	47,282.22		80%		
NET CONSTRUCTION RELEASE				\$	2,954,631.02		\$	159,922.76		\$	2,080,325.17		\$	874,305.84		70%		
SURETY AMOUNT				\$	2,954,631.02		\$	159,922.76		\$	2,080,325.17		\$	874,305.84		70%		



*Paving the Way
for America's Luxury
Homebuilder*

May 2, 2017

Upper Uwchlan Township
Board of Supervisors
140 Pottstown Pike
Chester Springs, PA 19425

Via E-Mail

Re: Performance Surety Bond #82398033 & Surety Reduction Request No. 4

Dear Board Members,

Toll Brothers, Inc. posted the aforementioned financial instrument to ensure the completion of the proposed site improvements at Reserve @ Chester Springs. Toll Brothers, Inc. completed \$159,922.76 associated with the completion of the project. Please see the attached escrow spreadsheet for a reconciliation of our progress to date regarding site improvements.

Therefore, pursuant to the "Pennsylvania Municipalities Planning Code" Section 509 (j) and Act 154 of 2012, please kindly process Toll Brothers, Inc.'s Surety Reduction Request No. 4, in the amount of \$159,922.76.

I thank the board in advance of your consideration of this matter and await word of your confirmation of this request. Please direct follow up correspondence to my attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "J ~ K ~ H".

Justin K Hunt
Land Development Manager

CC:

Cary Vargo, Upper Uwchlan Township (via E-Mail)
David Leh, Gilmore & Associates, Inc. (via E-Mail)
Michael Downs, P.E., TBI (via E-Mail)
Gary Chase, TBI (via E-Mail)
Christopher Kopitsky, TBI (via E-Mail)
Sarah Smith, TBI (via E-Mail)

ESCROW STATUS REPORT

GILMORE & ASSOCIATES, INC.
184 WEST MAIN STREET
SUITE 300
TRAPPE, PA 19426

PROJECT NAME: RESERVE @ CHESTER SPRINGS

PROJECT NUMBER: 11-11049T

PROJECT SPONSOR: ESE
MUNICIPALITY: UPPER UWCHLAN TOWNSHIPESCROW AGENT:
TYPE OF SECURITY:
AGREEMENT DATE:

SUMMARY OF ESCROW ACCOUNT

TOTAL CONSTRUCTION (100%) = \$ 2,471,109.01
TOWNSHIP SECURITY (10%) = \$ 247,110.90
CONSTRUCTION INSPECTION \$ 236,411.11
GRAND TOTAL ESCROWED = \$ 2,954,631.02

RELEASE NO.: 4
REQUEST DATE: May 2, 2017

AMOUNT OF CURRENT CONST. RELEASE: \$ 136,281.65
AMOUNT OF CURRENT RETAINAGE/SECURITY RELEASE (10%): \$ -
CONSTRUCTION INSPECTION REMAINING: \$ 23,641.11
AMOUNT OF CURRENT TOTAL RELEASE: \$ 159,922.76
TOTAL OF CONST. RELEASES TO DATE: \$ 2,092,145.73
CONSTRUCTION ESCROW REMAINING: \$ 579,912.72
TOWNSHIP SECURITY REMAINING: \$ 247,110.90
CONSTRUCTION INSPECTION REMAINING: \$ 35,461.67
TOTAL ESCROW REMAINING: \$ 862,485.29
71%

ESCROW TABULATION				CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)		ESCROW REMAINING (AFTER CURRENT REQUEST)		PERCENT COMPLETE	
CONSTRUCTION ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	PERCENT

A. CLEARING & GRUBBING

1. CLEARING AND GRUBBING	LS	1	\$ 37,088.00	\$ 37,088.00	\$ -	1.00	\$ 37,088.00	0	\$ -	100%
SUBTOTAL ITEM A			\$ 37,088.00	\$ -	\$ -	\$ 37,088.00		\$ -	\$ -	100%

B. E&S CONTROL

1. CONSTRUCTION ENTRANCES	SY	800	\$ 10.10	\$ 8,080.00	\$ -	800.00	\$ 8,080.00	0	\$ -	100%
2. 12' SILT SOCK	LF	260	\$ 4.00	\$ 1,040.00	\$ -	260.00	\$ 1,040.00	0	\$ -	100%
3. 24' SILT SOCK	LF	3,400	\$ 9.70	\$ 32,980.00	\$ -	3400.00	\$ 32,980.00	0	\$ -	100%
4. TREE PROTECTION FENCE / LOD	LF	1,250	\$ 2.20	\$ 2,750.00	\$ -	1250.00	\$ 2,750.00	0	\$ -	100%
5. INLET PROTECTION	EA	2	\$ 125.00	\$ 250.00	\$ -	2.00	\$ 250.00	0	\$ -	100%
6. TEMP SWALES	LS	1	\$ 11,472.00	\$ 11,472.00	\$ -	1.00	\$ 11,472.00	0	\$ -	100%
7. TEMP PIPE	LS	1	\$ 7,630.00	\$ 7,630.00	\$ -	1.00	\$ 7,630.00	0	\$ -	100%
8. TEMP SEED & MULCH	SF	881,900	\$ 0.05	\$ 44,095.00	132285.00	\$ 6,614.25	\$ 881900.00	\$ 0	\$ -	100%
9. EROSION CONTROL BLANKET (NAGS75 3:1 slopes)	SY	3,200	\$ 2.00	\$ 6,400.00	\$ -	3200.00	\$ 6,400.00	0	\$ -	100%
SUBTOTAL ITEM B			\$ 114,697.00	\$ -	\$ 6,614.25	\$ -	\$ 114,697.00	\$ -	\$ -	100%

C. EARTHWORK

1. STRIP TOPSOIL	CY	34,480	\$ 3.10	\$ 106,888.00	\$ -	34480.00	\$ 106,888.00	0	\$ -	100%
2. CUT	CY	53,400	\$ 2.60	\$ 138,840.00	\$ -	53400.00	\$ 138,840.00	0	\$ -	100%
3. FILL	CY	68,200	\$ 1.50	\$ 102,300.00	\$ -	55920.00	\$ 83,880.00	12,280	\$ 18,420.00	82%
4. RETURN TOPSOIL	CY	9,240	\$ 3.40	\$ 31,416.00	\$ -	7582.00	\$ 25,778.80	1,658	\$ 5,637.20	82%
5. PERM SEED & MATTING	SY	4,540	\$ 1.40	\$ 6,356.00	\$ -	\$ -	\$ -	4,540	\$ 6,356.00	0%
SUBTOTAL ITEM C			\$ 385,800.00	\$ -	\$ -	\$ 355,386.80		\$ -	\$ 30,413.20	92%

D. STORM SEWER

1. 15" RCP PIPE	LF	3020	\$ 25.31	\$ 76,436.20	\$ -	2800.00	\$ 70,868.00	220	\$ 5,568.20	93%
2. 18" RCP PIPE	LF	814	\$ 30.46	\$ 24,794.44	\$ -	814.00	\$ 24,794.44	0	\$ -	100%
3. 24" RCP PIPE	LF	1121	\$ 37.59	\$ 42,138.39	\$ -	1121.00	\$ 42,138.39	0	\$ -	100%
4. 30" RCP PIPE	LF	601	\$ 48.34	\$ 29,052.34	\$ -	601.00	\$ 29,052.34	0	\$ -	100%
5. 36" RCP PIPE	LF	857	\$ 63.18	\$ 54,145.26	\$ -	857.00	\$ 54,145.26	0	\$ -	100%
6. STONE BEDDING	TON	4850	\$12.50	\$ 60,625.00	\$ -	4650.00	\$ 58,125.00	200	\$ 2,500.00	96%
7. 2x4' INLETS	EA	2	\$ 2,454.50	\$ 4,908.00	\$ -	\$ -	\$ -	2	\$ 4,909.00	0%
8. TYPE C INLET	EA	37	\$ 1,966.24	\$ 72,750.88	\$ -	37.00	\$ 72,750.88	0	\$ -	100%
9. TYPE C MODIFIED INLET	EA	17	\$ 3,140.65	\$ 53,391.05	\$ -	17.00	\$ 53,391.05	0	\$ -	100%
10. TYPE M INLET	EA	13	\$ 1,954.00	\$ 25,402.00	\$ -	10.00	\$ 19,540.00	3	\$ 5,862.00	77%
11. TYPE M MODIFIED INLET	EA	2	\$ 2,777.00	\$ 5,554.00	\$ -	2.00	\$ 5,554.00	0	\$ -	100%
12. TYPE C DOUBLE INLETS	EA	4	\$ 3,599.50	\$ 14,398.00	\$ -	4.00	\$ 14,398.00	0	\$ -	100%

ESCROW STATUS REPORT

GILMORE & ASSOCIATES, INC.
184 WEST MAIN STREET
SUITE 300
TRAPPE, PA 19426

PROJECT NAME: RESERVE @ CHESTER SPRINGS

PROJECT NUMBER: 11-11049T

PROJECT SPONSOR: ESE
MUNICIPALITY: UPPER UWCHLAN TOWNSHIPESCROW AGENT:
TYPE OF SECURITY:
AGREEMENT DATE:

SUMMARY OF ESCROW ACCOUNT

TOTAL CONSTRUCTION (100%) = \$ 2,471,109.01
TOWNSHIP SECURITY (10%) = \$ 247,110.90
CONSTRUCTION INSPECTION \$ 236,411.11

GRAND TOTAL ESCROWED = \$ 2,954,631.02

AMOUNT OF CURRENT CONST. RELEASE: \$ 136,281.65
AMOUNT OF CURRENT RETAINAGE/SECURITY RELEASE (10%): \$ -
CONSTRUCTION INSPECTION REMAINING: \$ 23,641.11
AMOUNT OF CURRENT TOTAL RELEASE: \$ 159,922.76

TOTAL OF CONST. RELEASES TO DATE: \$ 2,092,145.73
CONSTRUCTION ESCROW REMAINING: \$ 579,912.72

TOWNSHIP SECURITY REMAINING: \$ 247,110.90
CONSTRUCTION INSPECTION REMAINING: \$ 35,461.67

TOTAL ESCROW REMAINING: \$ 862,485.29
71%

RELEASE NO.: 4
REQUEST DATE: May 2, 2017

ESCROW TABULATION				CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)		ESCROW REMAINING (AFTER CURRENT REQUEST)		PERCENT COMPLETE	
CONSTRUCTION ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	PERCENT
13. STORM MANHOLES	EA	5	\$2,848.00	\$ 14,240.00	\$	-	5.00	\$ 14,240.00	0	\$ -	100%
14. 24" DW ENDWALL	EA	1	\$1,544.00	\$ 1,544.00	\$	-	1.00	\$ 1,544.00	0	\$ -	100%
15. 36" DW ENDWALL	EA	2	\$2,361.00	\$ 4,722.00	\$	-	2.00	\$ 4,722.00	0	\$ -	100%
16. RIP RAP APRONS R3	TN	10	\$30.00	\$ 300.00	\$	-	10.00	\$ 300.00	0	\$ -	100%
17. RIP RAP APRONS R4	TN	54	\$30.00	\$ 1,620.00	\$	-	54.00	\$ 1,620.00	0	\$ -	100%
18. DUAL CULVERT 60" RCP	LF	100	\$31.00	\$ 3,100.00	\$	-	100.00	\$ 3,100.00	0	\$ -	100%
19. CULVERT HWs	LS	1	\$66,390.00	\$ 66,390.00	\$	-	1.00	\$ 66,390.00	0	\$ -	100%
20. CULVERT BYPASS PUMPING	LS	1	\$18,810.00	\$ 18,810.00	\$	-	1.00	\$ 18,810.00	0	\$ -	100%
SUBTOTAL ITEM D				\$ 624,362.66	\$	-		\$ 605,523.86		\$ 18,839.20	97%

G. BASIN

1. STRIP TOPSOIL	CY	8,040	\$3.10	\$ 24,924.00	\$	-	8040.00	\$ 24,924.00	0	\$ -	100%
2. CUT	CY	2,220	\$2.60	\$ 5,772.00	\$	-	2220.00	\$ 5,772.00	0	\$ -	100%
3. FILL	CY	15,560	\$1.50	\$ 23,340.00	\$	-	15560.00	\$ 23,340.00	0	\$ -	100%
4. GRADING	SF	223200	\$0.03	\$ 6,696.00	\$	-	223200.00	\$ 6,696.00	0	\$ -	100%
5. RESPREAD TOPSOIL	CY	6,500	\$3.40	\$ 22,100.00	\$	-	6500.00	\$ 22,100.00	0	\$ -	100%
6. SKIMMER	EA	1	\$4,069.00	\$ 4,069.00	\$	-	1.00	\$ 4,069.00	0	\$ -	100%
7. OUTLET STRUCTURE 1.1	EA	1	\$4,243.00	\$ 4,243.00	\$	-	1.00	\$ 4,243.00	0	\$ -	100%
8. 30" RCP PIPE CLASS III	LF	52	\$74.00	\$ 3,848.00	\$	-	52.00	\$ 3,848.00	0	\$ -	100%
9. 30" ENDWALL	EA	1	\$2,240.00	\$ 2,240.00	\$	-	1.00	\$ 2,240.00	0	\$ -	100%
10. ANTI-SEEP COLLAR	EA	2	\$1,085.00	\$ 2,170.00	\$	-	2.00	\$ 2,170.00	0	\$ -	100%
11. TEMP SPILLWAY	SY	550	\$2.60	\$ 1,540.00	\$	-	550.00	\$ 1,540.00	0	\$ -	100%
12. PERM SPILLWAY (CONC. MONOSLAB PAVERS)	SY	550	\$40.00	\$ 22,000.00	\$	-	"	"	550	\$ 22,000.00	0%
13. BAFFLE	LF	460	\$31.60	\$ 14,536.00	\$	-	460.00	\$ 14,536.00	0	\$ -	100%
14. RAKE, SEED, (PERM), & STRAW MULCH	SF	218700	\$0.08	\$ 17,496.00	\$	-	218700.00	\$ 17,496.00	0	\$ -	100%
15. RIP RAP APRON R4 @ SPILLWAY	TN	240	\$30.00	\$ 7,200.00	\$	-	240.00	\$ 7,200.00	0	\$ -	100%
16. RIP RAP APRON R4 @ LEVEL SPREADER	TN	120	\$30.00	\$ 3,600.00	\$	-	120.00	\$ 3,600.00	0	\$ -	100%
17. LEVEL SPREADER	CY	24	\$273.00	\$ 6,552.00	\$	-	24.00	\$ 6,552.00	0	\$ -	100%
18. 6" PERFORATED UNDERDRAIN	LF	340	\$15.00	\$ 5,100.00	\$	-	"	"	340	\$ 5,100.00	0%
SUBTOTAL ITEM G				\$ 177,426.00	\$	-		\$ 150,326.00		\$ 27,100.00	85%

K. PAVING & CURBING

1. FINE GRADE	SY	15,177	\$1.17	\$ 17,757.09	2375.00	\$ 2,778.75	12802.00	\$ 14,978.34	2,375	\$ 2,778.75	84%
2. 5' 2A MODIFIED	SY	15,177	\$5.75	\$ 87,267.75	2375.00	\$ 13,656.25	12802.00	\$ 73,611.50	2,375	\$ 13,656.25	84%
3. 3" 15MM BINDER	SY	15,177	\$11.45	\$ 173,776.65	2375.00	\$ 27,193.75	12802.00	\$ 146,582.90	2,375	\$ 27,193.75	84%
4. CLEAN & TACK	SY	15,177	\$0.50	\$ 7,588.50	\$	-	\$	-	15,177	\$ 7,588.50	0%
5. 1.5" 9.5MM WEARING	SY	15,177	\$6.60	\$ 100,168.20	\$	-	\$	-	15,177	\$ 100,168.20	0%
6. BELGIAN BLOCK	LF	8,810	\$16.40	\$ 144,484.00	3021.00	\$ 49,544.40	8810.00	\$ 144,484.00	0	\$ -	100%
7. 6' asphalt Trail ONSITE	LF	1,870	\$24.37	\$ 45,571.80	\$	-	1247.00	\$ 30,389.39	623	\$ 15,182.51	67%
8. 6' asphalt Trail OFFSITE	LF	1,640	\$45.21	\$ 74,144.40	\$	-	\$	-	1,640	\$ 74,144.40	0%
9. Concrete Sidewalk	SF	12,300	\$4.00	\$ 49,200.00	\$	-	\$	-	12,300	\$ 49,200.00	0%
SUBTOTAL ITEM K				\$ 699,958.49	\$	93,173.15		\$ 410,046.13		\$ 289,912.36	59%

ESCROW STATUS REPORT

GILMORE & ASSOCIATES, INC.
184 WEST MAIN STREET
SUITE 300
TRAPPE, PA 19426

PROJECT NAME:	RESERVE @ CHESTER SPRINGS	SUMMARY OF ESCROW ACCOUNT				AMOUNT OF CURRENT CONST. RELEASE:	\$ 136,281.65
PROJECT NUMBER:	11-11049T	TOTAL CONSTRUCTION (100%) = \$ 2,471,109.01				AMOUNT OF CURRENT RETAINAGE/SECURITY RELEASE (10%):	\$ -
PROJECT SPONSOR:	ESE	TOWNSHIP SECURITY (10%) = \$ 247,110.90				CONSTRUCTION INSPECTION REMAINING:	\$ 23,641.11
MUNICIPALITY:	UPPER UWCHLAN TOWNSHIP	CONSTRUCTION INSPECTION \$ 236,411.11				AMOUNT OF CURRENT TOTAL RELEASE:	\$ 159,922.76
ESCROW AGENT:		GRAND TOTAL ESCROWED = \$ 2,954,631.02				TOTAL OF CONST. RELEASES TO DATE:	\$ 2,092,145.73
TYPE OF SECURITY:		RELEASE NO.: 4				CONSTRUCTION ESCROW REMAINING:	\$ 579,912.72
AGREEMENT DATE:		REQUEST DATE: May 2, 2017				TOWNSHIP SECURITY REMAINING:	\$ 247,110.90
						CONSTRUCTION INSPECTION REMAINING:	\$ 35,461.67
						TOTAL ESCROW REMAINING:	\$ 862,485.29
							71%

ESCROW TABULATION				CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)		ESCROW REMAINING (AFTER CURRENT REQUEST)		PERCENT COMPLETE		
CONSTRUCTION ITEMS				UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	PERCENT

L. SURVEYING											
1. CONSTRUCTION STAKING	LS	1	\$56,050.00	\$ 56,050.00	0.10	\$ 5,605.00	0.85	\$ 47,642.50	0	\$ 8,407.50	85%
2. MONUMENTS	EA	61	\$94.75	\$ 5,780.00		\$ -		\$ -	61	\$ 5,780.00	0%
3. AS-BUILTS	LS	1	\$10,700.00	\$ 10,700.00		\$ -		\$ -	1	\$ 10,700.00	0%
SUBTOTAL ITEM L			\$ 72,530.00			\$ 5,605.00		\$ 47,642.50		\$ 24,887.50	66%

M LANDSCAPING											
1. PERIMETER BUFFER PLANTINGS	EA	226	\$116.08	\$ 26,234.00		\$ -		\$ -	226	\$ 26,234.00	0%
2. STREET TREES	EA	167	\$304.44	\$ 50,841.52		\$ -		\$ -	167	\$ 50,841.52	0%
3. RIPARIAN FOREST PLANTINGS (ZONES 1 & 2)	EA	436	\$58.95	\$ 25,703.80		\$ -		\$ -	436	\$ 25,703.80	0%
4. RIPARIAN FOREST SEED (ERNST 178)	SF	51,135	\$0.08	\$ 4,218.64		\$ -		\$ -	51,135	\$ 4,218.64	0%
SUBTOTAL ITEM M			\$ 106,997.96			\$ -		\$ -		\$ 106,997.96	0%

N. MISCELLANEOUS											
1. RETAINING WALL @ LOTS 3-6	SF	1,143	\$21.99	\$ 25,140.00		\$ -	1143.00	\$ 25,140.00	0	\$ -	100%
2. RETAINING WALL @ LOT 14	SF	1,140	\$22.05	\$ 25,140.00	1140.00	\$ 25,140.00	1140.00	\$ 25,140.00	0	\$ -	100%
3. RETAINING WALL @ BASIN	SF	3,236	\$21.40	\$ 69,240.00		\$ -	3236.00	\$ 69,240.00	0	\$ -	100%
4. RETAINING WALL @ LCR	SF	207	\$28.90	\$ 5,982.00		\$ -	207.00	\$ 5,982.00	0	\$ -	100%
5. INSPECTIONS & CERTIFICATIONS @ ALL WALLS	LS	1	\$6,647.00	\$ 6,647.00	0.25	\$ 1,661.75	1.00	\$ 6,647.00	0	\$ -	100%
6. SLEEVES @ ALL WALLS	LS	1	\$16,350.00	\$ 16,350.00	0.25	\$ 4,087.50	1.00	\$ 16,350.00	0	\$ -	100%
7. STREET LIGHTS	EA	7	\$3,500.00	\$ 24,500.00		\$ -	4.00	\$ 14,000.00	3	\$ 10,500.00	57%
8. ADA Ped. Ramp w/ Truncated Domes	EA	10	\$ 1,000.00	\$ 10,000.00		\$ -		\$ -	10	\$ 10,000.00	0%
9. Signs	EA	38	\$ 200.00	\$ 7,600.00		\$ -	15.00	\$ 3,000.00	23	\$ 4,600.00	39%
10. Pavement Markings	LS	1	\$ 5,000.00	\$ 5,000.00		\$ -		\$ -	1	\$ 5,000.00	0%
11. Tot Lot	LS	1	\$ 50,000.00	\$ 50,000.00		\$ -		\$ -	1	\$ 50,000.00	0%
12. Basin Fencing (4' High Split Rail)	LF	1,330	\$ 5.00	\$ 6,650.00		\$ -	997.50	\$ 4,987.50	333	\$ 1,662.50	75%
SUBTOTAL ITEM N.			\$ 252,249.00			\$ 30,889.25		\$ 170,486.50		\$ 81,762.50	68%

TOTAL IMPROVEMENTS - ITEMS A-N			\$ 2,471,109.01		\$ 136,281.65		\$ 1,891,196.29		\$ 579,912.72		77%
O. TOWNSHIP SECURITY (10%)			\$ 247,110.90		\$ -		\$ -		\$ 247,110.90		0%
P. CONSTRUCTION INSPECTION			\$ 236,411.11	0.10	\$ 23,641.11	0.85	\$ 200,949.44		\$ 35,461.67		85%

NET CONSTRUCTION RELEASE			\$ 2,954,631.02		\$ 159,922.76		\$ 2,092,145.73		\$ 862,485.29		71%
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SURETY AMOUNT			\$ 2,954,631.02		\$ 159,922.76		\$ 2,092,145.73		\$ 862,485.29		71%
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JLH

ESCROW STATUS REPORT						GILMORE & ASSOCIATES, INC. 184 WEST MAIN STREET SUITE 300 TRAPPE, PA 19426			
PROJECT NAME:	RESERVE @ CHESTER SPRINGS						AMOUNT OF CURRENT CONST. RELEASE:	\$ 136,281.65	
PROJECT NUMBER:	11-11049T						AMOUNT OF CURRENT RETAINAGE/SECURITY RELEASE (10%):	\$ -	
PROJECT SPONSOR:	ESE						CONSTRUCTION INSPECTION REMAINING:	\$ 23,641.11	
MUNICIPALITY:	UPPER UWCHLAN TOWNSHIP						AMOUNT OF CURRENT TOTAL RELEASE:	\$ 159,922.76	
ESCROW AGENT:							TOTAL OF CONST. RELEASES TO DATE:	\$ 2,092,145.73	
TYPE OF SECURITY:							CONSTRUCTION ESCROW REMAINING:	\$ 579,912.72	
AGREEMENT DATE:							TOWNSHIP SECURITY REMAINING:	\$ 247,110.90	
							CONSTRUCTION INSPECTION REMAINING:	\$ 35,461.67	
							TOTAL ESCROW REMAINING:	\$ 862,485.29	
							71%		
ESCROW TABULATION				CURRENT ESCROW RELEASE		ESCROW RELEASED TO DATE (INCLUDES CURRENT REQUEST)	ESCROW REMAINING (AFTER CURRENT REQUEST)	PERCENT COMPLETE	
CONSTRUCTION ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	QUANTITY	TOTAL AMOUNT	PERCENT

SUBMITTED:

TOLL BROTHERS, INC.



5/2/17

DATE

RECOMMENDED FOR RELEASE:

GILMORE AND ASSOCIATES, INC.

DATE

APPROVED:

UPPER UWCHLAN TOWNSHIP

DATE



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: The Board of Supervisors

FROM: Cary B. Vargo
Township Manager

RE: Marsh Lea – Preliminary / Final Subdivision - Land Development Plan

DATE: May 10, 2017

The Board is requested to review the above referenced Subdivision - Land Development plan and if possible grant **Preliminary / Final Plan Approval**.

Key Points:

- Conditional Use approval was granted for Steep Slope Encroachment on February 21, 2017
- All lots will be serviced by on lot water and sewer.
- Stormwater Management – Stormwater will be handled via one large underground detention basin, a rain garden, as well as on lot infiltration beds on several of the lots.
- Upper Uwchlan will maintain the entire new road, including the portion which is located in Wallace Township.
- Five (5) waivers are requested for matters regarding road width, sidewalk, and stormwater management.

The Planning Commission recommended granting Preliminary / Final Approval at their April 13, 2017 meeting.

Attachments:

Gilmore & Assoc., Inc. Land Development letter, dated April 11, 2017 Plan
(Last revised 2/9/17)



UPPER UWCHLAN TOWNSHIP
MOTION

The Board of Supervisors of Upper Uwchlan Township at their May 15th , 2017 meeting hereby grant **Preliminary / Final Subdivision / Land Development Approval** of a plan prepared by E.B. Walsh & Assoc., Inc. titled, "Marsh Lea Subdivision" dated April 17, 2017 and last revised February 9, 2017.

The following conditions accompany the approval:

1. The applicant shall adhere to all conditions and requirements set forth in the February 21, 2017 Conditional Use Decision & Order.
2. The plans shall be revised to address the comments raised in the April 11, 2017 Gilmore & Associates, Inc. review letter.
3. A waiver is hereby granted from Subdivision / Land Development Ordinance Section 162-28.A. to permit a 28' wide cartway in lieu of the required 32' wide width with the condition no parking will be permitted along the street.
4. A waiver is hereby granted from Subdivision / Land Development Ordinance Section 162-38.C.5 to permit driveways, with slopes greater than eight (8) percent, without providing a parking space within the right-of-way.
5. A waiver is hereby granted from Subdivision / Land Development Ordinance Section 162-41 to not provide sidewalk on both sides of the street.
6. A waiver is hereby granted from Subdivision / Land Development Ordinance Section 162-46.A(5) to allow the lot depth to be greater than 3 times the lot width for Lot 23.
7. A waiver is hereby granted from Storm Water Management Ordinance Section 310.B to permit less than one foot of freeboard shall be provided between the 100-year water surface elevation and the top of embankment.
8. The Applicant shall obtain a Highway Occupancy Permit from Pa-DOT for the proposed accesses to Little Conestoga Road.
9. The Applicant shall obtain all applicable permits from The Chester County Conservation District and Pa-DEP.
10. The applicant shall work with Wallace Township, The Brandywine Trail Club, and Marsh Creek State Park to provide a connection to the existing trail system located along the south side of the property.
11. A Traffic Impact Fee shall be paid in the amount of \$74,688. The fee shall be paid prior to the issuance of the first building permit.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

April 11, 2017

File No. 03-0545T

Mr. Cary B. Vargo
Upper Uwchlan Township Manager
140 Pottstown Pike
Chester Springs, PA 19425

Reference: Marsh Lea Subdivision (a.k.a Popjoy Tract)
Preliminary/Final Subdivision and Land Development Review
Upper Uwchlan Township, Chester County, PA

Dear Cary:

Gilmore & Associates, Inc. (G&A) is in receipt of the following documents:

- Plan set consisting of twenty-two (22) sheets titled "Preliminary/Final Marsh Lea Subdivision" prepared by Edward B. Walsh & Associates, Inc., dated April 17, 2016, last revised 2/9/17.
- Post-Construction Stormwater Management Report and Narrative for Marsh Lea Subdivision, prepared by Edward B. Walsh & Associates, Inc., dated August 15, 2016, last revised February 23, 2017.
- Response letter prepared by Edward B. Walsh & Associates, Inc., dated March 6, 2017.

G&A, along with the other Township Consultants, have completed our second review of the above referenced Preliminary/Final Subdivision Application for compliance with the applicable sections of the Township's Zoning Ordinance, Subdivision and Land Development Ordinance, and Stormwater Management Ordinance and wish to submit the following comments for your consideration.

Conditional uses which have been granted are designated with a "(CU)" before the review comment. Waivers requested by the Applicant are designated with a "(RW)" before the comment.

I. OVERVIEW

The subject tract is located along Little Conestoga Road and is situated in both Upper Uwchlan Township and Wallace Township. The tract is approximately 46.1 acres in size (approximately 31.6 acres in Upper Uwchlan Township and approximately 14.5 acres in Wallace Township) and is located in the R-2 (Residential) District. A total of 21 lots each greater than 1 acre are proposed in Upper Uwchlan Township and 6 lots in Wallace Township. A proposed loop road will provide two (2) ingress and egress points from the site, both are located within Upper Uwchlan Township. A portion of the proposed loop road will be located within Wallace Township. The site is partially located within FEMA Zone A, which are areas inundated by the 100-year storm, but with no base flood elevations.

II. ZONING ORDINANCE REVIEW

- 1. (CU)** *Section 200-107.D(3)(b) – Road A, stormwater management facilities, sewer facilities, and structures are all proposed within the precautionary slopes. Although a conditional use was granted in 2007, the Township Solicitor has determined due to the modifications in the proposed plan, a new conditional use must be sought.*

An updated conditional use was sought and granted by the Board of Supervisors on February 21, 2017.

- 2.** *Section 200-107.D(3)(c) – Provide a calculation of the proposed impervious area within the precautionary slopes compared with the allowable impervious area per lot.*

The Applicant's Engineer has provided a table on sheet 2 of 20 to address this issue, but it does not appear to provide the required information. The column titled "Total Proposed Impervious Coverage" should be removed and replaced with a column Titled "50% of Permitted Impervious coverage". The value in this column should be computed as the total amount of allowable impervious surface permitted on the lot x 50%. Then

it should be confirmed that the value in the "Portion of Impervious in the Steep Slope" is less than that value.

III.

SUBDIVISION & LAND DEVELOPMENT ORDINANCE REVIEW

1. The Applicant has several waiver requests which are summarized below and elsewhere in the letter. We would recommend future submissions provide a waiver request letter summarizing the requests and why they should be considered.
2. (RW) *Section 162-28.A – The Applicant has requested a waiver to allow the cartway width to be 30 feet instead of 32 feet with a reduction of 24 feet in Wallace Township. We would support this waiver request contingent upon the 30 foot cartway width being carried through the Wallace Township portion of the roadway.*
The Applicant has further modified their waiver request to permit a 28 foot cartway in lieu of the required 32 foot cartway. We would continue to support this waiver contingent upon parking being prohibited on both sides of the street. The plan does currently indicate parking will be prohibited on both sides of the street.
3. (RW) *Section 162-38.C.5 – The Applicant has requested a waiver to not provide a parking space outside of the right-of-way for each lot where the driveway exceeds 8%. We support this waiver request contingent upon the Applicant reducing the driveway slope where possible.*
4. (RW) *Section 162-41 – The Applicant has requested a waiver to not provide sidewalk on both sides of the street. It should be noted that the waiver requested on Sheet 1 references Section 162-43 and this should be revised to Section 162-41.*
5. (RW) *Section 162-46.A(5) – The Applicant has requested a waiver to allow the lot depth to be greater than 3 times the lot width for Lot 23; however, the waiver should be revised to also include Lots 12, 13, and 24. We have no technical objection to this waiver request.*

Mr. Cary Vargo
Upper Uwchlan Township Manager
Reference: Marsh Lea Subdivision (a.k.a Popjoy Tract)
Preliminary/Final Subdivision and Land Development Review
Upper Uwchlan Township, Chester County, PA
File No. 03-0545T
April 11, 2017

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The lot configuration has been adjusted such that Lot 23 is the only lot requiring this waiver. We continue to have no technical objection to this waiver request.

IV. STORMWATER MANAGEMENT ORDINANCE REVIEW

1. Section 306.I.2 – *Infiltration testing data shall be provided for Infiltration Bed #1 to support the design infiltration rate used in the calculations.*

The Applicants engineer in his response letter indicates this information has been provided. However, the soils report contained within the storm water management report is the same as was provided previously. Future submissions should indicate where this information can be found.

2. Section 308.A – The peak rate of runoff shall be designed such that the 2-year post-development flow does not exceed the 1-year pre-development flow and the 5-year and 10-year post-development flows do not exceed the 2-year pre-development flow. POI #1 does not meet this requirement. Additionally, the bypass area for the on-lot systems should be combined with the routed flows of the on-lot systems and compared with the pre-developed flows. Justification of the 0.55 acre drainage area and 5 minute pre-development time of concentration shall be provided for the on-lot calculations. Additionally, a table of maximum impervious coverage that each system was designed for shall be provided on the record plan for reference at the time of building permit application.

There is still not enough information contained within the storm water management report to confirm compliance which we will outline below. In addition, it does not appear the requested table of maximum impervious surface coverage has been provided.

3. (RW) Section 310.B – *One foot of freeboard shall be provided between the 100-year water surface elevation and the top of embankment when the spillway is utilized. The level spreader #1 and rain garden 100-year flows both utilize their emergency spillways, but do not provide 1 foot of*

Mr. Cary Vargo
Upper Uwchlan Township Manager
Reference: Marsh Lea Subdivision (a.k.a Popjoy Tract)

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Preliminary/Final Subdivision and Land Development Review
Upper Uwchlan Township, Chester County, PA

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April 11, 2017

freeboard between the 100-year water surface elevation and the top of embankment.

The Applicant has requested a waiver from this requirement. Due to the relatively small scale of these basins and runoff they will contain, we would support the granting of this waiver.

4. **Section 402** – *The stormwater report shall reference the SWM Site Plan and the SWM Site Plan shall reference the storm water report.*

The notes have been added as requested, however, the date on the plan citing the storm water management plan is incorrect and should be revised.

5. **Section 402.F** – *An Operations and Maintenance (O&M) plan and agreement shall be provided, as well as access easements, should access by Upper Uwchlan be required for maintenance of the stormwater management facilities.*

The Applicant's Engineer has acknowledged this requirement and indicated it will provided prior to final plan approval.

6. **Section 701/702/703** – *An O&M Plan and agreement shall be submitted complying with these sections of the ordinance. Easement information shall appear on the plans. In addition, the required certification statements by the Landowner and regarding alterations of the BMPs, as well as that the stormwater management BMP is for stormwater use only. These items are to be recorded once approved and executed.*

The Applicant's Engineer has acknowledged this requirement and indicated it will provided prior to final plan approval.

7. There are several inlets which are proposed to be receiving volumes of runoff beyond their permitted capacity. Additional inlets should be provided to eliminate these occurrences.

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April 11, 2017

8. There are several structure identifiers and terms used in the stormwater management report which were used in the previous design, and are not consistent with the plans. For example, recharge bed, Infiltration, Level Spreader, Level Spreader Berm. The plans and report should be updated to be consistent so it is clear what is being referred to.
9. Information does not appear to be provided in the report indicating how the weighted Runoff Curve Numbers were computed. Future submissions should include this information.
10. The Storm Water Report does indicate the volume of runoff which is required to be infiltrated. However, it is not clear exactly and where that volume is being infiltrated. Future submissions should include this information.
11. The discharge pipe for the infiltration bed located on Lot 17 is proposed to terminate off site to the east on the lands of Marsh Creek State Park. The Applicant should show acknowledgement / approval from both the State Park as well as Pa-DOT for this configuration.
12. The revised stormwater management report did not contain any drainage area maps. While the Post Construction Storm Water Management Plans provide some of the necessary information, they do not provide all that is needed. For instance, drainage areas to Rain Garden # 1, the Infiltration Bed on Lot 17, drainage areas to specific inlets, etc. In addition, none of the pre-developed drainage areas have been provided. Future submissions should include this information.
13. It appears the owner of Lot 17 will be responsible for the maintenance of the Infiltration bed located on their property. This bed will consist of over 900' of 72" diameter piping which serves as a storm water management control for a majority of the proposed roadway as well as for some of the upstream homes. This structure will require regular maintenance and would be quite an onerous undertaking should it ever need repair.

We would recommend that some form of a Home Owners Association be created to fund the maintenance of the basin. In the alternative, a document should be created, more detailed than the Township's standard

Mr. Cary Vargo
Upper Uwchlan Township Manager
Reference: Marsh Lea Subdivision (a.k.a Popjoy Tract)
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Storm Water Operations and Maintenance Agreement, which would need to be executed by the homeowner prior to the issuance of the Use and Occupancy Permit, acknowledging they understand the magnitude of their responsibilities.

V. GENERAL COMMENTS

1. *One of the conditions of preliminary approval for the previous application was that the applicant would work with The Brandywine Trail Club as well as Marsh Creek State Park to improve the existing trail system located along the south side of the property. The Township should confirm they would like this condition carried forward to this application.*
2. **The Postal Service has indicated on recent projects they will no longer be providing door to door mail delivery. The Applicant should contact the Postal Service and determine if that will be the case for this development. If it is, the plans should be revised to indicate where these group mailboxes will be located and provide adequate pull-off space and illumination to support them.**
3. **Isolation distances should be provided for each proposed well location. In addition, approximate locations for proposed septic disposal fields should be provided to confirm there are no conflicts.**
4. **Street trees should be relocated a minimum of 5 feet behind the back of sidewalk to avoid conflicts with the trees root system. In addition, a note should be placed on the plan indicating that the homeowners are responsible for the maintenance of the street trees located along their property frontage.**
5. **Approvals and permits will be required from several agencies for this project including but not limited to, Pa-DOT, Pa-DEP, and the Chester County Conservation District. We would request that the Applicant copy the Township as well as our office on all correspondences with these agencies.**

**VI. TOWNSHIP TRAFFIC CONSULTANT COMMENTS
McMAHON ASSOCIATES, INC.**

1. SALDO Section 162-9.H – The current plan meets the requirements for completion of a traffic impact study. This was discussed during the conditional use review, and we support waiving the traffic impact study. As such, we question whether there needs to be a formal waiver request. However, since the original traffic study is now outdated (as it was previously completed in 2006), an updated traffic study may be required by PennDOT for the Highway Occupancy Permit (HOP) application. We support deferring this requirement to the HOP phase of the project. Any future studies that would be submitted with the HOP application should not require an exhaustive scope, but rather just focus on the accesses only. The Township should be copied on any traffic study that is also required by PennDOT, as well as any and all HOP correspondence with PennDOT.
2. The Township's pedestrian masterplan envisions a side path along the south side of Little Conestoga Road in this area; however, we understand the Planning Commission previously supported providing an easement along Little Conestoga Road for bike and pedestrian use. We are unsure what is involved with this easement, and as such, the plans should clearly depict the details associated with this easement for Township and PennDOT review.
3. ZO Section 200-75.H – Insufficient sight distance information is provided. The applicant's engineer has indicated that the sight distance information has been provided on the HOP plan; however, the HOP plan has not been provided to our office for review. The following information must be provided on the HOP plan:
 - a) Please clearly label and dimension the required and available sight distances for vehicles exiting the site looking to the right and left, as well for left-turn vehicles entering the site looking ahead and behind at both site access locations.
 - b) The plan indicates vegetation clearing is needed, and therefore, this sight distance information should be presented in plan view, with clear indication of any clearing or other sight distance improvements.

- c) A speed study should be completed along Little Conestoga Road to verify the PennDOT required sight distances.
- d) A PennDOT style sight distance note should be added to the plans indicating the required sight distance criteria.

4. SALDO Section 162-28.E – It appears that a half width ultimate right-of-way of 30 feet from the centerline is provided along the Little Conestoga Road (S.R. 4016) site frontage. The plans should be revised to clearly label the existing legal right-of-way and the proposed ultimate right-of-way. In addition, note 13 on sheet 1 should be revised to read “The proposed ultimate right-of-way along Little Conestoga Road is offered for dedication to PennDOT or Upper Uwchlan/Wallace Township in perpetuity at no cost. The right-of-way of the proposed roads in the subdivision...”

5. SALDO Section 162-28.E – Little Conestoga Road provides an 11-foot eastbound lane with a one-foot shoulder along the western property frontage, and an 11-foot lane with a three-foot shoulder along the eastern property frontage, which does not meet Township standards for a major collector street, which requires a 12-foot lane and a four-foot shoulder. As such, in conjunction with the access improvements, it is recommended the applicant widen Little Conestoga Road along the entire site frontage to provide a total width of at least 16 feet from the road centerline. This widening should be discussed with PennDOT during the HOP process.

6. SALDO Section 162-30.C – The vertical sag curves on Road A located at approximately Station 1+30, Station 16+70, Station 27+50, and Station 31+00 do not meet the required headlight sight distance of 200 feet. A calculated K-value of 36.4 should be used for the design of these curves.

7. SALDO Section 162-40.A – The applicant and the applicant’s engineer should ensure that all proposed pedestrian facilities within the site and within the public right-of-way (including curb ramps and pedestrian access routes) shall be constructed in accordance with the requirements of the U.S. Access Board, *Public Right-Of-Way Accessibility Guidelines* (PROWAG) of the *Accessibility Guidelines of Buildings and Facilities* (ADAAG), PennDOT Design Manual Part 2, Chapter 6, and PennDOT Standards for Roadway Construction (Publication 72M, RC-67M). In addition, for all curb ramps proposed within the public right-of-way, larger

scale details of all proposed curb ramps should be provided, including separate grading details, and all dimensions for construction, including widths, lengths, and all slopes to assist during construction. All proposed curb ramps should provide labels for the ramp types.

8. A detail of the speed limit sign, including size, should be included in the plan set.
9. It is reminded that since Little Conestoga Road (S.R. 4016) is a State road, both of the access intersections will require a Highway Occupancy Permit (HOP) from PennDOT. The HOP plans should be submitted to the Township for review in conjunction with submission to PennDOT, and the Township should be copied on all correspondence with PennDOT.
10. Chapter 79-7.A – The development is located within the Township's new Act 209 service area, which would typically mean the development is subject to the Township's Transportation Impact Fee. However, although this plan was filed previously, given the age of the prior application, the Township Solicitor should confirm whether this plan is now obligated to pay a fee under Act 209. If obligated, based on the fee of \$2,334 per new weekday afternoon trip, and based on the ITE publication *Trip Generation*, the proposed development generates 32 new trips during the weekday afternoon peak hour, which results in a total Transportation Impact Fee of \$74,688.

VII.

TOWNSHIP PLANNING CONSULTANT COMMENTS
BRANDYWINE CONSERVANCY

1. South of the lots proposed in the Marsh Lea Subdivision, the Brandywine Trail follows the north shore of Marsh Creek Reservoir on lands owned by the State of Pennsylvania. The Brandywine Trail is shown on Map #1 of the Upper Uwchlan Township Community Trail Master Plan (2005), and is an important link to neighborhoods north of the Pennsylvania Turnpike and Milford Road. It is a natural surface footpath that is cleared and marked once or twice a year by volunteers of the Chester County Trail

Club. In an effort to minimize future conflict between lot owners and trail users, we strongly suggest that the Applicant provide potential Marsh Lea purchasers with a map that shows the proximity of the existing Brandywine Trail in relation to Marsh Lea lots.

2. The Community Trail Master Plan (Map #1) envisions a 6' wide asphalt side path on the south side of Little Conestoga Road. The side path would connect trail users to multi-use trails envisioned on Milford and Styer Roads (portions of the Milford Road multi-use trail to be constructed by McKee) and feeds into the core multi-use loop trail. There appears to be sufficient PennDOT right-of-way at the eastern end of Marsh Lea to accommodate an off-road trail along Little Conestoga Road. However, at the western end of the subdivision next to the open space lot (in Wallace Township) there is insufficient right-of-way. The Township should consider whether it would benefit from holding a trail easement in Wallace Township for the purpose of connecting the Upper Uwchlan trail network. If so then:
 - a. The Applicant submits written correspondence to the Township that indicates their intention to negotiate a trail easement with the Township, if requested.
 - b. The Township provides the Applicant with the Township's standard trail easement language;
 - c. The Township works with the Applicant and their legal counsel to craft a trail easement that is acceptable to both the Township and the Applicant;
 - d. The Applicant grants a trail easement of specified width along the open space parcel on Little Conestoga Road that allows Upper Uwchlan Township to construct a multi-use trail within the easement at some undetermined point in the future, at no cost to the Applicant.
3. The plant schedule on Sheet 13 lists planting standards for 1,920 linear feet of Road A. Subdivision and Land Development Ordinance (SALDO) Section 162-57.D(1) also requires minimum planting standards of deciduous trees, evergreen trees and shrubs per 100 linear feet of existing tract boundary, where not coincident with existing or proposed road

Upper Uwchlan Township Manager

Reference: Marsh Lea Subdivision (a.k.a Popjoy Tract)

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Upper Uwchlan Township, Chester County, PA

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April 11, 2017

frontage. The Applicant shall revise the schedule of required plantings and revise the landscape plan accordingly.

4. SALDO Section 162-57.C(3)(b) notes that use of linear measurements of the proposed roadway for purposes of calculation of required plantings is not intended to specify linear arrangement of plantings. Groupings of trees are encouraged in lieu of linear plantings, and would be consistent with the rural context of the property.
5. Several native trees can be used in lieu of Village Green Zelkova (native to Japan, Korea, eastern China and Taiwan). Although Zelkova trees are proposed in Wallace Township, we suggest use of native shade trees listed in the SALDO, Section 162-57.H. Native plants have a much higher habitat value for insects and other wildlife than non-native species and are better suited to succeed in this region. Examples of alternate tree species include scarlet oak, red oak and American basswood.
6. SALDO Section 162-57.B(1) requires that the landscape plan shall be prepared by a qualified landscape architect. The Landscape Plan (Sheets 13 and 14) shall display the seal and signature of the project landscape architect, registered in the state of Pennsylvania.

VIII.

TOWNSHIP SEWER CONSULTANT COMMENTS
ARRO CONSULTING, INC.

1. This subdivision proposes on-lot disposal systems for each of the 27 lots. Sewage Facilities Planning Module (SFFM) Package is ultimately subject to review and approval by PaDEP. We understand the Sewage Facilities Planning Module has been submitted to PaDEP. Any planning approval should be conditioned on receiving the PaDEP approval letter.
2. A copy of the notice and proof of publication needs to be provided for the Township records.

Mr. Cary Vargo

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Upper Uwchlan Township Manager

Reference: Marsh Lea Subdivision (a.k.a Popjoy Tract)

Preliminary/Final Subdivision and Land Development Review

Upper Uwchlan Township, Chester County, PA

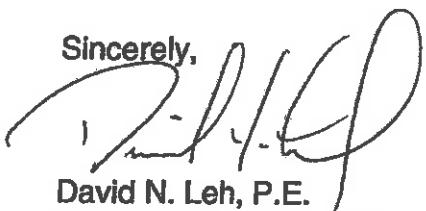
File No. 03-0545T

April 11, 2017

The Applicant should address the above referenced comments as well as any comments from the Planning Commission and Board of Supervisors prior to Preliminary/Final Subdivision and Land Development Approval being considered.

If you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.
Municipal Services Manager
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Planning Commission Members
Upper Uwchlan Township Board of Supervisors
Sheila E. Fleming, ASLA, Brandywine Conservancy (Via e-mail only)
Christopher J. Williams, P.E., McMahon Assoc., Inc. (Via e-mail only)
David Schlott, P.E, ARRO Consulting, Inc. (Via e-mail only)
Craig A. Kologie, AICP, Castle Valley Consultants (Via e-mail only)
Betty Randzin, Wallace Township (Via e-mail only)
Adam Brower, P.E. Edward B. Walsh & Associates, Inc. (Via e-mail only)
T. Richard Moser Land Developers, LP, Applicant (Via e-mail only)

BUCKLEY, BRION, McGUIRE,
& MORRIS LLP
By: KRISTIN S. CAMP, Esquire
Attorney I.D. # 74593
118 West Market Street, Suite 300
West Chester, Pennsylvania 19382
(610) 436-4400

**IN RE: CONDITIONAL USE
APPLICATION OF
T. RICHARD MOSER LAND
DEVELOPERS, LP** : BEFORE THE UPPER UWCHLAN
TOWNSHIP BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA

DECISION AND ORDER

On November 23, 2016, T. Richard Moser Land Developers, LP ("Applicant") filed an application (the "Application") seeking conditional use approval pursuant to Section 200-107.D.(3)(b)[1], [2] & [4] of the Upper Uwchlan Township Zoning Ordinance (the "Ordinance"), to disturb certain areas of precautionary steep slopes in order to install portions of certain dwellings, driveways, roads and utilities within the roads, stormwater management facilities, sanitary sewer systems and grading associated with a proposed residential development.

Applicant is the equitable owner of two tracts of land, totaling approximately 46.1 acres, located in Upper Uwchlan Township and Wallace Township. The tract of land located in Upper Uwchlan Township is identified as Chester County Tax Parcel No. 32-3-37, and consists of approximately 31.6 acres of land (the "Property"). The proposed development which is the subject of the Application is known as "Marsh Lea," previously referred to as the "Popjoy Property". The Property is located east of the Wallace Township border and south of Little Conestoga Road and is located in the R-2

Residential District where single-family detached dwellings are permitted by right pursuant to Section 200-17.A and by reference Section 200-13.A of the Ordinance.

The Board conducted a public hearing on the Application on January 17, 2017 at 7:30 p.m. Applicant appeared at the hearing represented by its counsel, Louis J. Colagreco, Jr., Esquire from Riley Riper Hollin & Colagreco, P.C. The Board was represented by Township Solicitor, Kristin S. Camp, Esquire. Nicholas Romano of 106 Shoreline Drive, Downingtown, was granted party status.

At the conclusion of the hearing, the evidentiary record was closed. Thereafter, at a public meeting on February 21, 2017, the Board voted to approve the Application with the conditions listed herein.

From the testimony and exhibits presented at the hearing, the Board makes the following:

FINDINGS OF FACT

Procedural Requirements and Description of Property

1. All facts set forth in the introductory paragraphs above are incorporated herein by reference and are deemed to be factual findings of the Board.
2. The hearing held on January 17, 2017 was advertised in the *Daily Local News* on January 4, 2017 and January 10, 2017, respectively. See Exhibit B-4.
3. The Property was posted with a copy of the public notice of the January 17, 2017 hearing on December 30, 2016. See Exhibit B-5.
4. Applicant is the equitable owner of the Property pursuant to an Agreement dated January 11, 2017 which was admitted into the record as Exhibit A-4.

5. The Property is owned by the Estate of Emily I. Popjoy, Susanne Murdoch, Sarah P. Styer, Charles T. Popjoy, III, Baldwin H. Popjoy and A. Edward Popjoy (See Exhibit A-4).

6. The Property is located in the R-2 Residential District.

7. The Property is located east of the Wallace Township border and south of Little Conestoga Road.

8. The Property is currently vacant without any buildings or improvements.

9. Applicant seeks conditional use approval pursuant to Section 200-107.D.(3)(b)[1], [2] & [4] of the Ordinance to permit certain dwellings (including wells), driveways, roads and utilities within the roads, stormwater management facilities, sanitary sewer systems and grading associated with the foregoing uses to be located within areas of precautionary slopes on the Property.

10. Applicant proposes to construct a single-family residential community, consisting of twenty-seven (27) dwellings, twenty-one (21) located on the Property and six (6) located in Wallace Township. See Exhibit A-5.

11. The Township Planning Commission reviewed the Application at its meeting on October 13, 2016 and recommended that the conditional use hearings commence and that the Board take into consideration certain suggestions which are set forth in the minutes from that meeting. See Exhibit B-6.

12. The Township Engineer reviewed the Application and submitted comments in a review letter dated January 11, 2017. See Exhibit B-7.

Applicant's Testimony – Theodore Richard Moser, III

13. Theodore Richard Moser, III, the representative of T. Richard Moser Land Developers, LP, testified at the hearing and introduced the Agreement of Sale for the Property to establish standing. See Exhibit A-4.

Applicant's Engineer Testimony – Adam Brower, P.E.

14. Applicant presented the testimony of Adam Brower, P.E., of Edward B. Walsh and Associates, who testified as an expert civil engineer based on the credentials in his C.V. which was admitted as Exhibit A-8.

15. Mr. Brower prepared the conditional use plans that were admitted as Exhibit A-5 and which depicted the proposed residential community to be developed on the Property.

16. Mr. Brower described the topography of the Property using an aerial photograph which was admitted into the record as Exhibit A-7.

17. The Property slopes downward towards the Marsh Creek Lake which is located to the east of the Property.

18. The majority of the Property has slopes with grades of at least 15%.

19. Mr. Brower also prepared the steep slope encroachment plan which depicts in color the following proposed encroachments into the precautionary steep slopes: (i) in light grey- areas of the road system; (ii) in yellow- areas of individual dwellings (including wells); (iii) in dark grey- areas of driveways; (iv) in light blue- areas for storm water management facilities; and (v) in green- areas of proposed grading. See Exhibit A-9.

20. Mr. Brower testified that the Application complies with the criteria in Section 200-107.E.(2)(a) through (h).

21. Mr. Brower also testified that Applicant has minimized the disturbance of the steep slope areas as depicted on Exhibit A-9 by only disturbing areas of precautionary steep slopes necessary to facilitate development of the 21 dwelling units in the Township.

22. Applicant will build walk-out basements on some of the units on the downhill side of the Property in order to minimize earthwork and the disturbance of precautionary steep slopes.

23. Mr. Brower testified that the Application meets the general standards for conditional use set forth in Section 200-117.A through L of the Ordinance.

24. Mr. Brower testified that Applicant will install erosion control devices in order to prevent soil erosion during construction of the proposed dwellings

Exhibits

25. The Board entered the following exhibits, without objection by Applicant or Mr. Romano:

- B-1 Conditional use application dated November 23, 2016
- B-2 Conditional use plans submitted with conditional use application prepared by Edward B. Walsh & Associates, Inc., dated April 17, 2016
- B-3 Proposed architectural rendering of dwelling
- B-4 Proof of publication in *Daily Local News* on January 4, 2017 and January 10, 2017
- B-5 Affidavit of Posting on December 30, 2016
- B-6 Planning Commission recommendation / Meeting Minutes dated October 13, 2016
- B-7 Township Engineer review letter dated January 11, 2017

B-8 Letter dated December 23, 2016 from Louis J. Colagreco, Jr., Esquire, requesting waiver of traffic, recreation, historic resource and fiscal impact analysis

26. Applicant entered the following exhibits without objection by the Township or Mr. Romano:

- A-1 Conditional Use Application dated November 23, 2016 with cover letter dated November 23, 2016 and conceptual architectural elevation
- A-2 Letter dated December 23, 2016 from Louis J. Colagreco, Jr., Esquire to Kristin Camp, Esquire regarding impact statements
- A-3 Upper Uwchlan Township Zoning Ordinance, as amended (*incorporated by reference*)
- A-4 Redacted Agreement of Sale
- A-5 Conditional Use Plan prepared by E.B. Walsh & Associates, Inc.
- A-6 Dwelling photograph/rendering
 - (a) Ashby front façade photograph (1)
 - (b) Ashby front façade photograph (2)
 - (c) Back yard rendering
- A-7 Chester County GIS aerial of property
- A-8 C.V. of Adam Brower, P.E.
- A-9 Steep Slope Encroachment Plan

CONCLUSIONS OF LAW

1. Applicant has standing to file the Application.
2. The conditional use hearing was duly advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code ("MPC") and the Ordinance and the Property was posted in accordance with the requirements of the MPC.
3. The Property is located in the R-2 Residential District.

4. Section 200-107 of the Ordinance identifies the Steep Slope Conservation District as areas of prohibitive slopes (25% or greater) and precautionary slopes (15% to 25%).

5. Disturbance of precautionary steep slopes is permitted by conditional use of the Board pursuant to Section 200-107.D.(3)(b) of the Ordinance.

6. Single-family detached dwellings are permitted in the R-2 District pursuant to Section 200-17.A (which references Section 200-13.A).

7. Sections 200-107.D.(3)(b)[1], [2] and [4] of the Ordinance allow structures permitted by right, special exception or conditional use in the underlying base zoning district, roads necessary to provide primary access to a use permitted in the zoning ordinance, and sanitary or storm sewers in areas of precautionary steep slopes by conditional use of the Board.

8. Subject to Applicant's compliance with the conditions imposed herein by the Board, Applicant has demonstrated compliance with the standards and criteria for disturbing precautionary steep slopes set forth in Section 200-107.E of the Ordinance.

9. Subject to Applicant's compliance with the conditions imposed herein by the Board, Applicant has proven compliance with the objective requirements for conditional use in Section 200-117 of the Ordinance.

DISCUSSION

A conditional use is a use permitted in a particular zoning district pursuant to the provisions in Article VI of the MPC, 53 P.S. §10603. A conditional use concerns only a proposed use of land, not particular design details of the proposed development. *Joseph v. North Whitehall Township Board of Supervisors*, 16 A. 3d 1209 (Pa.Cmwlth.

2011). A conditional use is a special exception which falls within the jurisdiction of the municipal legislative body rather than the zoning hearing board. 53 P.S. §10603(c). *Id.* The municipal legislative body may grant a conditional use pursuant to the express standards and criteria set forth in the zoning ordinance. *Appeal of Richboro CD Partners, L. P.* 89 A3d. 742 (Pa. Cmwlth. 2014). The fact that a use is permitted as a conditional use, rather than prohibited, reflects a legislative decision that the use is not *per se* adverse to the public interest. *Id.* In order to demonstrate that the applicant is entitled to the conditional use, the applicant initially bears the burden of establishing that the application complies with the objective standards and criteria in the zoning ordinance. *Id.* Once the applicant has satisfied this initial burden, the burden shifts to the objectors to rebut this presumption by establishing that the use will have a detrimental impact on the surrounding community. *Id.*

In granting a conditional use, the Board has the authority to impose reasonable conditions and safeguards if such conditions are necessary to implement the purposes of the Ordinance and to protect the health, safety and welfare of the surrounding property owners. 53 P.S. §10603(c)(2). Conditions imposed by the Board are designed to protect the public interest of surrounding property owners. *Ford v. Zoning Hearing Bd. Of Caernarvon Twp.*, 616 A.2d 1089, 1092 (Pa. Cmwlth. Ct. 1992).

The Board recognizes that the Application is limited in scope. The only relief that Applicant needs is conditional use approval in order to disturb areas of precautionary steep slopes. The Board found Applicant's expert engineer to be credible and to have proven through his testimony compliance with the relevant criteria in Section 200-107.E and 200-117 for approval to disturb areas of precautionary steep slopes for the improvements set forth on Exhibit A-9.

Mr. Romano was granted party status but did not present any concerns to the Board about the Application and indicated he attended the hearing to learn more about the proposed development. However, by the imposition of conditions or through modifications to the Plan during land development, the Board will insure that there is no negative adverse impacts on the public health, safety or welfare or that would support the denial of the conditional uses requested. Wherefore, the Board will vote to approve the conditional use requested subject to Applicant's compliance with the conditions imposed in this Decision and Order.

WHEREFORE, the Board votes as follows:

ORDER

AND NOW, this 21st day of February, 2017, the Board hereby approves the Application and grants conditional use approval pursuant to Section 200-107.D.(3)(b)[1], [2], and [4] of the Ordinance to permit portions of dwellings (including wells), driveways, roads and utilities within the roads, stormwater management facilities, sanitary sewer systems and grading associated with a proposed residential development in areas of precautionary steep slopes as generally depicted on Exhibit A-9, subject to the following conditions:

CONDITIONS OF APPROVAL

1. The development shall be built and designed generally in accordance with the Conditional Use Plan which was admitted as Exhibit A-5 and the Steep Slope Encroachment Plan which was admitted as Exhibit A-9, as such plans are revised to comply with the conditions of approval imposed herein and to obtain final subdivision/land development approval from the Board.

2. The development shall be built and designed generally in accordance with the testimony and evidence presented by Applicant at the conditional use hearings except if such testimony conflicts with any conditions imposed in this Order or any terms or conditions approved or imposed in the final subdivision/land development plans as approved by the Board.

3. Applicant shall address to the satisfaction of the Board all outstanding comments in the Township engineer's review letter dated January 11, 2017 which was admitted as Exhibit B-7.

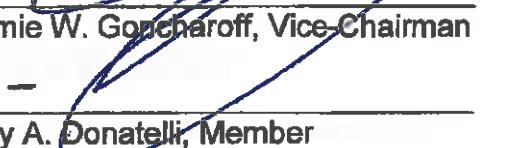
4. Applicant shall comply with and obtain all federal, state and local governmental approvals and permits as necessary to construct the proposed development on the Property.

5. Applicant and its successors and assigns in interest to the Property shall be strictly bound by this Decision.

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS


Kevin C. Kerr, Chairman


Jamie W. Goncharoff, Vice-Chairman


Guy A. Donatelli, Member



UPPER UWCHLAN TOWNSHIP
Planning Commission Meeting
April 13, 2017
Minutes
Approved

In Attendance:

Sally Winterton, Vice-Chair, Bob Phillips, Brett Hand, Chad Adams, Jim Dewees, Ken Engle, Dave Leh, P.E. – Gilmore & Associates, Gwen Jonik – Planning Commission Secretary

Sally Winterton called the meeting to order at 7:30 p.m. as a quorum was present.

Marsh Lea Preliminary/Final Land Development Plan

Adam Brower of E. B. Walsh, Ted Moser, and T.R. Moser were in attendance to review revised plans, dated February 9, 2017 and the Consultants' comments included in Gilmore & Associates April 11, 2017 letter. Mr. Brower commented that they'll be able to address all comments in the review letter, however, a few storm-water-related issues need to be fine-tuned, they believe the impervious area within precautionary slopes was addressed during the conditional use approval process, and 5 waivers are being requested:

1. 28' road width throughout the development;
2. No additional parking space at the end of the driveway – they've reduced most of the driveways slopes to eliminate the need for the parking space;
3. Sidewalks on just one side of the street;
4. Allow lot depth greater than 3x the width for Lots 12, 13, 23 and 24; and
5. Allow less than 1' spillway into the storm water basin or rain gardens.

The Township requested that the development connect to the adjacent Brandywine Trail but not directly from Little Conestoga Road. The Applicant is proposing the trail access could run along the easternmost Lot 17 (which would require an Easement), and be delineated in a natural state using trees, shrubs and signs, to match the natural Brandywine Trail. When asked if the trail access could be more centrally located within the development, Mr. Brower said the Brandywine Trail doesn't abut the properties and a more central location would bring travelers through several side yards. They will investigate a second trail access through the open space parcel located in Wallace Township. Mr. Moser commented that the Homeowners Association Agreement could document any Trail Easements to be held for the future and if it should be of natural material or paved.

There is going to be a Homeowners Association which will be responsible for the storm water management system, the on-lot septic systems, and the maintenance of the trail easement(s) can be added as well.

Mr. Brower advised they will execute a Storm Water Operation and Maintenance Agreement and the Township will be provided the Homeowners Association documents for review. Street trees will be moved back from the sidewalk, HOP plans are underway and will comply with PennDOT regulations.

There was a brief discussion about a safe location for 1-2 cluster mailboxes as the postal service has recently advised they won't deliver door-to-door. Mr. Brower hadn't previously been aware of this and suggested a cluster box could be located either in the middle of the development or near the first Lot at the eastern access.

Glenmoore Fire Company has reviewed the Plans but hasn't issued comments.

Jim Dewees moved, seconded by Brett Hand, to recommend that the Board of Supervisors grant Preliminary/Final approval of the Subdivision conditioned on the Applicant addressing all of the concerns in Gilmore's April 11, 2017 letter, as well as the items discussed tonight. The Motion carried unanimously.

McKee-Milford Associates Preliminary Subdivision and Land Development Plan

Denise Yarnoff, Esq. – Riley Riper Hollin & Colagreco, Adam Brower of E.B. Walsh, Kevin McLaughlin and Mark McGonigal of McKee were in attendance. Documents to be reviewed and discussed: March 2017 Subdivision and Land Development Plan, Township Consultants' comments, County Planning Commission's comments. Ms. Yarnoff advised the Applicant will comply with the majority of the comments in Gilmore & Associates April 10, 2017 and Brandywine Conservancy's April 11, 2017 letter; however, discussion was needed regarding the following items:

Ms. Yarnoff noted that, originally, the roads were going to be private; however, the Conditional Use Approval requires the Development connect with the adjacent roadways in the Reserve at Eagle and the Reserve at Chester Springs; therefore all roads will be public. These roadway connections would be part of the construction of the 3rd phase 3, not the 1st phase of the Development. Both Milford Road accesses will be constructed during the 1st phase. It could be up to 8 years until the 3rd phase would be built. Ken Engle pressed for a commitment to build the connections by 5 years and Mr. McLaughlin countered with a certain number home to be the trigger. A commitment trigger will be determined.

The existing farmhouse will be retained. The options between using it as a residence or a Homeowners Association amenity are being analyzed. The Applicant may attend the May Historic Commission meeting to discuss.

Perpendicular parking is preferred rather than parallel parking. Perpendicular parking would require either a Zoning Hearing Board relief or the Conditional Use Approval reopened. The streets are 28' wide and the Board of Supervisors can grant a waiver for the road width. The Planning Commission drew concern with a 28' wide and on-street parking being too crowded.

They expressed their support of seeking relief from the Zoning Hearing Board for perpendicular parking with 28' roads. Ms. Yarnoff advised there is some on-street parking here and there but not near curves, driveways, etc.

There are 13 waivers requested. The Consultants have no objection to the majority of those waivers; however, several will be discussed later this evening. They'll comply with all of McMahon's and Brandywine Conservancy's comments but will discuss the needed waivers.

The Applicant will comply with all storm-water related comments. Several cluster mailbox areas may be needed to serve this large community and a suggestion was made that perhaps the farmhouse could be the community post office.

They will confirm the wastewater disposal capacity, which is higher than originally expected, and continue to work through the Sewer Agreement.

Ms. Yarnoff distributed a list of the waivers they are requesting which are based on 28' wide public streets. Comments on several of the waivers include:

- o additional supplemental parking is provided; perpendicular parking is considered off-street;
- o the plan has been prepared using a hook and ladder fire truck for maneuverability but emergency services should confirm via letter that the street widths and parking configurations are adequate;
- o there are a few sections that may be served by private streets (rear access / alleyway);
- o they'll provide a blanket easement over the private land for sewer/utility access and maintenance;
- o 4' wide concrete sidewalks on just one side of the streets consistently throughout the community;
- o a smaller caliper tree is proposed as larger trees are more difficult to move and aren't as viable;
- o the 3-tiered approach to storm water requests deeper basins and a more restricted outflow, with a valve, which flows to a planted riparian buffer before the stream.

Further discussion included:

The Clubhouse and pool areas haven't yet been designed; pool size, trash disposal area, etc. will be refined during building permit process; provide adequate storage area in the homes for the trash/recycling toters; Lisa Thomas will work with Sheila Fleming regarding the type and placement of street trees.

The Applicant will return May 11 to follow-up on these items.

Approval of Minutes

Jim Dewees moved, seconded by Bob Phillips, to approve as presented the minutes of the March 9, 2017 Planning Commission Meeting. The Motion carried unanimously.

Open Session

Ken Engle suggested that when designing a dense community, driveways should be directly across from each other, not staggered.

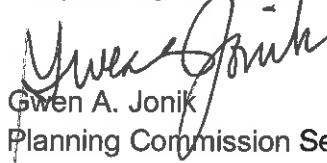
Jim Dewees commented that today was Maundy Thursday and he requested that meetings not be scheduled on Holy days in the future.

Gwen Jonik commented on receipt of the Jankowski Tract Conditional Use Application, proposing 55 single family homes on the vacant parcel on the northwest side of Route 100 at the boundary with West Vincent.

Adjournment

Jim Dewees moved, seconded by Bob Phillips, to adjourn the meeting at 9:36 p.m. All were in favor.

Respectfully submitted,



Gwen A. Jonik
Planning Commission Secretary



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: **Board of Supervisors**

FROM: **Cary B. Vargo**
Township Manager

RE: **Marsh Lea Sewage Facilities Planning Module - Submission**

DATE: **May 11, 2017**

The Township has received submission materials for the Marsh Lea PADEP Sewage Facilities Planning Module. Attached is an administrative resolution approving submission of the module to the PADEP for review. The 27 home sub-division, to be located off of Little Conestoga Road at the municipal border with Wallace Township, is utilizing onsite septic systems to be reviewed and permitted by the PADEP and the Chester County Health Department. The module, in its entirety, is available for your review if you so wish.

I would respectfully request that the BOS authorize and approve the submission of the Marsh Lea PADEP Sewage Facilities Planning Module.

RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE (SUPERVISORS) (COMMISSIONERS) (COUNCILMEN) of UPPER UWCHLAN (TOWNSHIP) / BOROUGH / CITY, CHESTER COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the *Pennsylvania Sewage Facilities Act*, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS T. R. Moser,
land developer has proposed the development of a parcel of land identified as

MARSH LEA SUBDIVISION, and described in the attached Sewage Facilities Planning Module, and
name of subdivision

proposes that such subdivision be served by: (check all that apply), sewer tap-ins, sewer extension, new treatment facility, individual onlot systems, community onlot systems, spray irrigation, retaining tanks, other, (please specify). _____

WHEREAS, UPPER UWCHLAN TOWNSHIP,
municipality finds that the subdivision described in the attached

Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the (Supervisors) (Commissioners) (Councilmen) of the (Township)

(Borough) (City) of UPPER UWCHLAN hereby adopt and submit to DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

Secretary, _____

(Signature)

Township Board of Supervisors (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # _____, adopted, _____, 20_____

Municipal Address:

UPPER UWCHLAN TOWNSHIP
140 POTTSTOWN PIKE
CHESTER SPRINGS, PA 19425
Telephone 610-458-9400

*Seal of
Governing Body*



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: **Board of Supervisors**

FROM: **Cary B. Vargo**
Township Manager

RE: **BPG Parcel 5C – Amended Final Land Development Approval**

DATE: **May 11, 2017**

Attached for your review and consideration is correspondence from Lou Colagreco, Riley, Riper, Hollin, Colagreco, dated April 27 requesting an amended Final Land Development Approval for what is known as Lot 1 of the 5C Parcel (parcel of ground located on Station Boulevard, between Pottstown Pike and Graphite Mine Road). This correspondence provides a history of approvals on Parcel 5C and details the amended land development approval being requested. This amended approval clarifies that it is specific to "Lot 1" (residential) only, finally approves Lot 1 as part of the PRD – planned residential development, and establishes a five-year development schedule for Lot 2. The amended approval is administrative in nature and does not substantively change the "conditions of approval." Kristin Camp has reviewed the proposed amended approval and has no suggested issues, concerns, and/or changes.

I would respectfully request that the BOS adopt the attached resolution amending the March 2017 land development approval for Parcel 5C as detailed.

LOUIS J. COLAGRECO, JR.

Lou@rrhc.com

Extension 203



April 27, 2017

VIA E-MAIL

Cary Vargo, Township Manager
Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

RE: Equus/Byers Station PRD
Our File: 4812-07

Dear Cary:

Our office represents Byers Residential Acquisition, L.P. and Byers Retail Acquisition, L.P. ("Applicant") in conjunction with the recently approved "Village at Byers Station" Final PRD approval. I reviewed the written Decision rendered by the Board dated March 17, 2017. Since the Upper Uwchlan Township Zoning Ordinance as well as the Municipalities Planning Code has fairly specific requirements regarding the governance of PRDs as well as the legal relationship between the tentative and final PRD plans, I thought the Board may wish to consider modification of its March 17, 2017 Decision ("Decision") to reflect the current status of approvals with some acknowledgement that where the Decision is inconsistent or contains different terms than that tentative approval granted by the Board on July 6, 1999, the Decision supersedes any inconsistencies. I also believe the Decision should address the status of Lot 2 of Parcel 5C. In my experience, given the lengthy entitlement cycle of PRDs, I think it benefits both an applicant and the municipality to have a concise recitation of the approval history.

I note that we may have caused some of the confusion given the labeling of our application and final plan set. Indeed, the Decision states that the Board of Supervisors is granting "Preliminary/Final Approval of the Byers Station Subdivision and Amended Final PRD Plan Parcel 5C." I assume that reference was taken from the title sheet of our plan set. We did not need tentative approval (or "preliminary" approval as the Decision states) since tentative plan approval ("Tentative Approval") was previously obtained on July 7, 1999 and that approval remains intact. Further, it is my understanding that in the Decision, the Board was actually giving final PRD approval only to Lot 1 of the PRD, but had not given final approval to Lot 2, since no final development plans were submitted for that portion of the PRD. The Decision doesn't specifically address the entitlement status of Lot 2. Further, it is my understanding that the Decision also has conditions of approval which have effectively "superseded" certain of the Phase 5C conditions of tentative approval. Finally, given the fact that Lot 2 has only been given tentative plan approval, I believe pursuant to the mandates of the Municipalities Planning Code,

Upper Uwchlan Township
April 27, 2017
Page 2

the Applicant must submit and the Township must approve a development schedule indicating when final plan approval for that Lot will be submitted.

For all the foregoing reasons and to avoid any confusion in the future, I am attaching to this correspondence a proposed draft Decision and Order which explains the relationship between the tentative plan approval and the current final plan approval and addresses what I believe to be the accurate state of entitlement for these two lots on Parcel 5C.

Again, I thank the Township for its consideration. It is not our goal to modify or in any way interfere with the conditions of the Decision, but we do believe amendment of the Decision would be appropriate to address the issues noted herein.

Please let me know if I should coordinate with or speak to John Good or Kristin Camp regarding this issue.

As always, if you have any questions, please do not hesitate to call.

Very truly yours,



LOUIS V. COLAGRECO, JR.

LJC,JR./kch
Enclosure

cc: Bob Dwyer (via email only, w/encl.)
Alyson M. Zarro, Esquire (via email only, w/encl.)

BEFORE THE BOARD OF SUPERVISORS
OF UPPER UWCHLAN TOWNSHIP OF CHESTER COUNTY, PENNSYLVANIA

APPLICATION OF BYERS RESIDENTIAL ACQUISITION, L.P.
AND BYERS RETAIL ACQUISITION, L.P. FOR FINAL APPROVAL
OF THE RESIDENTIAL PORTION OF PARCEL 5C AT BYERS STATION
DECISION AND ORDER

BACKGROUND

1. In August, 1998 the Bryn Coed Farms, a Pennsylvania limited Partnership, submitted an application to Upper Uwchlan Township (the "Township") for tentative plan approval under the Township's Planned Residential Development Ordinance, Upper Uwchlan Township Ordinance No. 97-7 and Article VII, Section 7.01-7.13 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10701-10713 for property situated at the intersection of Route 100 and Byers Road in the Township known as the Byers Station Property ("Subject Property").

2. On June 7, 1999, the Township granted tentative PRD approval for development of the Subject Property as a planned residential development ("Byers Station PRD"). That document, as well as all exhibits attached thereto, are incorporated by reference as if set forth in full herein.

3. On July 21, 2003 the Township granted final PRD approval for various parcels in the Byers Station PRD as depicted in the approved tentative plan ("2003 Approval"). The 2003 Approval did not grant final plan approval for Parcels 5C and 6C and the Board expressly acknowledged same in Paragraph 11 of the 2003 Approval. That document, as well as all exhibits attached thereto are incorporated by reference as if set forth in full herein.

4. On September 8, 2009, the Board of Supervisors modified the 2003 Approval granted by the Board regarding matters pertaining to development of a property within the PRD known as “The Butler House” being Lot 261 on the PRD Plan of Property which parcel was also known as Tax Map Parcel No. 32-4-496 (“2009 Approval”). The 2009 Approval did not modify or amend the 2003 Approval as pertains to Parcel 5C.

5. On May 23, 2016 Byers Residential Acquisition, L.P. and Byers Retail Acquisition, L.P., current equitable owners of Parcel 5C (“collectively, Applicant”), submitted an application for final PRD approval for a portion of Parcel 5C depicted in the application (“Application”) and referred to as “Lot 1”. The Application did not seek final PRD approval for the commercial phase of Parcel 5C which is designated as “Lot 2” on the Application. The Final PRD Plan for Lot 1 of Parcel 5C is that plan set prepared by Bohler Engineering dated May 20, 2016 and last revised September 12, 2016 (“Final Plan”).

6. At its meeting on February 21, 2017, the Township granted approval of the Final Plan for Parcel 5C and that approval was communicated to the Applicant in a written correspondence dated March 17, 2017 (“2017 Approval”).

7. The Board now wishes to amend the 2017 Approval to clarify certain terms thereof.

ORDER

The Board hereby amends the 2017 Approval as set forth hereinbelow:

1. The Final Plan shall be revised to comply with Gilmore and Associates, Inc. review letter dated November 3, 2016 and the Final Plan shall be labeled "Final PRD Plan, Lot 1, Parcel 5C The Village at Byers Station."

2. The Applicant shall secure all required outside agency permitting prior to plan recordation.

3. The Applicant hereby agree to make a contribution in the amount of \$206,000.00 to be utilized for the construction of Eagle Park. This contribution shall be made prior to the release of plans for recordation.

4. A multi-use trail shall be provided along Darrell Drive from Graphite Mine Road to Pottstown Pike.

5. A tot lot, similar to that which is provided in the Windsor Ridge Development of Upper Uwchlan Township shall be provided within Lot 1.

6. The following proposed cross walks shall be eliminated from the Final Plan: Darrell Drive and Pottstown Pike (northwest corner of the project); Darrell Drive and Graphite Mine Road (northeast corner of the project); Station Boulevard and Graphite Mine Road (southeast corner of the project).

7. The proposed street light at Darryl Drive and Pottstown Pike (northwest corner of the project) shall be eliminated.

8. An ADA compliant ramp for the trail shall be provided on the western side of the driveway access and Station Boulevard.

9. The trail segment currently depicted adjacent to Station Boulevard shall be eliminated from the east side of Station Boulevard driveway access to Graphite Mine Road.

10. Applicant shall revise the plans to provide a trail crossing over Station Boulevard to connect the trail on Lot No. 2 to an existing trail on the south side of Station Boulevard, unless Applicant can demonstrate to the Board that such trail connection is prohibitively costly and creates an undue financial burden, in which case the Applicant shall provide a trail connection in a different location accepted by the Board.

11. If Applicant does not install a retaining wall along Route 100 and the slopes exceed 3(H):1(V), geotechnical computations shall be provided confirming that the proposed slope will be stable. In addition, the areas disturbed shall be planted with low maintenance vegetation to stabilize the area disturbed.

12. A waiver from Section 162-39.E to permit Belgium block curbing is granted.

13. A waiver from Section 162-41.A which requires sidewalk to be provided on both sides of new streets is hereby granted. Sidewalk shall be provided on one side of all internal streets.

14. A waiver from Section 152-311.G.1 to permit the use of HDPE piping within the right-of-way instead of RCP is hereby granted.

15. A waiver from Section 152-311.H(3) to permit use of naturalized spillway lining instead of concrete block is hereby granted.

16. To the extent that the Final Plan or any of the conditions attached herein through this Order are inconsistent with the tentative plan approval granted by this Board in 1999 for Parcel 5C, the conditions of approval set forth herein shall control.

17. The commercial allocation of retail square footage depicted on Lot 2 of the Application is consistent with the June 7, 1999 tentative approval and shall continue

to be deemed a tentatively-approved planned residential plan. Pursuant to Section 709(c) of the Pennsylvania Municipalities Planning Code. The period of time in which an Application for final approval of Lot 2, Parcel 5C must be filed with Upper Uwchlan Township shall be five (5) years from the date of this Order, unless otherwise amended upon request of the Applicant by this Board.

This Resolution adopted this _____ day of May 2017.

Attest:

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS:

Township Secretary

Kevin C. Kerr, Chair

Jamie W. Goncharoff, Vice-Chair

Guy A. Donatelli, Member



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: Board Of Supervisors

FROM: Gwen Jonik
Township Secretary

RE: Authorization to Advertise Ordinance Amendment Adoption

DATE: May 12, 2017

The Board is requested to authorize the advertisement of a Zoning Ordinance amendment, with the intent to discuss and potentially adopt the Ordinance at the Board's June 19, 2017 meeting:

Amend the Code of Upper Uwchlan Township, Ordinance #06-01,

Chapter 200 regarding Medical Marijuana: "Definitions and Word Usage" by adding definitions of Medical Marijuana, Medical Marijuana Dispensary, Medical Marijuana Grower/Processor; and

Chapter 200 regarding the C-1 Village District and C-3 Highway Commercial District to allow a Medical Marijuana Dispensary as a by-right use; and

Chapter 200 regarding the LI Limited Industrial District and PI Planned Industrial/Office District to allow a Medical Marijuana Grower/Processor as a by-right use; and

Chapter 200 regarding the Keeping of Domesticated Chickens.

As a reminder, this ordinance amendment addresses needed zoning changes as a result of Pennsylvania Act 16 of April 17, 2016 which legalized and regulated medical marijuana in the Commonwealth of Pennsylvania. The Act and informational materials are included for your review.

The Ordinance amendment, drafted by Kristin Camp, is attached for your review. It has been sent to the County Planning Commission for their review and comment. The Township Planning Commission reviewed it at their May 11, 2017 meeting and voted unanimously for the Ordinance amendment to move through the approval process.

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ___-2017

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE UPPER UWCHLAN TOWNSHIP ZONING ORDINANCE, WHICH IS CODIFIED IN CHAPTER 200 OF THE CODE OF UPPER UWCHLAN TOWNSHIP, AMENDING SECTION 200-7 TITLED, "DEFINITIONS AND WORD USAGE" BY ADDING DEFINITIONS OF "MEDICAL MARIJUANA DISPENSARY," "MEDICAL MARIJUANA GROWER/PROCESSOR," AND "MEDICAL MARIJUANA"; AMENDING SECTION 200-33 TO ALLOW A DISPENSARY AS A BY RIGHT USE IN THE C-1 VILLAGE DISTRICT; SECTION 200-39 TO ALLOW A MEDICAL MARIJUANA DISPENSARY AS A BY RIGHT USE IN THE C-3 HIGHWAY COMMERCIAL DISTRICT; SECTION 200-44 TO ALLOW A MEDICAL MARIJUANA GROWER/PROCESSOR AS A BY RIGHT USE IN THE LI LIMITED INDUSTRIAL DISTRICT; SECTION 200-49 TO ALLOW A MEDICAL MARIJUANA GROWER/PROCESSOR AS A BY RIGHT USE IN THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT; SECTIONS 200-62.A, 200-62.B(3) AND 200-67.A(8) TO REFERENCE A NEW SECTION 200-67.1 GOVERNING THE KEEPING OF DOMESTICATED CHICKENS; AND TO ADD A NEW SECTION 200-67.1 TITLED, "KEEPING OF DOMESTICATED CHICKENS."

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 200 of the Upper Uwchlan Township Code, titled "Zoning," is hereby amended as follows:

SECTION 1. The definitions of "Medical marijuana dispensary," "Medical marijuana grower/processor," and "Medical marijuana" shall be added to Section 200-7 in alphabetical order as follows:

MEDICAL MARIJUANA DISPENSARY- A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR- A person, including a natural person, corporation, partnership, association, trust or other entity, or any

combination thereof, which holds a permit from the Department of Health (DOH) of the Commonwealth to grow and process medical marijuana.

MEDICAL MARIJUANA- Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania pursuant to the Pennsylvania Medical Marijuana Act, , 35 P.S. § 10231.101 *et seq.*

SECTION 2. Section 200-33.A shall be amended to add a new subparagraph (6) and the following by right use in the C-1 Village District:

“(6) Medical marijuana dispensary.”

SECTION 3. Section 200-39.A shall be amended to add a new subparagraph (8) and the following by right use in the C-3 Highway Commercial District:

“(8) Medical marijuana dispensary.”

SECTION 4. Section 200-44 shall be amended to add a new subparagraph B.1 which shall state as follows:

“B.1. Medical marijuana grower/processor.”

SECTION 5. Section 200-49 shall be amended to add a new subparagraph A.1 which shall state as follows:

“A.1. Medical marijuana grower/processor.”

SECTION 6. Section 200-62.A shall be amended to state as follows:

“A. Accessory use to agriculture. The keeping of livestock, poultry or fish, but only in such quantities and to such extent as are customarily incidental to the principal use in accordance with § 200-67 and § 200-67.1 of this chapter.

SECTION 7. Section 200-62.B(3) shall be amended to state as follows:

“B(3). The keeping of animals, exclusive of customary household pets and domesticated chickens when in accordance with §200-67.1, shall not be permitted except on property qualifying for agricultural use in accordance with § 200-67 of this chapter with the following exception: the keeping of not more than four horses shall be permitted on lots of 3 acres or more. An additional 1 acre per horse shall be required for each additional horse over four.

SECTION 8. Section 200-67.A(8) shall be amended to state as follows:

“A(8). The keeping of animals, exclusive of customary household pets and domesticated chickens when in accordance with §200-67.1, shall not be permitted except on property

qualifying for agricultural use in accordance with the provisions of this section with the following exception: the keeping of not more than four horses shall be permitted on lots of 3 acres or more. An additional 1 acre per horse shall be required for each additional horse over four."

SECTION 9. A new Subsection 200-67.1, titled, "Keeping of domesticated chickens" shall be adopted and provide as follows:

"§ 200-67.1. Keeping of domesticated chickens.

- A. Purpose. The purpose of this section is to provide standards for the keeping of domesticated chickens. It is intended to enable residents of single-family dwellings to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding properties.
- B. Standards for keeping domesticated chickens.
 1. Domesticated female chickens shall be allowed on lots with single-family dwellings in all residential zoning districts:
 2. The maximum number of chickens permitted on a lot with a single-family dwelling shall be determined based on the zoning district and lot size as set forth below:

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Maximum Number of Chickens</u>
R-1 Residential	2 acre	10
R-2 Residential	1 acre	8
R-3 Residential	30,000 square feet	6
	22,000 square feet	4
	18,000 square feet	3
R-4 Residential	30,000 square feet	6
	22,000 square feet	4
	18,000 square feet	3

3. Roosters are prohibited.

4. All chickens must be maintained in an enclosed shelter which has a roof or overhead covering and which may only be located in a fenced-in area. The fence must be a minimum of four feet and a maximum of six feet in height.
5. It shall be unlawful for the owner of chickens to allow the same to run at large upon any public land, including, but not limited to, sidewalks, streets, roads, alleys, parks, or upon another person's private property.
6. All enclosures and structures must meet all applicable zoning requirements. A zoning permit shall be required for the construction of any enclosure that is less than 200 square feet. A building permit shall be required for the construction of any enclosure that is 200 square feet or greater.
7. All owners of chickens must maintain sanitary living conditions for the chickens so that the keeping of chickens does not become a public or private nuisance. Owners shall not allow feces from the chickens to accumulate on the owner's land such that it becomes a nuisance caused by odors.
8. All chicken feed must be stored in rodent proof closed containers."

SECTION 10. Severability. If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION 11. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 12. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED this _____ day of _____, 2017.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen Jonik, Township Secretary

Kevin C. Kerr, Chairman

Jamie W. Goncharoff, Vice-Chairman

Guy A. Donatelli, Member

MEDICAL MARIJUANA ACT - ENACTMENT
Act of Apr. 17, 2016, P.L. 84, No. 16 Cl. 35
An Act

Establishing a medical marijuana program; providing for patient and caregiver certification and for medical marijuana organization registration; imposing duties on the Department of Health; providing for a tax on medical marijuana organization gross receipts; establishing the Medical Marijuana Program Fund; establishing the Medical Marijuana Advisory Board; establishing a medical marijuana research program; imposing duties on the Department of Corrections, the Department of Education and the Department of Human Services; and providing for academic clinical research centers and for penalties and enforcement.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1 PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Medical Marijuana Act.

Section 102. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Scientific evidence suggests that medical marijuana is one potential therapy that may mitigate suffering in some patients and also enhance quality of life.

(2) The Commonwealth is committed to patient safety.

Carefully regulating the program which allows access to medical marijuana will enhance patient safety while research into its effectiveness continues.

(3) It is the intent of the General Assembly to:

(i) Provide a program of access to medical marijuana which balances the need of patients to have access to the latest treatments with the need to promote patient safety.

(ii) Provide a safe and effective method of delivery of medical marijuana to patients.

(iii) Promote high quality research into the effectiveness and utility of medical marijuana.

(4) It is the further intention of the General Assembly that any Commonwealth-based program to provide access to medical marijuana serve as a temporary measure, pending Federal approval of and access to medical marijuana through traditional medical and pharmaceutical avenues.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advisory board." The advisory board established under section 1201.

"Caregiver." The individual designated by a patient or, if the patient is under 18 years of age, an individual under section 506(2), to deliver medical marijuana.

"Certified medical use." The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a certification under this act, including enabling the patient to tolerate treatment for the serious medical condition.

"Certified registered nurse practitioner." As defined in section 2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

"Change in control." The acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

"Continuing care." Treating a patient, in the course of which the practitioner has completed a full assessment of the patient's medical history and current medical condition, including an in-person consultation with the patient.

"Controlling interest." As follows:

(1) For a publicly traded entity, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the publicly traded entity.

(2) For a privately held entity, the ownership of any security in the entity.

"Department." The Department of Health of the Commonwealth.

"Dispensary." A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the department to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19.

"Family or household member." As defined in 23 Pa.C.S. § 6102 (relating to definitions).

"Financial backer." An investor, mortgagee, bondholder, note holder or other source of equity, capital or other assets, other than a financial institution.

"Financial institution." A bank, a national banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union or a savings bank.

"Form of medical marijuana." The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

"Fund." The Medical Marijuana Program Fund established in section 902.

"Grower/processor." A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the department under this act to grow and process medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19.

"Identification card." A document issued under section 501 that authorizes access to medical marijuana under this act.

"Individual dose." A single measure of medical marijuana.

"Medical marijuana." Marijuana for certified medical use as set forth in this act.

"Medical marijuana organization." A dispensary or a grower/processor. The term does not include a health care medical marijuana organization under Chapter 19.

"Patient." An individual who:

- (1) has a serious medical condition;
- (2) has met the requirements for certification under this act; and
- (3) is a resident of this Commonwealth.

"Permit." An authorization issued by the department to a medical marijuana organization to conduct activities under this act.

"Physician assistant." As defined in section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, and section 2 of the act of October 5, 1978

(P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

"Practitioner." A physician who is registered with the department under section 401.

"Prescription drug monitoring program." The Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP).

"Principal." An officer, director or person who directly owns a beneficial interest in or ownership of the securities of an applicant or permittee, a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

"Registry." The registry established by the department for practitioners.

"Secretary." The Secretary of Health of the Commonwealth.

"Security." As defined in section 102(t) of the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972.

"Serious medical condition." Any of the following:

- (1) Cancer.
- (2) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome.
- (3) Amyotrophic lateral sclerosis.
- (4) Parkinson's disease.
- (5) Multiple sclerosis.
- (6) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.
- (7) Epilepsy.
- (8) Inflammatory bowel disease.
- (9) Neuropathies.
- (10) Huntington's disease.
- (11) Crohn's disease.
- (12) Post-traumatic stress disorder.
- (13) Intractable seizures.
- (14) Glaucoma.
- (15) Sickle cell anemia.
- (16) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.
- (17) Autism.

"Terminally ill." A medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course.

CHAPTER 3

PROGRAM

Section 301. Program established.

(a) Establishment.--A medical marijuana program for patients suffering from serious medical conditions is established. The program shall be implemented and administered by the department. The department shall:

(1) Issue permits to medical marijuana organizations to authorize them to grow, process or dispense medical marijuana and ensure their compliance with this act.

(2) Register practitioners and ensure their compliance with this act.

(3) Have regulatory and enforcement authority over the growing, processing, sale and use of medical marijuana in this Commonwealth.

(4) Establish and maintain an electronic database to include activities and information relating to medical marijuana organizations, certifications and identification cards issued, practitioner registration and electronic tracking of all medical marijuana as required under this act to include:

(i) Ensurance that medical marijuana is not diverted or otherwise used for unlawful purposes by a practitioner or medical marijuana organization.

(ii) Ability to establish the authenticity of identification cards.

(iii) Recording recommended forms of medical marijuana provided in a certification filed by the practitioner.

(iv) Monitoring all growth, transfer, possession, processing, testing and dispensing of medical marijuana in this Commonwealth.

(v) The tracking system under section 701 must include information under section 801(a) and any other information required by the department to be used by the department and dispensaries to enable a dispensary to lawfully provide medical marijuana. The tracking system and database shall be capable of providing information in real time. The database shall be capable of receiving information from a dispensary regarding the disbursement of medical marijuana to patients and caregivers. This information shall be immediately accessible to the department and other dispensaries to inhibit diversion and ensure compliance with this act.

(5) Maintain a directory of patients and caregivers approved to use or assist in the administration of medical marijuana within the department's database.

(6) Develop a four-hour training course for physicians, pharmacists, certified registered nurse practitioners and physician assistants regarding the latest scientific research on medical marijuana, including the risks and benefits of medical marijuana, and other information deemed necessary by the department. Successful completion of the course shall be approved as continuing education credits as determined by:

(i) The State Board of Medicine and the State Board of Osteopathic Medicine.

(ii) The State Board of Pharmacy.

(iii) The State Board of Nursing.

(7) Develop a two-hour course for the principals and employees of a medical marijuana organization who either have direct contact with patients or caregivers or who physically handle medical marijuana. Employees must successfully complete the course no later than 90 days after commencing employment. Principals must successfully complete the course prior to commencing initial operation of the medical marijuana organization. The subject matter of the course shall include the following:

(i) Methods to recognize and report unauthorized activity, including diversion of medical marijuana for unlawful purposes and falsification of identification cards.

(ii) Proper handling of medical marijuana and recordkeeping.

(iii) Any other subject required by the department.

(8) Develop enforcement procedures, including announced and unannounced inspections of facilities of the grower/processors and dispensaries and all records of the medical marijuana organizations.

(9) Establish a program to authorize the use of medical marijuana to conduct medical research relating to the use of medical marijuana to treat serious medical conditions, including the collection of data and the provision of research grants.

(10) Establish and maintain public outreach programs about the medical marijuana program, including:

(i) A dedicated telephone number for patients, caregivers and members of the public to obtain basic information about the dispensing of medical marijuana under this act.

(ii) A publicly accessible Internet website with similar information.

(11) Collaborate as necessary with other Commonwealth agencies or contract with third parties as necessary to carry out the provisions of this act.

(12) Determine the minimum number and type of medical marijuana products to be produced by a grower/processor and dispensed by a dispensary.

(13) Develop recordkeeping requirements for all books, papers, any electronic database or tracking system data and other information of a medical marijuana organization. Information shall be retained for a minimum period of four years unless otherwise provided by the department.

(14) Restrict the advertising and marketing of medical marijuana, which shall be consistent with the Federal regulations governing prescription drug advertising and marketing.

(b) Regulations.--The department shall promulgate all regulations necessary to carry out the provisions of this act. Section 302. Confidentiality and public disclosure.

(a) Patient information.--The department shall maintain a confidential list of patients and caregivers to whom it has issued identification cards. All information obtained by the department relating to patients, caregivers and other applicants shall be confidential and not subject to public disclosure, including disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, including:

(1) Individual identifying information about patients and caregivers.

(2) Certifications issued by practitioners.

(3) Information on identification cards.

(4) Information provided by the Pennsylvania State Police under section 502(b).

(5) Information relating to the patient's serious medical condition.

(b) Public information.--The following records are public records and shall be subject to the Right-to-Know Law:

(1) Applications for permits submitted by medical marijuana organizations.

(2) The names, business addresses and medical credentials of practitioners authorized to provide certifications to patients to enable them to obtain and use medical marijuana in this Commonwealth. All other practitioner registration

information shall be confidential and exempt from public disclosure under the Right-to-Know Law.

(3) Information relating to penalties or other disciplinary actions taken against a medical marijuana organization or practitioner by the department for violation of this act.

Section 303. Lawful use of medical marijuana.

(a) General rule.--Notwithstanding any provision of law to the contrary, use or possession of medical marijuana as set forth in this act is lawful within this Commonwealth.

(b) Requirements.--The lawful use of medical marijuana is subject to the following:

(1) Medical marijuana may only be dispensed to:

(i) a patient who receives a certification from a practitioner and is in possession of a valid identification card issued by the department; and

(ii) a caregiver who is in possession of a valid identification card issued by the department.

(2) Subject to regulations promulgated under this act, medical marijuana may only be dispensed to a patient or caregiver in the following forms:

(i) pill;

(ii) oil;

(iii) topical forms, including gels, creams or ointments;

(iv) a form medically appropriate for administration by vaporization or nebulization, excluding dry leaf or plant form until dry leaf or plant forms become acceptable under regulations adopted under section 1202;

(v) tincture; or

(vi) liquid.

(3) Unless otherwise provided in regulations adopted by the department under section 1202, medical marijuana may not be dispensed to a patient or a caregiver in dry leaf or plant form.

(4) An individual may not act as a caregiver for more than five patients.

(5) A patient may designate up to two caregivers at any one time.

(6) Medical marijuana that has not been used by the patient shall be kept in the original package in which it was dispensed.

(7) A patient or caregiver shall possess an identification card whenever the patient or caregiver is in possession of medical marijuana.

(8) Products packaged by a grower/processor or sold by a dispensary shall only be identified by the name of the grower/processor, the name of the dispensary, the form and species of medical marijuana, the percentage of tetrahydrocannabinol and cannabinol contained in the product and any other labeling required by the department.

Section 304. Unlawful use of medical marijuana.

(a) General rule.--Except as provided in section 303, section 704, Chapter 19 or Chapter 20, the use of medical marijuana is unlawful and shall, in addition to any other penalty provided by law, be deemed a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(b) Unlawful use described.--It is unlawful to:

(1) Smoke medical marijuana.

(2) Except as provided under subsection (c), incorporate medical marijuana into edible form.

(3) Grow medical marijuana unless the grower/processor has received a permit from the department under this act.

(4) Grow or dispense medical marijuana unless authorized as a health care medical marijuana organization under Chapter 19.

(5) Dispense medical marijuana unless the dispensary has received a permit from the department under this act.

(c) Edible medical marijuana.--Nothing in this act shall be construed to preclude the incorporation of medical marijuana into edible form by a patient or a caregiver in order to aid ingestion of the medical marijuana by the patient.

CHAPTER 4 PRACTITIONERS

Section 401. Practitioner registration.

(a) Eligibility.--A physician included in the registry is authorized to issue certifications to patients to use medical marijuana. To be eligible for inclusion in the registry:

(1) A physician must apply for registration in the form and manner required by the department.

(2) The department must determine that the physician is, by training or experience, qualified to treat a serious medical condition. The physician shall provide documentation of credentials, training or experience as required by the department.

(3) The physician must have successfully completed the course under section 301(a)(6).

(b) Department action.--

(1) The department shall review an application submitted by a physician to determine whether to include the physician in the registry. The review shall include information maintained by the Department of State regarding whether the physician has a valid, unexpired, unrevoked, unsuspended Pennsylvania license to practice medicine and whether the physician has been subject to discipline.

(2) The inclusion of a physician in the registry shall be subject to annual review to determine if the physician's license is no longer valid, has expired or been revoked or the physician has been subject to discipline. If the license is no longer valid, the department shall remove the physician from the registry until the physician holds a valid, unexpired, unrevoked, unsuspended Pennsylvania license to practice medicine.

(3) The Department of State shall report to the department the expiration, suspension or revocation of a physician's license and any disciplinary actions in a timely fashion.

(c) Practitioner requirements.--A practitioner included in the registry shall have an ongoing responsibility to immediately notify the department in writing if the practitioner knows or has reason to know that any of the following is true with respect to a patient for whom the practitioner has issued a certification:

(1) The patient no longer has the serious medical condition for which the certification was issued.

(2) Medical marijuana would no longer be therapeutic or palliative.

(3) The patient has died.

Section 402. Practitioner restrictions.

(a) Practices prohibited.--The following apply with respect to practitioners:

(1) A practitioner may not accept, solicit or offer any form of remuneration from or to a prospective patient, patient, prospective caregiver, caregiver or medical marijuana organization, including an employee, financial backer or principal, to certify a patient, other than accepting a fee for service with respect to the examination of the prospective

patient to determine if the prospective patient should be issued a certification to use medical marijuana.

(2) A practitioner may not hold a direct or economic interest in a medical marijuana organization.

(3) A practitioner may not advertise the practitioner's services as a practitioner who can certify a patient to receive medical marijuana.

(b) Unprofessional conduct.--A practitioner who violates subsection (a) shall not be permitted to issue certifications to patients. The practitioner shall be removed from the registry.

(c) Discipline.--In addition to any other penalty that may be imposed under this act, a violation of subsection (a) or section 403(e) shall be deemed unprofessional conduct under section 41(8) of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or section 15(a)(8) of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, and shall subject the practitioner to discipline by the State Board of Medicine or the State Board of Osteopathic Medicine, as appropriate.

Section 403. Issuance of certification.

(a) Conditions for issuance.--A certification to use medical marijuana may be issued by a practitioner to a patient if all of the following requirements are met:

(1) The practitioner has been approved by the department for inclusion in the registry and has a valid, unexpired, unrevoked, unsuspended Pennsylvania license to practice medicine at the time of the issuance of the certification.

(2) The practitioner has determined that the patient has a serious medical condition and has included the condition in the patient's health care record.

(3) The patient is under the practitioner's continuing care for the serious medical condition.

(4) In the practitioner's professional opinion and review of past treatments, the practitioner determines the patient is likely to receive therapeutic or palliative benefit from the use of medical marijuana.

(b) Contents.--The certification shall include:

(1) The patient's name, date of birth and address.

(2) The specific serious medical condition of the patient.

(3) A statement by the practitioner that the patient has a serious medical condition and the patient is under the practitioner's continuing care for the serious medical condition.

(4) The date of issuance.

(5) The name, address, telephone number and signature of the practitioner.

(6) Any requirement or limitation concerning the appropriate form of medical marijuana and limitation on the duration of use, if applicable, including whether the patient is terminally ill.

(c) Consultation.--A practitioner shall review the prescription drug monitoring program prior to:

(1) Issuing a certification to determine the controlled substance history of a patient.

(2) Recommending a change of amount or form of medical marijuana.

(c.1) Other access by practitioner.--A practitioner may access the prescription drug monitoring program to do any of the following:

(1) Determine whether a patient may be under treatment with a controlled substance by another physician or other person.

(2) Allow the practitioner to review the patient's controlled substance history as deemed necessary by the practitioner.

(3) Provide to the patient, or caregiver on behalf of the patient if authorized by the patient, a copy of the patient's controlled substance history.

(d) Duties of practitioner.--The practitioner shall:

(1) Provide the certification to the patient.

(2) Provide a copy of the certification to the department, which shall place the information in the patient directory within the department's electronic database. The department shall permit electronic submission of the certification.

(3) File a copy of the certification in the patient's health care record.

(e) Prohibition.--A practitioner may not issue a certification for the practitioner's own use or for the use of a family or household member.

Section 404. Certification form.

The department shall develop a standard certification form, which shall be available to practitioners upon request. The form shall be available electronically. The form shall include a statement that a false statement made by a practitioner is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation).

Section 405. Duration.

Receipt of medical marijuana by a patient or caregiver from a dispensary may not exceed a 30-day supply of individual doses. During the last seven days of any 30-day period during the term of the identification card, a patient may obtain and possess a 30-day supply for the subsequent 30-day period. Additional 30-day supplies may be provided in accordance with this section for the duration of the authorized period of the identification card unless a shorter period is indicated on the certification.

CHAPTER 5 PATIENTS

Section 501. Identification cards.

(a) Issuance.--The department may issue an identification card to a patient who has a certification approved by the department and to a caregiver designated by the patient. An identification card issued to a patient shall authorize the patient to obtain and use medical marijuana as authorized by this act. An identification card issued to a caregiver shall authorize the caregiver to obtain medical marijuana on behalf of the patient.

(b) Procedure for issuance.--The department shall develop and implement procedures for:

(1) Review and approval of applications for identification cards.

(2) Issuance of identification cards to patients and caregivers.

(3) Review of the certification submitted by the practitioner and the patient.

(c) Application.--A patient or a caregiver may apply, in a form and manner prescribed by the department, for issuance or renewal of an identification card. A caregiver must submit a separate application for issuance or renewal. Each application must include:

(1) The name, address and date of birth of the patient.

(2) The name, address and date of birth of a caregiver.

(3) The certification issued by the practitioner.

(4) The name, address and telephone number of the practitioner and documentation from the practitioner that all of the requirements of section 403(a) have been met.

(5) A \$50 processing fee. The department may waive or reduce the fee if the applicant demonstrates financial hardship.

- (6) The signature of the applicant and date signed.
- (7) Other information required by the department.

(d) Forms.--Application and renewal forms shall be available on the department's publicly accessible Internet website.

(e) Expiration.--An identification card of a patient or caregiver shall expire within one year from the date of issuance, upon the death of the patient, or as otherwise provided in this section.

(f) Separate cards to be issued.--The department shall issue separate identification cards for patients and caregivers as soon as reasonably practicable after receiving completed applications, unless it determines that an application is incomplete or factually inaccurate, in which case it shall promptly notify the applicant.

(g) (Reserved).

(h) Change in name or address.--A patient or caregiver who has been issued an identification card shall notify the department within 10 days of any change of name or address. In addition, the patient shall notify the department within 10 days if the patient no longer has the serious medical condition noted on the certification.

(i) Lost or defaced card.--In the event of a lost, stolen, destroyed or illegible identification card, the patient or caregiver shall apply to the department within 10 business days of discovery of the loss or defacement of the card for a replacement card. The application for a replacement card shall be on a form furnished by the department and accompanied by a \$25 fee. The department may establish higher fees for issuance of second and subsequent replacement identification cards. The department may waive or reduce the fee in cases of demonstrated financial hardship. The department shall issue a replacement identification card as soon as practicable. A patient or caregiver may not obtain medical marijuana until the department issues the replacement card.

Section 502. Caregivers.

(a) Requirements.--

(1) If the patient designates a caregiver, the application shall include the name, address and date of birth of the caregiver, and other individual identifying information required by the department and the following:

(i) Federal and Commonwealth criminal history record information as set forth in subsection (b).

(ii) If the caregiver has an identification card for the caregiver or another patient, the expiration date of the identification card.

(iii) Other information required by the department.

(2) The application shall be accompanied by a fee of \$50. The department may waive or reduce the fee in cases of demonstrated financial hardship.

(3) The department may require additional information for the application.

(4) The application shall be signed and dated by the applicant.

(b) Criminal history.--A caregiver shall submit fingerprints for the purpose of obtaining criminal history record checks, and the Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions. Any criminal history record information relating to a caregiver obtained under this section by the department may be interpreted and used by the department only to determine the applicant's character, fitness and suitability to serve as a caregiver under this act. The department shall also review the prescription drug monitoring program relating to the caregiver. The department shall

deny the application of a caregiver who has been convicted of a criminal offense that occurred within the past five years relating to the sale or possession of drugs, narcotics or controlled substances. The department may deny an application if the applicant has a history of drug abuse or of diverting controlled substances or illegal drugs.

Section 503. Notice.

An application for an identification card shall include notice that a false statement made in the application is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation).

Section 503.1. Verification.

The department shall verify the information in a patient or caregiver's application and on any renewal form.

Section 504. Special conditions.

The following apply:

(1) If the practitioner states in the certification that, in the practitioner's professional opinion, the patient would benefit from medical marijuana only until a specified earlier date, then the identification card shall expire on that date.

(2) If the certification so provides, the identification card shall state any requirement or limitation by the practitioner as to the form of medical marijuana for the patient.

Section 505. (Reserved).

Section 506. Minors.

If a patient is under 18 years of age, the following shall apply:

(1) The patient shall have a caregiver.

(2) A caregiver must be one of the following:

(i) A parent or legal guardian of the patient.

(ii) An individual designated by a parent or legal guardian.

(iii) An appropriate individual approved by the department upon a sufficient showing that no parent or legal guardian is appropriate or available.

Section 507. Caregiver authorization and limitations.

(a) Age.--An individual who is under 21 years of age may not be a caregiver unless a sufficient showing, as determined by the department, is made to the department that the individual should be permitted to serve as a caregiver.

(b) Changing caregiver.--If a patient wishes to change or terminate the designation of the patient's caregiver, for whatever reason, the patient shall notify the department as soon as practicable. The department shall issue a notification to the caregiver that the caregiver's identification card is invalid and must be promptly returned to the department.

(c) Denial in part.--If an application of a patient designates an individual as a caregiver who is not authorized to be a caregiver, that portion of the application shall be denied by the department. The department shall review the balance of the application and may approve that portion of it.

Section 508. Contents of identification card.

An identification card shall contain the following:

(1) The name of the caregiver or the patient, as appropriate. The identification card shall also state whether the individual is designated as a patient or as a caregiver.

(2) The date of issuance and expiration date.

(3) An identification number for the patient or caregiver, as appropriate.

(4) A photograph of the individual to whom the identification card is being issued, whether the individual is a patient or a caregiver. The method of obtaining the photograph shall be specified by the department by regulation. The department shall provide reasonable accommodation for a

patient who is confined to the patient's home or is in inpatient care.

(5) Any requirement or limitation set by the practitioner as to the form of medical marijuana.

(6) Any other requirements determined by the department, except the department may not require that an identification card disclose the patient's serious medical condition.

Section 509. Suspension.

If a patient or caregiver intentionally, knowingly or recklessly violates any provision of this act as determined by the department, the identification card of the patient or caregiver may be suspended or revoked. The suspension or revocation shall be in addition to any criminal or other penalty that may apply.

Section 510. Prohibitions.

The following prohibitions shall apply:

(1) A patient may not operate or be in physical control of any of the following while under the influence with a blood content of more than 10 nanograms of active tetrahydrocannabinol per milliliter of blood in serum:

(i) Chemicals which require a permit issued by the Federal Government or a state government or an agency of the Federal Government or a state government.

(ii) High-voltage electricity or any other public utility.

(2) A patient may not perform any employment duties at heights or in confined spaces, including, but not limited to, mining while under the influence of medical marijuana.

(3) A patient may be prohibited by an employer from performing any task which the employer deems life-threatening, to either the employee or any of the employees of the employer, while under the influence of medical marijuana. The prohibition shall not be deemed an adverse employment decision even if the prohibition results in financial harm for the patient.

(4) A patient may be prohibited by an employer from performing any duty which could result in a public health or safety risk while under the influence of medical marijuana. The prohibition shall not be deemed an adverse employment decision even if the prohibition results in financial harm for the patient.

CHAPTER 6 MEDICAL MARIJUANA ORGANIZATIONS

Section 601. Medical marijuana organizations.

The following entities shall be authorized to receive a permit to operate as a medical marijuana organization to grow, process or dispense medical marijuana:

(1) Grower/processors.

(2) Dispensaries.

Section 602. Permits.

(a) Application.--An application for a grower/processor or dispensary permit to grow, process or dispense medical marijuana shall be in a form and manner prescribed by the department and shall include:

(1) Verification of all principals, operators, financial backers or employees of a medical marijuana grower/processor or dispensary.

(2) A description of responsibilities as a principal, operator, financial backer or employee.

(3) Any release necessary to obtain information from governmental agencies, employers and other organizations.

(4) A criminal history record check. Medical marijuana organizations applying for a permit shall submit fingerprints of principals, financial backers, operators and employees to

the Pennsylvania State Police for the purpose of obtaining criminal history record checks and the Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the principals, financial backers, operators and employees and obtaining a current record of any criminal arrests and convictions. Any criminal history record information relating to principals, financial backers, operators and employees obtained under this section by the department may be interpreted and used by the department only to determine the principal's, financial backer's, operator's and employee's character, fitness and suitability to serve as a principal, financial backer, operator and employee under this act. This paragraph shall not apply to an owner of securities in a publicly traded corporation if the department determines that the owner of the securities is not substantially involved in the activities of the medical marijuana organization.

(5) Details relating to a similar license, permit or other authorization obtained in another jurisdiction, including any suspensions, revocations or discipline in that jurisdiction.

(6) A description of the business activities in which it intends to engage as a medical marijuana organization.

(7) A statement that the applicant:

(i) Is of good moral character. For purposes of this subparagraph, an applicant shall include each financial backer, operator, employee and principal of the medical marijuana organization.

(ii) Possesses the ability to obtain in an expeditious manner the right to use sufficient land, buildings and other premises and equipment to properly carry on the activity described in the application and any proposed location for a facility.

(iii) Is able to maintain effective security and control to prevent diversion, abuse and other illegal conduct relating to medical marijuana.

(iv) Is able to comply with all applicable Commonwealth laws and regulations relating to the activities in which it intends to engage under this act.

(8) The name, residential address and title of each financial backer and principal of the applicant. Each individual, or lawful representative of a legal entity, shall submit an affidavit with the application setting forth:

(i) Any position of management or ownership during the preceding 10 years of a controlling interest in any other business, located inside or outside this Commonwealth, manufacturing or distributing controlled substances.

(ii) Whether the person or business has been convicted of a criminal offense graded higher than a summary offense or has had a permit relating to medical marijuana suspended or revoked in any administrative or judicial proceeding.

(9) Any other information the department may require.

(b) Notice.--An application shall include notice that a false statement made in the application is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation). Section 603. Granting of permit.

(a) General rule.--The department may grant or deny a permit to a grower/processor or dispensary.

(a.1) Determination.--In making a decision under subsection (a), the department shall determine that:

(1) The applicant will maintain effective control of and prevent diversion of medical marijuana.

(2) The applicant will comply with all applicable laws of this Commonwealth.

(3) The applicant is ready, willing and able to properly carry on the activity for which a permit is sought.

(4) The applicant possesses the ability to obtain in an expeditious manner sufficient land, buildings and equipment to properly grow, process or dispense medical marijuana.

(5) It is in the public interest to grant the permit.

(6) The applicant, including the financial backer or principal, is of good moral character and has the financial fitness necessary to operate.

(7) The applicant is able to implement and maintain security, tracking, recordkeeping and surveillance systems relating to the acquisition, possession, growth, manufacture, sale, delivery, transportation, distribution or the dispensing of medical marijuana as required by the department.

(8) The applicant satisfies any other conditions as determined by the department.

(b) Nontransferability.--A permit issued under this chapter shall be nontransferable.

(c) Privilege.--The issuance or renewal of a permit shall be a revocable privilege.

(d) Regions.--The department shall establish a minimum of three regions within this Commonwealth for the purpose of granting permits to grower/processors and dispensaries and enforcing this act. The department shall approve permits for grower/processors and dispensaries in a manner which will provide an adequate amount of medical marijuana to patients and caregivers in all areas of this Commonwealth. The department shall consider the following when issuing a permit:

(1) Regional population.

(2) The number of patients suffering from serious medical conditions.

(3) The types of serious medical conditions.

(4) Access to public transportation.

(5) Any other factor the department deems relevant.

Section 604. Notice.

When the boundaries under section 603(d) are established, the department shall publish notice of the determination in the Pennsylvania Bulletin. The department may adjust the boundaries as necessary every two years. Notice of any adjustment to the boundaries shall be published in the Pennsylvania Bulletin.

Section 605. (Reserved).

Section 606. Application and issuance.

(a) Duty to report.--An applicant to be a grower/processor or to operate a dispensary is under a continuing duty to:

(1) Report to the department any change in facts or circumstances reflected in the application or any newly discovered or occurring fact or circumstance which is required to be included in the application, including a change in control of the medical marijuana organization.

(2) Report to law enforcement, within 24 hours, any loss or theft of medical marijuana.

(3) Submit to announced or unannounced inspections by the department of the facilities for growing, processing, dispensing or selling medical marijuana, including all records of the organization.

(b) Additional information.--If the department is not satisfied that the applicant should be issued a permit, the department shall notify the applicant in writing of the factors for which further documentation is required. Within 30 days of the receipt of the notification, the applicant may submit additional material to the department.

Section 607. Fees and other requirements.

The following apply:

(1) For a grower/processor:

- (i) An initial application fee in the amount of \$10,000 shall be paid. The fee is nonrefundable.
- (ii) A fee for a permit as a grower/processor in the amount of \$200,000 shall be paid. The permit shall be valid for one year. Applicants shall submit the permit fee at the time of submission of the application. The fee shall be returned if the permit is not granted.
- (iii) A renewal fee for the permit as a grower/processor in the amount of \$10,000 shall be paid and shall cover renewal for all locations. The renewal fee shall be returned if the renewal is not granted.
- (iv) An application to renew a permit must be filed with the department not more than six months nor less than four months prior to expiration.
- (v) All fees shall be paid by certified check or money order.
- (vi) Before issuing an initial permit under this paragraph, the department shall verify that the applicant has at least \$2,000,000 in capital, \$500,000 of which must be on deposit with a financial institution.

(2) For a dispensary:

- (i) An initial application fee in the amount of \$5,000 shall be paid. The fee is nonrefundable.
- (ii) A permit fee for a dispensary shall be \$30,000 for each location. The period of the permit is one year. An applicant shall submit the permit fee at the time of submission of the application. The fee shall be returned if the application is not granted.
- (iii) A renewal fee for the permit as a dispensary in the amount of \$5,000 shall be paid. The fee shall be returned if the renewal is not granted and shall cover renewal for all locations.
- (iv) An application to renew a permit must be filed with the department not more than six months nor less than four months prior to expiration.
- (v) All fees shall be paid by certified check or money order.
- (vi) Before issuing an initial permit under this paragraph, the department shall verify that the applicant has at least \$150,000 in capital, which must be on deposit with a financial institution.

(3) A fee of \$250 shall be required when amending the application to indicate relocation within this Commonwealth or the addition or deletion of approved activities by the medical marijuana organization.

(4) Fees payable under this section shall be deposited into the fund.

Section 608. Issuance.

A permit issued by the department to a medical marijuana organization shall be effective only for that organization and shall specify the following:

- (1) The name and address of the medical marijuana organization.
- (2) The activities of the medical marijuana organization permitted under this act.
- (3) The land, buildings, facilities or location to be used by the medical marijuana organization.
- (4) Any other information required by the department.

Section 609. Relocation.

The department may approve an application from a medical marijuana organization to relocate within this Commonwealth or to add or delete activities or facilities.

Section 610. Terms of permit.

A permit issued by the department shall be valid for one year from the date of issuance.

Section 611. (Reserved).

Section 612. Permit renewals.

(a) Renewal.--An application for renewal shall include the following information:

(1) Any material change in the information provided by the medical marijuana organization in a prior application or renewal of a permit.

(2) Any charge or initiated, pending or concluded investigation, during the period of the permit, by any governmental or administrative agency with respect to:

(i) any incident involving the theft, loss or possible diversion of medical marijuana grown, processed or dispensed by the applicant; and

(ii) compliance by the applicant with the laws of this Commonwealth with respect to any substance listed in section 4 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(b) Approval.--The department shall renew a permit unless the department determines that:

(1) The applicant is unlikely to maintain or be able to maintain effective control against diversion of medical marijuana.

(2) The applicant is unlikely to comply with all laws of this Commonwealth applicable to the activities in which it may engage under the permit.

(c) Nonrenewal decision.--The denial or nonrenewal shall specify in detail how the applicant has not satisfied the department's requirements for renewal. Within 30 days of the department's decision, the applicant may submit additional material to the department or demand a hearing, or both. If a hearing is demanded, the department shall fix a date as soon as practicable.

Section 613. Suspension or revocation.

The department may suspend or revoke a medical marijuana organization permit if:

(1) The department has evidence that the medical marijuana organization has failed to maintain effective control against diversion of medical marijuana.

(2) The organization violates any provision of this act or a regulation of the department.

(3) The organization has intentionally, knowingly, recklessly or negligently failed to comply with applicable laws of this Commonwealth relating to medical marijuana.

Section 614. Convictions prohibited.

The following individuals may not hold volunteer positions or positions with remuneration in or be affiliated with a medical marijuana organization, including a clinical registrant under Chapter 20, in any way if the individual has been convicted of any criminal offense related to the sale or possession of illegal drugs, narcotics or controlled substances:

(1) Financial backers.

(2) Principals.

(3) Employees.

Section 615. Diversity goals.

(a) Goals.--It is the intent and goal of the General Assembly that the department promote diversity and the participation by diverse groups in the activities authorized under this act. In order to further this goal, the department shall adopt and implement policies ensuring the following:

(1) That diverse groups are accorded equal opportunity in the permitting process.

(2) That permittees promote the participation of diverse groups in their operations by affording equal access to employment opportunities.

(b) Duties of department.--To facilitate participation by diverse groups in the activities authorized under this act, the department shall:

(1) Conduct necessary and appropriate outreach including, if necessary, consulting with other Commonwealth agencies to identify diverse groups who may qualify for participation in activities under this act.

(2) Provide sufficient and continuous notice of the participation opportunities afforded under this act by publishing notice on the department's publicly accessible Internet website.

(3) Include in the applications for permit under this act language to encourage applicants to utilize and give consideration to diverse groups for contracting or professional services opportunities.

(c) Reports.--No later than March 1, 2018, and each March 1 thereafter, the department shall submit a report to the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives summarizing the participation and utilization of diverse groups in the activities authorized under this act. The report shall include:

(1) The participation level, by percentage, of diverse groups in the activities authorized under this act.

(2) A summary of how diverse groups are utilized by permittees, including in the provision of goods or services.

(3) Any other information the department deems appropriate.

(d) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disadvantaged business." As defined in 74 Pa.C.S. § 303(b) (relating to diverse business participation).

"Diverse group." A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

"Minority-owned business." As defined in 74 Pa.C.S. § 303(b).

"Service-disabled veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

"Third-party certifying organization." As defined in 74 Pa.C.S. § 303(b).

"Veteran-owned small business." As defined in 51 Pa.C.S. § 9601.

"Women-owned business." As defined in 74 Pa.C.S. § 303(b). Section 616. Limitations on permits.

The following limitations apply to approval of permits for grower/processors and dispensaries:

(1) The department may not initially issue permits to more than 25 growers/processors.

(2) The department may not initially issue permits to more than 50 dispensaries. Each dispensary may provide medical marijuana at no more than three separate locations.

(3) The department may not issue more than five individual dispensary permits to one person.

(4) The department may not issue more than one individual grower/processor permit to one person.

(5) No more than five grower/processors may be issued permits as dispensaries. If the number of growers/processors is increased under section 1202, no more than 20% of the total number of growers/processors may also be issued permits as dispensaries.

(6) A dispensary may only obtain medical marijuana from a grower/processor holding a valid permit under this act.

(7) A grower/processor may only provide medical marijuana to a dispensary holding a valid permit under this act.

CHAPTER 7 MEDICAL MARIJUANA CONTROLS

Section 701. Electronic tracking.

(a) Requirement.--A grower/processor or dispensary must implement an electronic inventory tracking system which shall be directly accessible to the department through its electronic database that electronically tracks all medical marijuana on a daily basis. The system shall include tracking of all of the following:

(1) For a grower/processor, a seed-to-sale tracking system that tracks the medical marijuana from seed to plant until the medical marijuana is sold to a dispensary.

(2) For a dispensary, medical marijuana from purchase from the grower/processor to sale to a patient or caregiver and that includes information that verifies the validity of an identification card presented by the patient or caregiver.

(3) For a grower/processor and a dispensary, a daily log of each day's beginning inventory, acquisitions, amounts purchased and sold, disbursements, disposals and ending inventory. The tracking system shall include prices paid and amounts collected from patients and caregivers.

(4) For a grower/processor and a dispensary, a system for recall of defective medical marijuana.

(5) For a grower/processor and a dispensary, a system to track the plant waste resulting from the growth of medical marijuana or other disposal, including the name and address of any disposal service.

(b) Additional requirements.--In addition to the information under subsection (a), each medical marijuana organization shall track the following:

(1) Security and surveillance.

(2) Recordkeeping and record retention.

(3) The acquisition, possession, growing and processing of medical marijuana.

(4) Delivery and transportation, including amounts and method of delivery.

(5) Dispensing, including amounts, pricing and amounts collected from patients and caregivers.

(c) Access.--Information maintained in electronic tracking systems under subsection (a) shall be confidential and not subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(d) Reports.--Within one year of the issuance of the first permit to a grower/processor or dispensary, and every three months thereafter in a form and manner prescribed by the department, the following information shall be provided to the department, which shall compile the information and post it on the department's publicly accessible Internet website:

(1) The amount of medical marijuana sold by a grower/processor during each three-month period.

(2) The price of amounts of medical marijuana sold by grower/processors as determined by the department.

(3) The amount of medical marijuana purchased by each dispensary in this Commonwealth.

(4) The cost of amounts of medical marijuana to each dispensary in amounts as determined by the department.

(5) The total amount and dollar value of medical marijuana sold by each dispensary in the three-month period.

Section 702. Grower/processors.

(a) Authorization.--Subject to subsection (b), a grower/processor may do all of the following in accordance with department regulations:

(1) Obtain seed from outside this Commonwealth to initially grow medical marijuana.

(2) Obtain seed and plant material from another grower/processor within this Commonwealth to grow medical marijuana.

(b) Limitations.--

(1) A grower/processor may only grow, store, harvest or process medical marijuana in an indoor, enclosed, secure facility which:

(i) includes electronic locking systems, electronic surveillance and other features required by the department; and

(ii) is located within this Commonwealth.

(2) (Reserved).

Section 703. Storage and transportation.

The department shall develop regulations relating to the storage and transportation of medical marijuana among grower/processors, testing laboratories and dispensaries which ensure adequate security to guard against in-transit losses. The tracking system developed by the department shall include all transportation and storage of medical marijuana. The regulations shall provide for the following:

(1) Requirements relating to shipping containers and packaging.

(2) The manner in which trucks, vans, trailers or other carriers will be secured.

(3) Security systems that include a numbered seal on the trailer.

(4) Obtaining copies of drivers' licenses and registrations and other information related to security and tracking.

(5) Use of GPS systems.

(6) Number of drivers or other security required to ensure against storage or in-transit losses.

(7) Recordkeeping for delivery and receipt of medical marijuana products.

(8) Requirements to utilize any electronic tracking system required by the department.

(9) Transporting medical marijuana to a grower/processor, approved laboratory or dispensary.

Section 704. Laboratory.

A grower/processor shall contract with an independent laboratory to test the medical marijuana produced by the grower/processor. The department shall approve the laboratory and require that the laboratory report testing results in a manner as the department shall determine, including requiring a test at harvest and a test at final processing. The possession by a laboratory of medical marijuana shall be a lawful use.

Section 705. Prices.

The department and the Department of Revenue shall monitor the price of medical marijuana sold by grower/processors and by dispensaries, including a per-dose price. If the department and the Department of Revenue determine that the prices are unreasonable or excessive, the department may implement a cap on the price of medical marijuana being sold for a period of six months. The cap may be amended during the six-month period. If the department and the Department of Revenue determine that the prices become unreasonable or excessive following the expiration of a six-month cap, additional caps may be imposed for periods not to exceed six months.

DISPENSARIES

Section 801. Dispensing to patients and caregivers.

(a) General rule.--A dispensary that has been issued a permit under Chapter 6 may lawfully dispense medical marijuana to a patient or caregiver upon presentation to the dispensary of a valid identification card for that patient or caregiver. The dispensary shall provide to the patient or caregiver a receipt, as appropriate. The receipt shall include all of the following:

- (1) The name, address and any identification number assigned to the dispensary by the department.
- (2) The name and address of the patient and caregiver.
- (3) The date the medical marijuana was dispensed.
- (4) Any requirement or limitation by the practitioner as to the form of medical marijuana for the patient.
- (5) The form and the quantity of medical marijuana dispensed.

(b) Requirements.--A dispensary shall have a physician or a pharmacist onsite at all times during the hours the dispensary is open to receive patients and caregivers. If a dispensary has more than one separate location, a physician assistant or a certified registered nurse practitioner may be onsite at each of the other locations in lieu of the physician or pharmacist. A physician, a pharmacist, a physician assistant or a certified registered nurse practitioner shall, prior to assuming duties under this paragraph, successfully complete the course established in section 301(a)(6). A physician may not issue a certification to authorize patients to receive medical marijuana or otherwise treat patients at the dispensary.

(c) Filing with department.--Prior to dispensing medical marijuana to a patient or caregiver, the dispensary shall file the receipt information with the department utilizing the electronic tracking system. When filing receipts under this subsection, the dispensary shall dispose of any electronically recorded certification information as provided by regulation.

(d) Limitations.--No dispensary may dispense to a patient or caregiver:

- (1) a quantity of medical marijuana greater than that which the patient or caregiver is permitted to possess under the certification; or
- (2) a form of medical marijuana prohibited by this act.

(e) Supply.--When dispensing medical marijuana to a patient or caregiver, the dispensary may not dispense an amount greater than a 30-day supply until the patient has exhausted all but a seven-day supply provided pursuant to a previously issued certification until additional certification is presented under section 405.

(f) Verification.--Prior to dispensing medical marijuana to a patient or caregiver, the dispensary shall verify the information in subsections (e) and (g) by consulting the electronic tracking system included in the department's electronic database established under section 301(a)(4)(v) and the dispensary tracking system under section 701(a)(2).

(g) Form of medical marijuana.--Medical marijuana dispensed to a patient or caregiver by a dispensary shall conform to any requirement or limitation set by the practitioner as to the form of medical marijuana for the patient.

(h) Safety insert.--When a dispensary dispenses medical marijuana to a patient or caregiver, the dispensary shall provide to that patient or caregiver, as appropriate, a safety insert. The insert shall be developed and approved by the department. The insert shall provide the following information:

- (1) Lawful methods for administering medical marijuana in individual doses.
- (2) Any potential dangers stemming from the use of medical marijuana.

(3) How to recognize what may be problematic usage of medical marijuana and how to obtain appropriate services or treatment for problematic usage.

(4) How to prevent or deter the misuse of medical marijuana by minors or others.

(5) Any other information as determined by the department.

(i) Sealed and labeled package.--Medical marijuana shall be dispensed by a dispensary to a patient or caregiver in a sealed and properly labeled package. The labeling shall contain the following:

(1) The information required to be included in the receipt provided to the patient or caregiver, as appropriate, by the dispensary.

(2) The packaging date.

(3) Any applicable date by which the medical marijuana should be used.

(4) A warning stating:

"This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children."

(5) The amount of individual doses contained within the package and the species and percentage of tetrahydrocannabinol and cannabidiol.

(6) A warning that the medical marijuana must be kept in the original container in which it was dispensed.

(7) A warning that unauthorized use is unlawful and will subject the person to criminal penalties.

(8) Any other information required by the department.

Section 802. Facility requirements.

(a) General rule.--

(1) A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility located within this Commonwealth, as determined by the department.

(2) A dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

(3) A dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center.

(4) A dispensary may sell medical devices and instruments which are needed to administer medical marijuana under this act.

(5) A dispensary may sell services approved by the department related to the use of medical marijuana.

(b) Adjustment or waiver of prohibition.--The department may amend a prohibition under subsection (a)(3) if it is shown by clear and convincing evidence that the amendment is necessary to provide adequate access to patients. An amendment may include additional security, physical plant of a facility or other conditions necessary to protect children.

Section 803. Posting.

A dispensary shall post a copy of its permit in a location within its facility in a manner that is easily observable by patients, caregivers, law enforcement officers and agents of the department.

CHAPTER 9 TAX ON MEDICAL MARIJUANA

Section 901. Tax on medical marijuana.

(a) Tax imposed.--A tax is imposed on the gross receipts of a grower/processor received from the sale of medical marijuana by a

grower/processor to a dispensary, to be paid by the grower/processor, at the rate of 5%. The tax shall be charged against and be paid by the grower/processor and shall not be added as a separate charge or line item on any sales slip, invoice, receipt or other statement or memorandum of the price paid by a dispensary, patient or caregiver.

(b) Payment of tax and reports.--The tax imposed under subsection (a) shall be administered in the same manner as the tax imposed under Article XI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, except that estimated tax payments under section 3003.2 of the Tax Reform Code of 1971 shall not be required. A grower/processor shall make quarterly payments under this section for each calendar quarter at the rate prescribed in subsection (a) on the gross receipts for the calendar quarter. The tax shall be due and payable on the 20th day of January, April, July and October for the preceding calendar quarter on a form prescribed by the Department of Revenue.

(c) (Reserved).

(d) Deposit of proceeds.--All money received from the tax imposed under subsection (a) shall be deposited into the fund.

(e) Exemption.--Medical marijuana shall not be subject to the tax imposed under section 202 of the Tax Reform Code of 1971.

(f) Information.--A grower/processor that sells medical marijuana shall provide to the Department of Revenue information required by the department.

Section 902. Medical Marijuana Program Fund.

(a) Fund established.--The Medical Marijuana Program Fund is established as a special fund in the State Treasury. Money in the fund is appropriated as set forth in subsection (c). Any amount unspent at the end of a fiscal year shall be appropriated to the department for its operations.

(b) Source of funds.--Fees and taxes payable under this act shall be deposited into the fund. The money deposited into the fund may only be used for the purposes set forth in this section. Any interest accrued shall be deposited into the fund.

(c) Use of proceeds.--After any repayment made under subsection (d), money in the fund is appropriated in accordance with the following percentages:

(1) To the department, 55% of the revenue in the fund.

Forty percent of the revenue in the fund shall be expended for operations of the department, including outreach efforts and other projects, as required by this act. Fifteen percent of the amount in the fund shall be used by the department to establish the following:

(i) a program to assist patients with the cost of providing medical marijuana to patients who demonstrate financial hardship or need under this act, and the department shall develop guidelines and procedures to ensure maximum availability to individuals with financial need;

(ii) a program to assist patients and caregivers with the cost associated with the waiver or reduction of fees for identification cards under sections 501(c)(5) and 502(a)(2); and

(iii) a program to reimburse caregivers for the cost of providing background checks for caregivers.

(2) To the Department of Drug and Alcohol Programs, for drug abuse prevention and counseling and treatment services, 10% of the revenue in the fund.

(3) To the department, for further research related to the use of medical marijuana, including the research program established under Chapter 19, 30% of the revenue in the fund. Funding shall be provided for research into the treatment of those serious medical conditions for which medical marijuana is available for treatment within this Commonwealth and for

research into the use of medical marijuana to treat other medical conditions for which medical marijuana may have legitimate medicinal value. Money shall be used to subsidize the cost of, or provide, medical marijuana to patients participating in the program. However, money in the fund may not be expended on activity under Chapter 20.

(4) To the Pennsylvania Commission on Crime and Delinquency, for distribution to local police departments which demonstrate a need relating to the enforcement of this act, 5% of the revenue in the fund.

(d) Repayment of initial funding.--The department shall repay from the fees, taxes and investment earnings of the fund to the General Fund any money appropriated for the initial planning, organization and administration by the department with respect to the establishment of the program at the time of the original enactment of this act. Repayment shall take place within a 10-year period commencing one year after the date of publication in the Pennsylvania Bulletin of the final regulations.

CHAPTER 11 ADMINISTRATION

Section 1101. Governing practice and procedure.

The provisions of 2 Pa.C.S. (relating to administrative law and procedure) shall apply to all actions of the department under this act constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

Section 1102. Reports by medical marijuana organizations.

A medical marijuana organization shall periodically file reports related to its activities. The department shall determine the information required in and the frequency of filing the reports.

Section 1103. Law enforcement notification.

Notwithstanding any provision of this act or any other law to the contrary, the department may notify any appropriate law enforcement agency of information relating to any violation or suspected violation of this act. In addition, the department shall verify to law enforcement personnel in an appropriate case whether a certification, permit, registration or an identification card is valid, including release of the name of the patient.

Section 1104. Evaluation.

The department may provide for an analysis and evaluation of the implementation and effectiveness of this act, including whether the intent and stated policy of the General Assembly have been achieved. The department may enter into agreements with one or more persons for the performance of an evaluation of the implementation and effectiveness of this act.

Section 1105. Report.

(a) Report required.--The department shall submit a written report under subsection (b) every two years, beginning two years after the effective date of this section, to the following:

- (1) The Governor.
- (2) The President pro tempore of the Senate.
- (3) The Majority Leader and the Minority Leader of the Senate.
- (4) The Speaker of the House of Representatives.
- (5) The Majority Leader and the Minority Leader of the House of Representatives.
- (6) The chairman and minority chairman of the Judiciary Committee of the Senate.
- (7) The chairman and minority chairman of the Public Health and Welfare Committee of the Senate.
- (8) The chairman and minority chairman of the Judiciary Committee of the House of Representatives.

(9) The chairman and minority chairman of the Health Committee of the House of Representatives.

(10) The Attorney General of the Commonwealth.

(b) Contents of report.--The following information shall be included in the report:

(1) An assessment of the use of medical marijuana as a result of the enactment of this act.

(2) An assessment of the benefits and risks to patients using medical marijuana under this act, including adverse events.

(3) Recommendations for amendments to this act for reasons of patient safety or to aid the general welfare of the citizens of this Commonwealth.

Section 1106. (Reserved).

Section 1107. Temporary regulations.

(a) Promulgation.--In order to facilitate the prompt implementation of this act, the department may promulgate temporary regulations that shall expire not later than two years following the publication of the temporary regulation. The department may promulgate temporary regulations not subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(b) Expiration.--The department's authority to adopt temporary regulations under subsection (a) shall expire two years after the effective date of this section. Regulations adopted after this period shall be promulgated as provided by law.

(c) Publication.--The department shall begin publishing temporary regulations in the Pennsylvania Bulletin no later than six months after the effective date of this section.

CHAPTER 12 MEDICAL MARIJUANA ADVISORY BOARD

Section 1201. Advisory board.

(a) Establishment.--The Medical Marijuana Advisory Board is established within the department. The advisory board shall consist of the following members:

(1) The secretary or a designee.

(2) The Commissioner of the Pennsylvania State Police or a designee.

(3) The chairman of the State Board of Pharmacy or a designee.

(4) The Commissioner of Professional and Occupational Affairs or a designee.

(5) The Physician General or a designee.

(6) The president of the Pennsylvania Chiefs of Police Association or a designee.

(7) The president of the Pennsylvania District Attorneys Association or a designee.

(8) One member to be appointed by each of the following, which members shall be knowledgeable and experienced in issues relating to care and treatment of individuals with a serious medical condition, geriatric or pediatric medicine or clinical research:

(i) The Governor.

(ii) The President pro tempore of the Senate.

(iii) The Majority Leader of the Senate.

(iv) The Minority Leader of the Senate.

(v) The Speaker of the House of Representatives.

(vi) The Majority Leader of the House of Representatives.

(vii) The Minority Leader of the House of Representatives.

(9) One member appointed by the Governor, who shall be a patient, a family or household member of a patient or a patient advocate.

(b) Terms.--Except as provided under subsection (g), the members appointed under subsection (a) (8) and (9) shall serve a term of four years or until a successor has been appointed and qualified, but no longer than six months beyond the four-year period.

(c) Chair.--The secretary, or a designee, shall serve as chair of the advisory board.

(d) Voting; quorum.--The members under subsection (a) (1), (2), (3), (4), (5), (6) and (7) shall serve ex officio and shall have voting rights. A majority of the members shall constitute a quorum for the purpose of organizing the advisory board, conducting its business and fulfilling its duties. A vote of the majority of the members present shall be sufficient for all actions of the advisory board unless the bylaws require a greater number.

(e) Attendance.--A member of the advisory board appointed under subsection (a) (8) or (9) who fails to attend three consecutive meetings shall forfeit his seat unless the secretary, upon written request from the member, finds that the member should be excused from a meeting for good cause. A member who cannot be physically present may attend meetings via electronic means, including video conference.

(f) Governance.--The advisory board shall have the power to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the advisory board is conducted and the manner in which the duties granted to it are fulfilled. The advisory board may delegate supervision of the administration of advisory board activities to an administrative secretary and other employees of the department as the secretary shall appoint.

(g) Initial terms.--The initial terms of members appointed under subsection (a) (8) and (9) shall be for terms of one, two, three or four years, the particular term of each member to be designated by the secretary at the time of appointment. All other members shall serve for a term of four years.

(h) Vacancy.--In the event that any member appointed under subsection (a) (8) or (9) shall die or resign or otherwise become disqualified during the member's term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired term. An appointed member of the advisory board shall be eligible for reappointment.

(i) Expenses.--A member appointed under subsection (a) (8) or (9) shall receive the amount of reasonable travel, hotel and other necessary expenses incurred in the performance of the duties of the member in accordance with Commonwealth regulations, but shall receive no other compensation for the member's service on the board.

(j) Duties.--The advisory board shall have the following duties:

(1) To examine and analyze the statutory and regulatory law relating to medical marijuana within this Commonwealth.

(2) To examine and analyze the law and events in other states and the nation with respect to medical marijuana.

(3) To accept and review written comments from individuals and organizations about medical marijuana.

(4) To issue two years after the effective date of this section a written report to the Governor, the Senate and the

House of Representatives.

(5) The written report under paragraph (4) shall include recommendations and findings as to the following:

- (i) Whether to change the types of medical professionals who can issue certifications to patients.
- (ii) Whether to change, add or reduce the types of medical conditions which qualify as serious medical conditions under this act.
- (iii) Whether to change the form of medical marijuana permitted under this act.
- (iv) Whether to change, add or reduce the number of growers/processors or dispensaries.
- (v) How to ensure affordable patient access to medical marijuana.
- (vi) Whether to permit medical marijuana to be dispensed in dry leaf or plant form, for administration by vaporization.

(6) The final written report under this section shall be adopted at a public meeting. The report shall be a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 1202. Regulations based on recommendations of advisory board.

After receiving the report of the advisory board under section 1201(j)(4), at the discretion of the secretary, the department may promulgate regulations to effectuate recommendations made by the advisory board. The secretary shall issue notice in the Pennsylvania Bulletin within 12 months of the receipt of the report of the advisory board. The notice shall include the recommendations of the advisory board and shall state the specific reasons for the decision of the secretary on whether or not to effectuate each recommendation.

CHAPTER 13
OFFENSES RELATED TO MEDICAL MARIJUANA

Section 1301. Criminal diversion of medical marijuana by practitioners.

In addition to any other penalty provided by law, a practitioner commits a misdemeanor of the first degree if the practitioner intentionally, knowingly or recklessly certifies a person as being able to lawfully receive medical marijuana or otherwise provides medical marijuana to a person who is not lawfully permitted to receive medical marijuana.

Section 1302. Criminal diversion of medical marijuana.

In addition to any other penalty provided by law, an employee, financial backer, operator or principal of any of the following commits a misdemeanor of the first degree if the person intentionally, knowingly or recklessly sells, dispenses, trades, delivers or otherwise provides medical marijuana to a person who is not lawfully permitted to receive medical marijuana:

- (1) A medical marijuana organization.
- (2) A health care medical marijuana organization or university participating in a research study under Chapter 19.
- (3) A clinical registrant or academic clinical research center under Chapter 20.
- (4) A laboratory utilized to test medical marijuana under section 704.

Section 1303. Criminal retention of medical marijuana.

In addition to any other penalty provided by law, a patient or caregiver commits a misdemeanor of the third degree if the patient or caregiver intentionally, knowingly or recklessly possesses, stores or maintains an amount of medical marijuana in excess of the amount legally permitted.

Section 1304. Criminal diversion of medical marijuana by patient or caregiver.

(a) Offense defined.--In addition to any other penalty provided by law, a patient or caregiver commits an offense if the patient or caregiver intentionally, knowingly or recklessly provides medical marijuana to a person who is not lawfully permitted to receive medical marijuana.

(b) Grading.--A first offense under this section constitutes a misdemeanor of the second degree. A second or subsequent offense constitutes a misdemeanor of the first degree.

Section 1305. Falsification of identification cards.

(a) Offense defined.--In addition to any other penalty provided by law, a person commits an offense if, knowing he is not privileged to hold an identification card, the person:

(1) possesses an identification card and either attempts to use the card to obtain medical marijuana or obtains medical marijuana;

(2) possesses an identification card which falsely identifies the person as being lawfully entitled to receive medical marijuana and either attempts to use the card to obtain medical marijuana or obtains medical marijuana; or

(3) possesses an identification card which contains any false information on the card and the person either attempts to use the card to obtain medical marijuana or obtains medical marijuana.

(b) Grading.--A first offense under this section constitutes a misdemeanor of the second degree. A second or subsequent offense under this section constitutes a misdemeanor of the first degree.

Section 1306. Adulteration of medical marijuana.

(a) General rule.--In addition to any other penalty provided by law, a person commits an offense if the person adulterates, fortifies, contaminates or changes the character or purity of medical marijuana from that set forth on the patient's or caregiver's identification card.

(b) Grading.--A first offense under this section constitutes a misdemeanor of the second degree. A second or subsequent offense under this section constitutes a misdemeanor of the first degree.

Section 1307. Disclosure of information prohibited.

(a) Offense defined.--In addition to any other penalty provided by law, an employee, financial backer, operator or principal of any of the following commits a misdemeanor of the third degree if the person discloses, except to authorized persons for official governmental or health care purposes, any information related to the use of medical marijuana:

(1) A medical marijuana organization.

(2) A health care medical marijuana organization or university participating in a research study under Chapter 19.

(3) A clinical registrant or academic clinical research center under Chapter 20.

(4) An employee of the department.

(b) Exception.--Subsection (a) shall not apply where disclosure is permitted or required by law or by court order.

Section 1308. Additional penalties.

(a) Criminal penalties.--In addition to any other penalty provided by law, a practitioner, caregiver, patient, employee, financial backer, operator or principal of any medical marijuana organization, health care medical organization or university participating in a research study under Chapter 19, and an employee, financial backer, operator or principal of a clinical registrant or academic clinical research center under Chapter 20, who violates any of the provisions of this act, other than those specified in section 1301, 1302, 1303, 1304, 1305, 1306 or 1307, or any regulation promulgated under this act:

(1) For a first offense, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a

fine of not more than \$5,000, or to imprisonment for not more than six months.

(2) For a second or subsequent offense, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000, or to imprisonment for not less than six months or more than one year, or both.

(b) Civil penalties.--In addition to any other remedy available to the department, the department may assess a civil penalty for a violation of this act, a regulation promulgated under this act or an order issued under this act or regulation as provided in this subsection. The following shall apply:

(1) The department may assess a penalty of not more than \$10,000 for each violation and an additional penalty of not more than \$1,000 for each day of a continuing violation. In determining the amount of each penalty, the department shall take the following factors into consideration:

(i) The gravity of the violation.

(ii) The potential harm resulting from the violation to patients, caregivers or the general public.

(iii) The willfulness of the violation.

(iv) Previous violations, if any, by the person being assessed.

(v) The economic benefit to the person being assessed for failing to comply with the requirements of this act, a regulation promulgated under this act or an order issued under this act or regulation.

(2) If the department finds that the violation did not threaten the safety or health of a patient, caregiver or the general public and the violator took immediate action to remedy the violation upon learning of it, the department may issue a written warning in lieu of assessing a civil penalty.

(3) A person who aids, abets, counsels, induces, procures or causes another person to violate this act, a regulation promulgated under this act or an order issued under this act or regulation shall be subject to the civil penalties provided under this subsection.

(c) Sanctions.--

(1) In addition to the penalties provided in subsection (b) and any other penalty authorized by law, the department may impose the following sanctions:

(i) Revoke or suspend the permit of a person found to be in violation of this act, a regulation promulgated under this act or an order issued under this act or regulation.

(ii) Revoke or suspend the permit of a person for conduct or activity or the occurrence of an event that would have disqualified the person from receiving the permit.

(iii) Revoke or suspend the registration of a practitioner for a violation of this act or a regulation promulgated or an order issued under this act or for conduct or activity which would have disqualified the practitioner from receiving a registration.

(iv) Suspend a permit or registration of a person pending the outcome of a hearing in a case in which the permit or registration could be revoked.

(v) Order restitution of funds or property unlawfully obtained or retained by a permittee or registrant.

(vi) Issue a cease and desist order.

(2) A person who aids, abets, counsels, induces, procures or causes another person to violate this act shall be subject to the sanctions provided under this subsection.

(d) Costs of action.--The department may assess against a person determined to be in violation of this act the costs of investigation of the violation.

(e) Minor violations.--Nothing in this section shall be construed to require the assessment of a civil penalty or the imposition of a sanction for a minor violation of this act if the department determines that the public interest will be adequately served under the circumstances by the issuance of a written warning.

Section 1309. Other restrictions.

This act does not permit any person to engage in and does not prevent the imposition of any civil, criminal or other penalty for the following:

(1) Undertaking any task under the influence of medical marijuana when doing so would constitute negligence, professional malpractice or professional misconduct.

(2) Possessing or using medical marijuana in a State or county correctional facility, including a facility owned or operated or under contract with the Department of Corrections or the county which houses inmates serving a portion of their sentences on parole or other community correction program.

Nothing in this paragraph shall be construed to apply to employees of the facilities set forth in this paragraph. The Department of Corrections shall adopt a written policy no later than 18 months from the effective date of this section regarding the possession and use of medical marijuana by employees in State correctional facilities. The governing authority of a county may adopt a resolution no later than 18 months from the effective date of this section regarding the possession and use of medical marijuana by employees in a county correctional facility.

(3) Possessing or using medical marijuana in a youth detention center or other facility which houses children adjudicated delinquent, including the separate, secure State-owned facility or unit utilized for sexually violent delinquent children under 42 Pa.C.S. § 6404 (relating to duration of inpatient commitment and review). As used in this paragraph, the term "sexually violent delinquent children" shall have the meaning given to it in 42 Pa.C.S. § 6402 (relating to definitions). Nothing in this paragraph shall be construed to apply to employees of the facilities set forth in this paragraph.

CHAPTER 19 RESEARCH PROGRAM

Section 1901. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Health care medical marijuana organization." A vertically integrated health system approved by the department to dispense medical marijuana or grow and process medical marijuana, or both, in accordance with a research study under this chapter.

"Vertically integrated health system." A health delivery system licensed under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, in which the complete spectrum of care, including primary and specialty care, hospitalization and pharmaceutical care, is provided within a single organization.

Section 1902. Establishment of medical marijuana research program.

(a) Program to be established.--The department shall establish and develop a research program to study the impact of medical marijuana on the treatment and symptom management of serious medical conditions. The program shall not include a clinical registrant or academic clinical research center under Chapter 20.

(b) Department duties.--The department shall:

(1) Review all serious medical conditions which are cited by a practitioner upon the practitioner's certification that a patient be granted an identification card.

(2) Create a database of all serious medical conditions, including comorbidities, which are cited by practitioners in the certifications of patients. The database shall also include the form of medical marijuana certified to treat each serious medical condition.

(3) When the database contains 25 or more patients with the same serious medical condition, petition the United States Food and Drug Administration and the United States Drug Enforcement Administration for approval to study the condition and the impact of medical marijuana on the condition.

(4) Concurrent with the request to the United States Food and Drug Administration and United States Drug Enforcement Administration, publicly announce the formation of a research study to which a vertically integrated health system and a university within this Commonwealth may submit a request to participate.

(5) Upon approval of a research study by the United States Food and Drug Administration and the United States Drug Enforcement Administration, select a vertically integrated health system or systems to conduct the research study and designate the form or forms of medical marijuana which will be used to treat the serious medical condition.

(6) Notify a patient who has been issued an identification card:

(i) that the patient has been selected to participate, at the patient's option, in a research study to study medical marijuana as a treatment; and

(ii) where the patient may secure medical marijuana through a health care medical marijuana organization at no cost to the patient in accordance with subsection (c).

(7) If the United States Food and Drug Administration and the United States Drug Enforcement Administration reject the proposal for the research study, take all reasonable steps to collect and collate data on the serious medical condition and the use of medical marijuana as a treatment for the serious medical condition and consider submitting an additional request to the United States Food and Drug Administration and United States Drug Enforcement Administration for a research study on the same condition.

(c) Costs.--The cost of the medical marijuana which is dispensed to patients in accordance with an approved research study shall be paid for by the fund.

(d) Geographic accessibility.--The department shall take into consideration the geographic location of the health care medical marijuana organization when assigning a patient to a health care medical marijuana organization. The department shall make an effort to assign a patient to a health care medical marijuana organization that is located within 50 miles of the patient's residence.

(e) Data.--Data collected by the health care medical marijuana organization shall be provided to the university participating in the research study for analysis.

Section 1903. Medical marijuana research program administration.

(a) General rule.--The department shall establish a research study for each serious medical condition. The department shall engage universities within this Commonwealth to participate in the collection, collation, analysis and conclusive findings of the research studies. The department shall, by regulation, establish the procedure to be used by health care medical marijuana organizations with respect to:

(1) Real time inventory tracking.

- (2) Real time tracking of the medical marijuana dispensed.
- (3) Recall of defective medical marijuana.

(b) Request for distributions.--The department shall establish a form and procedure for universities selected to participate in a research study to request distributions from the fund to conduct research on medical marijuana, including administrative costs. These distributions shall also be used to pay for the cost of the medical marijuana so that it is not borne by the patient participating in the research study. The forms shall include, at a minimum, the following:

- (1) The form or forms of medical marijuana to be studied.
- (2) The serious medical condition to be studied.

(c) Research reports.--

(1) A vertically integrated health system shall report on the effectiveness of the use of medical marijuana for the treatment of the serious medical condition studied and all counterindications and noted side effects.

(2) The department shall notify the vertically integrated health system and the university participating in the research study of the data which is required to meet the United States Food and Drug Administration's and the United States Drug Enforcement Administration's approval for the research study.

(3) The first report, including the data required under paragraph (2), shall be submitted to the department and made publicly available within 180 days of the initiation of a research study for a specific serious medical condition.

(4) An annual report of the data required under paragraph (2) shall be submitted to the department beginning one year after the initiation of a research study for a specific serious medical condition and each year thereafter.

Section 1904. Approval.

A vertically integrated health system located in this Commonwealth may petition the department to participate in a research study to study a serious medical condition under section 1903. Approval of the vertically integrated health system as a health care medical marijuana organization by the department shall authorize access within a region under section 603(d) to medical marijuana for all patients included in an approved research study.

Section 1905. Requirements.

(a) Dispensing.--A health care medical marijuana organization that dispenses medical marijuana shall:

(1) Maintain licensure with the department as required under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(2) Secure the medical marijuana within the associated pharmacies of the health care medical marijuana organization in a manner and method prescribed by the department.

(3) Keep a daily log of the medical marijuana dispensed and the research study with which the patient and the medical marijuana are associated. Reports shall be delivered to the department and the university participating in the research study on a weekly basis.

(4) Report to the Pennsylvania Health Care Cost Containment Council the utilization rates of those patients participating in the research of medical marijuana and treatment options.

(5) Only dispense medical marijuana received from a grower/processor or a health care medical marijuana organization that is approved to grow and process medical marijuana.

(6) Provide all patients or caregivers with the safety insert, prepared by the department, which includes potential dangers, recognition and correction of problematic dosage and any other information required by the department or which the department deems relevant for patient safety.

(b) Growing and processing.--A health care medical marijuana organization that grows and processes medical marijuana shall:

(1) Maintain licensure with the department as required under the Health Care Facilities Act.

(2) Only make available medical marijuana to health care medical marijuana organizations that dispense medical marijuana.

(3) Keep a daily log of medical marijuana intended for ultimate use by patients participating in a research study.

Section 1906. Restrictions.

A health care medical marijuana organization may not participate in a research study of any kind, including the program established under this chapter, or dispense or grow and process medical marijuana if it has violated its licensure requirements under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

Section 1907. Regulations.

The department shall, by regulation, establish the procedure to be used by a health care medical marijuana organization that grows and processes medical marijuana with respect to:

(1) Real time inventory tracking, including a seed-to-dispensing tracking system that tracks medical marijuana from seed or immature plant stage until the medical marijuana is provided to a patient in a research study.

(2) Security, recordkeeping, record retention and surveillance systems relating to every stage of growing and processing medical marijuana.

(3) A daily log of each day's beginning inventory, acquisitions, disbursements, disposals and ending inventory.

(4) A system to recall defective medical marijuana.

(5) A system to track the plant waste resulting from the growth of medical marijuana.

(6) Testing of medical marijuana by an independent laboratory to test the medical marijuana produced by the health care medical marijuana organization, including requiring a test at harvest and a test at final processing.

(7) Any other procedure deemed necessary by the department.

Section 1908. Nonentitlement.

Nothing in this chapter shall be construed to create an entitlement or right of a patient to receive medical marijuana or to participate in a research study.

CHAPTER 20 ACADEMIC CLINICAL RESEARCH CENTERS

Section 2001. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Academic clinical research center." An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

"Clinical registrant." An entity that:

(1) holds a permit as both a grower/processor and a dispensary; and

(2) has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

Section 2002. Clinical registrants.

Notwithstanding the limitations in section 616, the department may register up to eight clinical registrants. Each entity may provide medical marijuana at not more than six separate locations. The total number of locations authorized to dispense medical marijuana under this section shall not exceed 48. The following apply with respect to this category of clinical registrant:

(1) A clinical registrant must pay the fees and meet all other requirements under this act for obtaining a permit as a grower/processor and a dispensary, except as provided under section 607(1)(vi) and (2)(vi).

(2) The clinical registrant must have a minimum of \$15,000,000 in capital. The department shall verify the capital requirement.

(3) The clinical registrant must comply with all other requirements of this act regarding growing, processing and dispensing medical marijuana.

Section 2003. Research study.

Notwithstanding any provision of this act to the contrary, the department may, upon application, approve the dispensing of medical marijuana by a clinical registrant to the academic clinical research center for the purpose of conducting a research study. The department shall develop the application and standards for approval of such dispensing by the clinical registrant. The following apply to the research study:

(1) The clinical registrant shall disclose the following information to the department in its application:

(i) The reason for the research project, including the reason for the trial.

(ii) The strain of medical marijuana to be used and the strength of the medical marijuana to be used in the research study.

(iii) The anticipated duration of the study.

(iv) Evidence of approval of the trial by an accredited institutional review board, including any other required regulatory approvals.

(v) Other information required by the department, except that the department may not require disclosure of any information that would infringe upon the academic clinical research center's exclusive right to intellectual property or legal obligations for patient confidentiality.

(2) The academic clinical research center shall provide its findings to the department within 365 days of the conclusion of the research study or within 365 days of publication of the results of the research study in a peer-reviewed medical journal, whichever is later.

(3) The department shall allow the exchange of medical marijuana seed between clinical registrants for the conduct of research.

CHAPTER 21 MISCELLANEOUS PROVISIONS

Section 2101. Conflict.

The growth, processing, manufacture, acquisition, transportation, sale, dispensing, distribution, possession and consumption of medical marijuana permitted under this act shall not be deemed to be a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act. If a provision of the Controlled Substance, Drug, Device and Cosmetic Act relating to marijuana conflicts with a provision of this act, this act shall take precedence.

Section 2101.1. Financial and employment interests.

(a) Financial interests.--Except as may be provided for the judiciary by rule or order of the Pennsylvania Supreme Court, an

executive-level public employee, public official or party officer, or an immediate family member thereof, shall not intentionally or knowingly hold a financial interest in a medical marijuana organization or in a holding company, affiliate, intermediary or subsidiary thereof, while the individual is an executive-level public employee, public official or party officer and for one year following termination of the individual's status as an executive-level public employee, public official or party officer.

(b) Employment.--Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level public employee, public official or party officer, or an immediate family member thereof, shall be employed by a medical marijuana organization or by any holding company, affiliate, intermediary or subsidiary thereof, while the individual is an executive-level public employee, public official or party officer and for one year following termination of the individual's status as an executive-level public employee, public official or party officer.

(c) Grading.--An individual who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(d) State Ethics Commission.--The State Ethics Commission shall do all of the following:

(1) Issue a written determination of whether a person is subject to subsection (a) or (b) upon the written request of the person or any other person that may have liability for an action taken with respect to such person. A person that relies in good faith on a determination made under this paragraph shall not be subject to any penalty for an action taken, provided that all material facts set forth in the request for the determination are correct.

(2) Publish a list of all State, county, municipal and other government positions that meet the definitions of "public official" or "executive-level public employee" as defined under 4 Pa.C.S. § 1512(b) (relating to financial and employment interests). The Office of Administration shall assist the State Ethics Commission in the development of the list, which shall be published by the State Ethics Commission in the Pennsylvania Bulletin biennially and posted by the department on the department's Internet website. Upon request, each public official shall have a duty to provide the State Ethics Commission with adequate information to accurately develop and maintain the list. The State Ethics Commission may impose a civil penalty under 65 Pa.C.S. § 1109(f) (relating to penalties) upon any individual, including any public official or executive-level public employee, who fails to cooperate with the State Ethics Commission under this subsection. A person that relies in good faith on the list published by the State Ethics Commission shall not be subject to any penalty for a violation of this section.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Financial interest." As defined in 4 Pa.C.S. § 1512(b).

"Immediate family." As defined in 4 Pa.C.S. § 1512(b).

"Party officer." As defined in 4 Pa.C.S. § 1512(b).

"Public official." The term shall include the following:

(1) The Governor, Lieutenant Governor, a member of the Governor's cabinet, Treasurer, Auditor General and Attorney General of the Commonwealth.

(2) A member of the Senate or House of Representatives of the Commonwealth.

(3) An individual elected or appointed to any office of a county or municipality that directly receives a distribution of revenue from the fund.

(4) An individual elected or appointed to a department, agency, board, commission, authority or other governmental body not included in paragraph (1), (2) or (3) that directly receives a distribution of revenue from the fund.

(5) An individual elected or appointed to a department, agency, board, commission, authority, county, municipality or other governmental body not included in paragraph (1), (2) or (3) with discretionary power which may influence or affect the outcome of an action or decision and who is involved in the development of regulation or policy relating to a medical marijuana organization or who is involved in other matters under this act.

The term does not include a member of a school board or an individual who held an uncompensated office with a governmental body prior to January 1, 2017, and who no longer holds the office as of January 1, 2017.

Section 2102. Insurers.

Nothing in this act shall be construed to require an insurer or a health plan, whether paid for by Commonwealth funds or private funds, to provide coverage for medical marijuana.

Section 2103. Protections for patients and caregivers.

(a) **Licensure.**--None of the following shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including civil penalty or disciplinary action by a Commonwealth licensing board or commission, solely for lawful use of medical marijuana or manufacture or sale or dispensing of medical marijuana, or for any other action taken in accordance with this act:

(1) A patient.

(2) A caregiver.

(3) A practitioner.

(4) A medical marijuana organization.

(5) A health care medical marijuana organization or university participating in a research study under Chapter 19.

(6) A clinical registrant or academic clinical research center under Chapter 20.

(7) An employee, principal or financial backer of a medical marijuana organization.

(8) An employee of a health care medical marijuana organization or an employee of a university participating in a research study under Chapter 19.

(9) An employee of a clinical registrant or an employee of an academic clinical research center under Chapter 20.

(10) A pharmacist, physician assistant or certified registered nurse practitioner under section 801(b).

(b) Employment.--

(1) No employer may discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location or privileges solely on the basis of such employee's status as an individual who is certified to use medical marijuana.

(2) Nothing in this act shall require an employer to make any accommodation of the use of medical marijuana on the property or premises of any place of employment. This act shall in no way limit an employer's ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally accepted for that position.

(3) Nothing in this act shall require an employer to commit any act that would put the employer or any person acting on its behalf in violation of Federal law.

(c) Custody determination.--The fact that an individual is certified to use medical marijuana and acting in accordance with

this act shall not by itself be considered by a court in a custody proceeding. In determining the best interest of a child with respect to custody, the provisions of 23 Pa.C.S. Ch. 53 (relating to child custody) shall apply.

Section 2104. Schools.

The Department of Education shall promulgate regulations within 18 months of the effective date of this section regarding the following:

(1) Possession and use of medical marijuana by a student on the grounds of a preschool, primary school and a secondary school.

(2) Possession and use of medical marijuana by an employee of a preschool, primary school and a secondary school on the grounds of such school.

Section 2105. Day-care centers.

The Department of Human Services shall promulgate regulations within 18 months of the effective date of this section regarding the following:

(1) Possession and use of medical marijuana by a child under the care of a child-care or social service center licensed or operated by the Department of Human Services.

(2) Possession and use of medical marijuana by an employee of a child-care or social service center licensed or operated by the Department of Human Services.

(3) Possession and use of medical marijuana by employees of a youth development center or other facility which houses children adjudicated delinquent, including the separate, secure State-owned facility or unit for sexually violent children, as set forth in section 1309(3).

Section 2106. Medical marijuana from other states.

(a) General rule.--It is not a violation of this act or the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, if a parent or guardian of a minor under 18 years of age lawfully obtains medical marijuana from another state, territory of the United States or any other country to be administered to the minor.

(b) Expiration.--This section shall expire 730 days after the effective date of this section.

Section 2107. Zoning.

The following apply:

(1) A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district.

(2) A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

Section 2108. Notice.

Upon amendment of the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236) removing marijuana from Schedule I of the Controlled Substances Act, the department shall publish notice of the effective date of the amendment in the Pennsylvania Bulletin.

Section 2109. Applicability.

(a) Dispensaries.--The provisions of this act with respect to dispensaries shall not apply beginning 1,095 days from the effective date of an amendment to the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236) removing marijuana from Schedule I of the Controlled Substances Act.

(b) Issuance.--The issuance of permits and other authorizations shall begin upon publication of a notice by the department in the Pennsylvania Bulletin that adequate temporary or permanent regulations have been adopted to initiate the program under this act.

Section 2110. Effective date.

This act shall take effect in 30 days.



508 North Third Street . Harrisburg, PA 17101-1199
phone: 717-234-6151 fax: 717-236-1618 website: www.PApharmacists.com

Medical Marijuana - Act 16 of 2016

Act 16 of 2016 creates a stand-alone act entitled the Medical Marijuana Act and establishes a program for the use of medical marijuana (MM) to be administered by the Department of Health (DOH).

SUMMARY: This legislation establishes a program for use of medical marijuana by patients with a "serious medical condition" which is defined as any of the following conditions: cancer; HIV/AIDS; amyotrophic lateral sclerosis (ALS); Parkinson's disease; multiple sclerosis (MS); damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity; epilepsy; inflammatory bowel disease (IBD); neuropathies; Huntington's disease; Crohn's disease; post-traumatic stress disorder (PTSD); intractable seizures; glaucoma; sickle cell anemia; autism; and severe chronic or intractable pain of neuropathic origin or severe or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.

The Act provides that DOH register two types of MM organizations: a grower/processor and a dispensary. Any of the following are permitted to become registered as either a grower/processor or a dispensary: an individual; a corporation; a partnership; an association; a trust; or other entity.

This legislation creates an advisory board within DOH, composed of fifteen members, seven permanent members and eight appointed by the Governor and legislative leaders in the House and Senate. The appointed members shall be knowledgeable about and have experience with issues relating to the care and treatment of individuals with serious medical conditions, geriatric or pediatric medicine or clinical research.

The permanent members are the: Secretary of Health; Commissioner of the Pennsylvania State Police (PSP); **Chairman of the State Board of Pharmacy;** Commissioner of the Bureau of the Professional and Occupational Affairs; Physician General; President of the PA Chiefs of Police Association; and President of the PA District Attorneys Association, or a designee from each department.

The board is given the task of reviewing Commonwealth law regarding MM, the experience in other states with respect to MM, and correspondence from individuals and organizations regarding MM. Two years after the MM program commences, the advisory board must submit a written report to the General Assembly and the Governor. That report must include recommendations with respect to the following areas:

- An assessment of the use of medical marijuana as a result of the enactment of this Act;
- An assessment of the benefits and risks to patients using medical marijuana under this Act, including adverse events;
- Recommendations for amendments to this Act for reasons of patient safety or to aid the general welfare of the citizens of this commonwealth;
- Whether to change the types of medical professionals who can certify patients to use MM;
- Whether to change, add to or reduce the types of medical conditions which qualify as "serious medical conditions";
- Whether to change, add to or reduce the form and manner of consumption of MM permitted;

- Whether to change, add to or reduce the number of growers/processors or dispensaries;
- How to ensure affordable patient access to MM;
- Whether to permit MM to be dispensed in dry leaf or plant form, for administration by vaporization.

The Act gives DOH the authority to promulgate regulations to implement the recommendations of the advisory board, at the discretion of the secretary. Such regulations must be promulgated within 12 months of the acceptance of the report. The secretary must state in a notice to be published in the Pennsylvania Bulletin which recommendations will lead to regulations and the reasons why a particular recommendation was included or omitted. The legislation provides that DOH implement procedures for:

- Establishment of an electronic database to include activities and information relating to medical marijuana organizations, certifications, identification cards, practitioner registration and electronic tracking of all medical marijuana grown or sold. The electronic data base must permit use by dispensaries and the Department to ensure that MM is not diverted or otherwise used for an unlawful purpose;
- Issuance of identification cards to patients and caregivers;
- Review and approval of certifications for patients to use MM submitted by practitioners;
- Review and approval of applications to become growers/processors and dispensaries;
- Establishment of announced and unannounced inspections of growers/processors and dispensaries;
- Establishment of a four-hour course for practitioners regarding the latest scientific research on MM and establishment of a two-hour class for employees of growers/processors and dispensaries who come into contact with patients or who physically handle MM;
- Establishment of a dedicated telephone number and website regarding MM so that patients, caregivers and members of the public may obtain basic information about MM and the Act;
- Establishment of a manner and method to administer research studies of MM conducted by hospitals and universities within the Commonwealth.

Practitioner registration:

A doctor of medicine or a doctor of osteopathy may apply to DOH to become registered as a "practitioner." A practitioner may certify patients to use MM. In order to become registered, DOH must determine that the physician is qualified by training or experience to treat the patient's serious medical condition. The physician must also complete the four-hour course established by DOH. Before certifying a physician, DOH must check the information held by the Department of State to ensure the physician is the holder of an unexpired, unsuspended, and unrevoked Pennsylvania license to practice medicine.

The four hour course established by the DOH regarding the latest scientific research on medical marijuana, including the risks and benefits of medical marijuana, and other information deemed necessary by the department will also be available to pharmacists, certified nurse practitioners and physician assistants in addition to physicians. Successful completion of the course shall be approved as continuing education credits by the appropriate state board.

Patient certification:

A practitioner may issue a certification to a patient if the: practitioner is authorized to issue a certification as evidence by inclusion in the registry maintained by DOH; patient has a serious medical condition and the practitioner has included the condition in the patient's healthcare record; patient is under the practitioner's continuing care for the serious medical condition; practitioner determines that, in their professional opinion, the patient is likely to receive therapeutic or palliative benefit from use of MM.

The practitioner must consult the statewide prescription drug monitoring database prior to issuing or modifying a certification. The practitioner must provide a copy of the certification to the patient, to DOH for placement in the registry, and must also place a copy in the patient's healthcare record. DOH must be able to receive

certifications in electronic form. A practitioner may not issue a certification for the practitioner's own use or for the use of a "family or household member." The term "family or household member" has the same meaning given to it under the Protection from Abuse Act.

Lawful use of MM:

The lawful use of MM is subject to the following limitations:

- MM may only be dispensed to a patient who is certified by a practitioner, or a caregiver, who is in possession of a valid identification card.
- Forms which are permitted are pill, oil, topical forms (gel, cream, or ointment), a form medically appropriate for administration by vaporization or nebulization, tincture, and liquid.
- For each patient, possession of MM by a patient or caregiver may not exceed a 30-day supply, except that, during the last seven-day period, a patient may possess a 30-day supply for the next 30-day period;
- No more than five patients may be under the care of a single caregiver;
- A patient may designate up to two caregivers;
- The form of MM must be in compliance with any limitation set by the practitioner;
- MM must be kept in the original package in which it was dispensed;
- A patient or caregiver shall possess an identification card whenever the patient or caregiver is in immediate possession of MM.

The legislation provides that it is unlawful to: smoke MM; sell MM products; or grow MM unless grower/processor has received a permit by the DOH. It is unlawful to incorporate MM into edible form, however, patients may incorporate MM products into food in order to aid ingestion.

Identification cards:

Upon review and approval of the certification issued to a patient by a practitioner, satisfactory review of the prescription drug monitoring program in the case of a caregiver and satisfactory review of the criminal history record information of a caregiver, DOH shall issue an identification card to a patient or caregiver. The identification card shall permit a patient or caregiver to access MM. An identification card expires within one year from the date of issuance.

Identification cards include the name of the patient or caregiver, as appropriate, date of issuance and the expiration date, identification number, and a photograph. An identification card may not include the serious medical condition of the patient.

Minors:

If a patient is under 18 years of age, the patient must have a caregiver. The caregiver must be a parent or legal guardian, a person designated by the parent or legal guardian, or an individual approved by the DOH if no parent or legal guardian is appropriate or available.

Growers/processors and dispensaries:

A grower/processor and dispensary may be an individual, a corporation, partnership, association, trust, or other entity which is registered by DOH. The grower/processor must contract with an independent laboratory to test the MM produced. DOH must approve the laboratory.

Initial permits will be granted for up to 25 growers/processors and 50 dispensaries. Each dispensary may provide MM at no more than 3 separate locations.

A grower/processor may also be a dispensary, but no more than five grower/processors can also register as a dispensary. Further, no single entity can hold more than five dispensary permits. DOH must establish at least three regions within the Commonwealth in order to ensure that the grower/processors and dispensaries are

geographically distributed across the Commonwealth. The DOH may adjust the boundaries as necessary every two years.

The dispensary may lawfully dispense MM to a patient or caregiver upon presentation of a valid identification card. The dispensary provides the patient or caregiver with a receipt regarding MM. The receipt includes: the name, address and any identification number assigned to the dispensary by the DOH, the name and address of the patient or caregiver, the date the MM was dispensed, any requirement of limitation by the practitioner as to the form of the MM, and the form and quantity of MM. A copy of the receipt is filed with DOH. No dispensary may sell a quantity of MM greater than that which the patient or caregiver is permitted to possess under the certification, or in a form or quantity prohibited by the Act. Before dispensing MM, the dispensary must consult the electronic database established by DOH in order to prevent diversion and other unlawful acts.

Principals, financial backers, employees, or volunteers of growers/processors and dispensaries may not hold positions in these organizations if they have been convicted of any criminal offense related to the sale or possession of illegal drugs, narcotics or controlled substances.

DOH registers grower/processors and dispensaries. The applicant to become a grower/processor or a dispensary must provide a description of the business activities, must submit Commonwealth and federal criminal history record information, and must show the ability to maintain effective security and control to prevent diversion. In addition, the applicant is under a continuing duty to report to DOH any change in facts or circumstances affecting the application. The applicant must report any loss or theft of MM within 24 hours to the Pennsylvania State Police (PSP) and must submit to inspections, whether announced or unannounced, by DOH.

A grower/processor may only manufacture MM in an indoor, enclosed, secure facility located within the Commonwealth.

The following applies with respect to fees:

For a grower/processor:

- Initial permit fee of \$200,000, with an initial application fee of \$10,000;
- Annual renewal fee of \$10,000.
- DOH must verify, at time of initial application, that grower/processor has \$2 million in capital, with \$500,000 on deposit.

For a dispensary:

- Initial permit fee of \$30,000 for each location, with an initial application fee of \$5,000;
- Annual renewal fee of \$5,000.
- DOH must verify, at the time of initial application, that dispensary has \$150,000 in capital, which must be on deposit.

DOH may suspend or revoke registration as a grower/processor or dispensary if:

- DOH has evidence that a grower/processor or dispensary has failed to maintain effective control against diversion;
- The grower/processor or dispensary violates any provision of the Act or regulation promulgated by DOH;
- The grower/processor or dispensary has intentionally, knowingly, recklessly or negligently failed to comply with applicable laws of the Commonwealth relating to medical marijuana.

A grower/processor and a dispensary must file reports with DOH regarding their activities. DOH must determine the information needed and the frequency of reports. Each grower/processor and dispensary is required to adopt and maintain security, real-time inventory tracking, recordkeeping, record retention and surveillance systems related to MM. DOH must specify the nature of these systems.

A dispensary must have a physician or pharmacist on duty at all times the facility is open to receive patients and caregivers. A physician, pharmacist, physician's assistant, or certified nurse practitioner shall, prior to assuming duties at the dispensary, successfully complete the four hour training course discussed earlier. If a dispensary has more than one location, a certified registered nurse practitioner or physician assistant may be on duty, as opposed to a physician or pharmacist. A physician may not certify patients or otherwise treat patients at the dispensary. The dispensary may sell medical devices and instruments needed to administer MM. In addition, the dispensary may sell services related to medical marijuana as approved by the Department.

A grower/processor or a dispensary may not be located within 1,000 feet of a school or a day care center. However, the DOH may make adjustments to this rule in order to provide access to patients.

Clinical registrant:

A clinical registrant holds a permit as both a grower/processor and a dispensary and has a contractual relationship with a hospital/medical school. The clinical registrant, upon approval of DOH, may dispense medical marijuana to the hospital/medical school in order to conduct research projects. Under the amendment, the department may register up to eight clinical registrants. Each clinical registrant may provide medical marijuana at no more than six separate locations. The clinical registrant must have at least \$15 million in capital.

Excise tax on MM and Medical Marijuana Program Fund:

An excise tax of 5% is imposed on the gross receipts from the sale of MM by a grower/processor to a dispensary. The tax shall be paid by the grower/processor and shall not be paid by dispensary or the patient or caregiver. The proceeds of the tax are to be deposited in the Medical Marijuana Program Fund. This fund is established in the State Treasury. The money from the fund and any interest accrued must be used to pay back the initial appropriation.

In addition, the money in the Medical Marijuana Program Fund is distributed as follows:

- 55% for the operations of DOH as required by the Act of which 15% must be spent on the waiver of fees for identification cards, for the cost of providing MM to those who cannot afford MM, and for the cost of providing MM to patients taking part in the research study under the Act;
- 10% for drug abuse prevention, counseling and treatment services provided by the Department of Drug and Alcohol Programs;
- 30% for research relating to the safety and use of MM, including the research component set up in the Act;
- 5% for distribution to local police departments, through the PA Commission on Crime and Delinquency.

Other financial limitations are as follows:

- The sale of MM to a patient or caregiver is exempt from sales tax;
- DOH and the Department of Revenue shall monitor the price of medical marijuana sold by a grower/processor and by a dispensary, including the per-dose price. If both the DOH and Department of Revenue determine that prices are unreasonable or excessive, a cap may be placed on the price of medical marijuana for a period of six months. Additional caps may be imposed for periods not to exceed six months. DOH may set the maximum per-dose price of each form of MM sold by a grower/processor to a dispensary.

Other duties of DOH:

DOH must submit a written report every two years to the Governor, Attorney General of the Commonwealth, leadership of the House of Representatives and Senate, and chairmen of the standing committees with oversight responsibilities in the House of Representatives and Senate regarding:

- An assessment of the use of medical marijuana as a result of this Act;
- An assessment of the benefits and risks to patients receiving MM, including adverse events;

- Recommendations regarding amendments to the Act for patient safety or to aid the general welfare of the citizens of this Commonwealth.

The Department must promulgate regulations relating to transportation of medical marijuana and other regulations necessary to implement the Act. In addition, the Department must publish temporary regulations in the Pennsylvania Bulletin within six months of passage of the Act. The temporary regulations are in effect for 2 years, at which time all subsequent rulemaking must conform to the Regulatory Review Act.

In addition, this legislation places duties on DOH to increase participation by diverse groups with respect to registering as medical marijuana organizations.

Offenses related to MM:

The Act provides a number of offenses, which are specific in nature, including:

- Criminal diversion of MM by practitioners, patients, or caregivers
- Criminal retention of MM;
- Falsification of identification card;
- Adulteration of MM.

In addition, wrongful disclosure of information relating to MM is a criminal offense. Specifically, disclosure of information by an employee, financial backer, operator, or principal of the grower/processor or dispensary, a person associated with the research programs established under the Act, or an employee of DOH is graded as a misdemeanor of the third degree if the person discloses any information required to be kept confidential under the Act.

Any violation of the Act not included in a specific criminal provision is graded as a misdemeanor of the third degree for a first offense; punishable by a fine of no more than \$5,000 or to imprisonment of no more than six months.

A second or subsequent offense is graded as a misdemeanor of the third degree, and is punishable by a fine of no more than \$10,000 or to imprisonment for no less than six months or more than one year, or both.

DOH is authorized to levy a civil penalty for a violation of the Act, a violation of a regulation, or a violation of an order issued under this Act by DOH. Specifically, DOH may assess a civil penalty of not more than \$10,000 for each violation and an additional penalty of not more than \$1,000 for each day of continuing violation.

Miscellaneous provisions:

The growth, processing, manufacturing, acquisition, transportation, sale, dispensing, distribution, possession and consumption of MM shall not be deemed a violation of the Controlled Substances, Drug, Device and Cosmetic Act (Drug Act). If a provision of the Drug Act and this Act conflict, then the provisions of this Act take precedence.

Nothing in the Act is to be construed as requiring an insurer to provide coverage for MM. No patient, caregiver, practitioner or employee, or principal of a grower/processor or dispensary shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including civil penalty or disciplinary action by a Commonwealth licensing board or commission, solely for lawful use of MM.

The fact that a person is a patient and is acting in accordance with the Act shall not by itself be considered by a court in a custody proceeding. In determining the best interest of the child in a custody proceeding, the provisions of 23 PACS Chapter 53 (relating to custody) shall apply.

The Act does not prevent the imposition of civil or criminal penalties for undertaking a task under the influence of MM such that the Act would constitute negligence, professional malpractice or professional misconduct.

Possessing or using MM in a state or county correctional facility by inmates is prohibited. Possessing or using MM in a youth development center by inmates is prohibited. The Department of Education must promulgate regulations within 18 months of the effective date regarding use of MM by students in schools, including pre-school. The Department of Human Services (DHS) must promulgate regulations regarding possession and use of MM by a child under the care of a child-care or social service center licensed by DHS and of employees in youth development centers. The Department of Corrections must adopt a written policy regarding MM use by employees of state correctional facilities. The governing authority of a county may adopt a resolution regarding MM use by employees of county correctional facilities.

It is not a violation of the Act or of the Drug Act if a parent or guardian of a child lawfully obtains MM from another state or country to be administered to the child. This provision expires two years after commencement of the program within the Commonwealth.

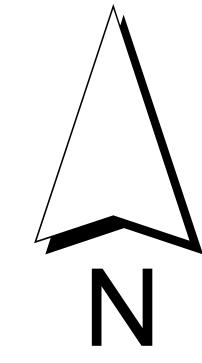
Data and information collected by DOH under the Act, including copies of identification cards and copies of certifications, shall be deemed exempt from public disclosure under the Right-to-Know Law. Applications to become registered with DOH as a grower/processor or dispensary are accessible under the Right-to-Know Law.

Provisions of this Act with respect to dispensaries expire three years after Congress removes marijuana from Schedule I from the federal Controlled Substances Act.



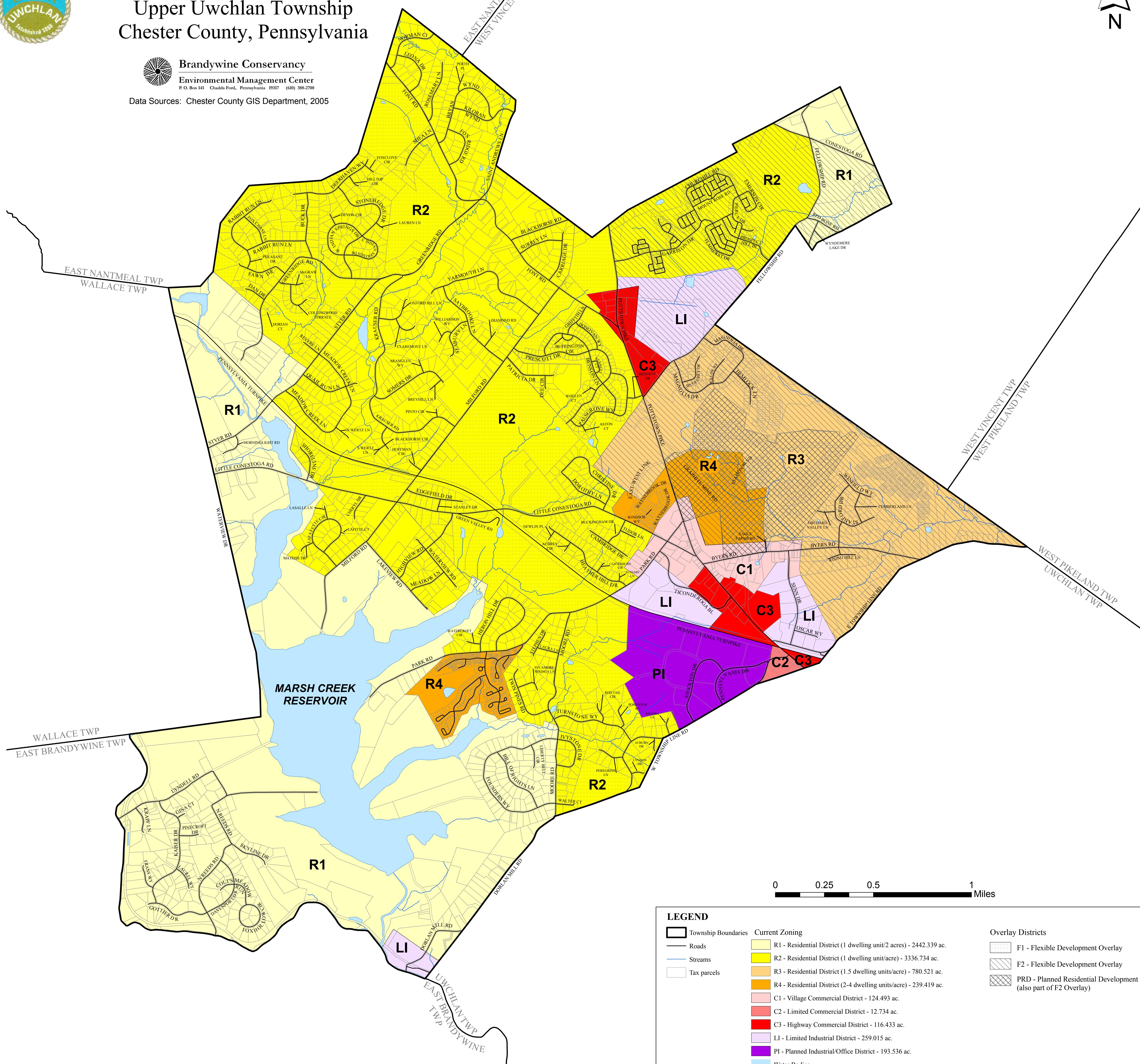
OFFICIAL ZONING MAP

Upper Uwchlan Township
Chester County, Pennsylvania



Brandywine Conservancy
Environmental Management Center
P. O. Box 141 Chadds Ford, Pennsylvania 19337 (610) 388-2700

Data Sources: Chester County GIS Department, 2005





UPPER UWCHLAN TOWNSHIP

RESOLUTION # _____

PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as parks, roadways, snow and ice control, traffic signals, sewers, public buildings, stormwater, and solid waste and recycling collection; and

WHEREAS, the health, safety, welfare, and comfort of this community and our region greatly depends on these facilities and services; and

WHEREAS, the construction of and the continued quality, effectiveness, management and operation of these facilities is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, the Board of Supervisors of Upper Uwchlan Township does hereby proclaim the week of May 21 – 27, 2017 as

“National Public Works Week”

Upper Uwchlan Township encourages all citizens and civic organizations to acquaint themselves with the issues involved in providing public works services and to recognize the contributions which public works officials make every day to our health, safety, welfare, comfort, and quality of life.

RESOLVED AND ENACTED this 15th day of May, 2017.

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

Kevin C. Kerr, Chairperson

Jamie W. Goncharoff, Vice-Chairperson

Guy A. Donatelli, Member

ATTEST:

Gwen A. Jonik, Township Secretary



UPPER UWCHLAN TOWNSHIP

140 Pottstown Pike

Chester Springs, PA 19425

610-458-9400

Fax 610-458-0307

RECEIVED

APR 17 2017

UPPER UWCHLAN TWP.

CONDITIONAL USE APPLICATIONTax Parcel Number: 32-4-86; 32-3-21 Date: 4/2/17Name of Applicant: GUNNIE propertiesAddress: 160 Park Rd Chester Springs PA 19425Telephone: 610-506-5052 Email: Fred@fred.Gunther.comOwner of Parcel: SameAddress / Location of Parcel: SameZoning District: C1 Existing Use: RetailArticle / Section Authorizing Conditional Use: 200-33.B.(8)Description of Proposed Conditional Use: See Attached

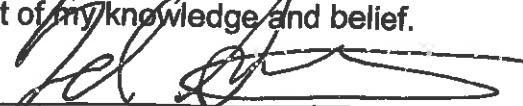
This Application shall be accompanied by:

1. A fee of \$500.00 ** for Non-Commercial or \$1,000.00 ** for Commercial/Industrial;
2. Twenty (20) copies of parcel plot plans (half of which can be of reduced size, i.e. 11 x 17), impact statements (if applicable pursuant to the Township's Zoning Ordinance §200-83) and any other information pursuant to Zoning Ordinance §200-116., §200-117. (Conditional Uses, Conditional Use Standards).

** Plus Reimbursement of Township's Consultant and Legal Fees; and Additional Hearing Fees: Non-Commercial \$250.00/Hearing; Commercial/Industrial \$500.00/Hearing

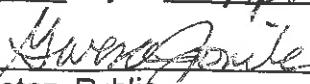
I hereby depose and say that all of the above statements, and the statements contained in any papers submitted herewith, are true to the best of my knowledge and belief.

Fred Gunther
Printed Name of Applicant


Signature of Applicant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

Sworn to and subscribed before me this
17th day of April, 2017.


Notary Public

COMMONWEALTH OF PENNSYLVANIA	
NOTARIAL SEAL	
GWEN A JONIK	
Notary Public	
UPPER UWCHLAN TWP., CHESTER COUNTY	
My Commission Expires Aug 27, 2018	

Form Revised January 2015



April 13, 2017

Upper Uwchland Township

RE: Conditional Use Request
160 Park Road, Eagle

To Whom It May Concern:

The following is a request for a Conditional Use approval for a temporary beer garden.

In an effort to revitalize the vacant barn area located at 160 Park Road, known as the 'Eagle Village', a locally owned & operated brewery is interested in utilizing the areas outlined on the attached plans for a beer garden. The majority of the proposed use area will be outdoors, as the idea is to create a family friendly environment for local residents & guests to enjoy the beauty of the historic property in Eagle during warmer weather. Below is an outline of the proposed request:

- Interior space use of the lower level of the barn, known as 'The Stables' including the outdoor space facing Park Road as well as the Main House outdoor area of the yard facing Park Rd. & the outdoor patio area as outlined on the attached plans.
- Locally owned & operated brewery, will provide licensed craft beer service inside 'The Stables'. License to be obtained by the tenant directly.
- Open Thursdays – Sunday, June through October, weather permitting.
- Licensed food truck to be parked outside the gate entrance of the Main House.
- Outdoor bathroom facilities via a portable bathroom event trailer provided by a reputable locally owned & operated disposal vendor providing zero impact to the township sewer or current on-site sewage disposal system.
- Parking provided in the lot with the entrance/exit off of Park Road.

We feel this favorable prospect will present an exciting opportunity for the local community with minimal impact to the municipal resources. I appreciate your time and consideration, I look forward to working with you.

Thank you,

Fred Gunther
Gunner Properties
fred@fredgunther.com
610-506-5052

2 Lindbergh Blvd. • Unit 5B • Coatesville, PA 19320



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 8, 2017

File No. 17-04074T

Cary B. Vargo
Upper Uwchlan Township Manager
140 Pottstown Pike
Chester Springs, PA 19425

Reference: Gunner Properties- 160 Park Road
Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

Dear Cary:

The Township Consultants are in receipt of the following information regarding the above referenced application:

- Plan titled, "Site Plan" for Gunner Properties, LTD, dated April 12, 2017.
- Conditional Use Application dated April 17, 2017.
- Conditional Use Narrative, dated April 13, 2017.

The subject site is comprised of two (2) parcels (TMP 32-4-86 & TMP 32-3-21) and located on the northwest corner of Pottstown Pike (SR 0100) and Park Road. Both properties are located in the C1 (Commercial) Zoning District.

We have reviewed the application and would like to offer the following comments:

I. OVERVIEW

The Applicant, Gunner Properties, is proposing to utilize a portion of a vacant barn located on the property, as well as some of the outdoor area on the property, to create a seasonal beer garden.

Reference: Gunner Properties- 160 Park Road
Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

File No. 17-04074T
May 8, 2017

II. TOWNSHIP CIVIL CONSULTANT COMMENTS
GILMORE & ASSOCIATES, INC.

1. Based on the application, there are no physical improvements (i.e.- additional building area or paved surface, etc.) proposed.
2. The provided Site Plan indicates the "Area to be Utilized", however it is not clear how the indicated area will be utilized. We would recommend the plan be revised to indicate:
 - Where the actual beer garden area will be.
 - Where the portable bathroom facilities will be located.
 - Where the proposed food truck will be located.
3. The plan should be revised to indicate where and how many parking spaces are available for this proposed use. We defer to the Township Traffic Consultant as to how many spaces would be required for this use.

III. TOWNSHIP TRAFFIC CONSULTANT COMMENTS
McMAHON ASSOCIATES, INC.

1. The site will likely operate similar to a restaurant or bar use, whereby the peak traffic will be generated after the weekday afternoon commuter peak hour (but there will likely some overlap with the weekday afternoon commuter peak hour), and on the weekends. However, no information is provided regarding the hours of operation, customer capacity, or the traffic characteristics of the site.
2. This site was previously used as retail space, which operated with normal business hours during the week and on weekends, and they also operated occasional off-peak special events (i.e., craft fairs/festivals). Based only on our limited knowledge of the prior uses, our office is not aware of any traffic-related issues associated with the previous use of the site.

Reference: Gunner Properties- 160 Park Road
Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

File No. 17-04074T
May 8, 2017

3. ZO Section 200-117.I and SALDO Section 162-9.H(2) – The applicant should provide trip generation information for the proposed use to determine the level of traffic anticipated to be generated by the site. Also, based on the projected traffic, it may be necessary to evaluate the access operations, at a minimum.
4. Due to the uniqueness of the proposed use, it may be necessary to monitor the traffic operations of the site access, as well as Park Road between Pottstown Pike and Little Conestoga Road after the site is open to insure that safe traffic operations are provided.
5. ZO Section 200-73 – The application provides no parking information, and therefore, the applicant should demonstrate that adequate parking is provided on the site for the proposed use. We are aware that the grass field has been used for overflow parking in the past; however, that area is not included in the application.
6. SALDO Section 162-28.A – Please label the existing right-of-way line along Park Road. There should be a minimum of a thirty-foot half-width ultimate right-of-way along the Park Road site frontage.
7. Chapter 79-8.A – Based on the requested traffic information, a determination must be made with respect to the Transportation Impact Fee.

IV. TOWNSHIP SEWER CONSULTANT COMMENTS
ARRO CONSULTING, INC.

1. The project narrative indicates that proposed sanitary sewer facilities shall be "Outdoor bathroom facilities via a portable bathroom event trailer provided by a reputable locally owned & operated disposal vendor..." The applicant will need to provide information on the number of temporary restroom facilities and their respective rated capacities, and demonstrate there will be sufficient facilities on-site. Based on the proposed duration of the proposed use Thursdays through Sundays June through October it is recommended that the County Health Department review and determine if a permit for the temporary restrooms are

Cary B. Vargo
Upper Uwchlan Township Manager

Page - 4 -

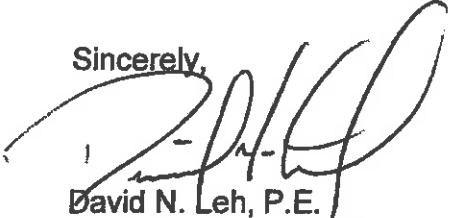
Reference: Gunner Properties- 160 Park Road
Conditional Use Application Review
Upper Uwchlan Township, Chester County, PA

File No. 17-04074T
May 8, 2017

necessary. The applicant shall be responsible for the maintenance and cleaning of said facilities. The disposal vendor for said facilities shall be licensed with the Chester County Health Department as well.

It is our hope that the Township finds the above comments useful in their review of the above reference project. Should you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.
Municipal Services Manager
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Board of Supervisors (via e-mail only)
Upper Uwchlan Planning Commission (via e-mail only)
John E. Good, Esq. John E. Good Associates
Christopher J. Williams, P.E., McMahon Assoc., Inc. (Via e-mail only)
David Schlott, P.E. ARRO Consulting, Inc. (Via e-mail only)
Fred Gunther, Gunner Properties LTD (via e-mail only)

ALYSON M. ZARRO
alyson@rrhc.com
Extension: 202



May 9, 2017

Via electronic mail

Cary B. Vargo, Township Manager
Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

**Re: Gunner Properties/160 Park Road
Conditional Use Application
Response to Township Consultants' Review Letter and Waiver Request for
Impact Statements**

Dear Cary:

This firm represents Gunner Properties, Ltd. ("Gunner") in connection with its Conditional Use Application filed with the Township for a seasonal beer garden at 160 Park Road, identified as UPI Numbers 32-4-86 and 32-3-21 ("Property"), in the C-1 Village Commercial District. We are in receipt of Gilmore & Associates, Inc.'s review letter of May 8, 2017 and offer the following in response to the comments in the review letter:

II. Gilmore & Associates, Inc.

1. Acknowledged.
2. Enclosed is a marked up Site Plan, which is a copy of the Site Plan prepared by D.L. Howell & Associates dated April 12, 2017 submitted with the Application, indicating how the "Area to be Utilized" will be utilized. The highlighted area showing the existing access drive from Park Road and a paved area parking area will be used for access and parking. To the northwest of the paved parking area is a field, which has been used for parking in the past in connection with events and which Gunner proposes to use for overflow parking in connection with the seasonal use. There are two boxes highlighted on the Site Plan representing the field area. The enclosed aerial photograph shows the full extent of the field. The field is part of the Property that is subject to the Application. To the southeast of the paved parking area is a black box representing the proposed location for the food truck which is labeled with an "F". To the east of the parking area and food truck area are existing buildings and a courtyard. The courtyard area will be the beer garden area. A lower portion of the

Cary B. Vargo, Township Manager
Upper Uwchlan Township
May 9, 2017
Page 2

front of the barn known as the "stable" area is included in the "Area to Be Utilized", which is highlighted on the enclosed Site Plan, and which will contain the bar as labeled on the Site Plan. Finally, the area with a black box and a "B" above it is the area proposed for the portable bathroom facilities.

3. As noted above, the Site Plan contains a paved area that will be utilized for parking as well as two overflow parking areas in the field next to the paved parking area.

III. McMahon Associates, Inc.

1. The use is proposed to be operated on a seasonal basis from June to October. The use will operate from Thursday through Sunday and the hours of operation will be from 12:00 p.m. to approximately 11:00 p.m. The indoor portion of the proposed use will have a maximum occupancy of 40 and the remainder of the use will be located outdoors, making operation somewhat weather dependent.
2. Acknowledged. The property was previously utilized for a variety of retail uses including a chiropractor's office, a bike shop, a market, a day-care center and a massage therapist. Additionally, the field has been used for overflow parking for special events.
3. Pursuant to Section 162-9.H(1)(c) of the Township Subdivision and Land Development Ordinance ("SALDO"), which allows the Board of Supervisors to waive impact statements if they are determined to be not applicable, as incorporated through Section 200-117.I. Gunner requests a waiver to not submit a traffic impact study. No traffic improvements are proposed with the use as it is a seasonal use that will operate on a partial week basis.
4. Acknowledged.
5. As noted above, there is an area that is paved, which was previously used as parking for the retail uses on the Property and is proposed to be used in connection with the seasonal beer garden. Additionally, overflow parking would be accommodated in the field on the Property. Although not identified on the Site Plan submitted with the Application, the field is part of the Property.
6. SALDO Section 162-28.A is not applicable to the Conditional Use Application. This is a SALDO requirement which is applicable to "all new streets in the Township." No new development is proposed and no new streets are proposed as part of this Application.
7. Pursuant to 503-A(a) of Act 209, a traffic impact fee is applicable to "any new development or subdivision as a condition precedent to final plat approval" under the MPC. In this instance, no new subdivision and land development is proposed

Cary B. Vargo, Township Manager
Upper Uwchlan Township
May 9, 2017
Page 3

requiring final plat approval. Additionally this use is a seasonal use that is using an existing, already developed property. Accordingly, we do not believe that the traffic impact fee applies to the proposed use.

IV. ARRO Consulting, Inc.

1. The proposed bathroom facilities will be provided by and operated by McGovern. There will be five (5) women's stalls, one (1) men's stall, four (4) urinals and one separate facility for use by the disabled. The volume accommodates 3,000 uses per pump session. The sizing and capacity of the facilities has been based on usage from operations similar to the proposed use. McGovern will coordinate with the Township and ARRO directly to provide additional information regarding the facilities.

Waiver Request

As noted above, Section 200-117.I of the Zoning Ordinance requires submission of certain impact statements in connection with Conditional Use Applications. Section 200-117.I incorporates Section 162-9.H of the SALDO, which in subsection (1)(c) allows the Board of Supervisors to waive the requirements of impact statements if they are determined not to be applicable. Accordingly, Gunner hereby requests a waiver not to submit traffic, recreation, historic resources or fiscal impact statements in connection with this Application. As noted above, the proposed use is a seasonal, partial week use and no new development is proposed with it.

To the extent that the fiscal impact statement is not waivable pursuant to Section 200-117.K of the Zoning Ordinance, Gunner's fiscal impact statement can be succinctly provided. As this is a temporary seasonal use, it is our understanding that Gunner is not currently seeking any change to its property tax assessment and therefore there should be no impact on property taxes. Additionally, there should be no impact to the School District as no school aged children would be attending school as a result of the proposed use. There will be no impact on public sewer as temporary, portable bathroom facilities will be provided and water usage will be minimal. Since no new development is proposed on the Property, we do not believe there will be a substantive fiscal impact on services already provided by the Township to the Property. To the extent that a fiscal impact statement is required, please allow this letter to serve as Gunner's fulfillment of the fiscal impact statement requirement.

We look forward to presenting the Application to the Planning Commission on May 11, 2017 and to appearing before the Board of Supervisors at the Conditional Use Hearing on May 15, 2017.

Cary B. Vargo, Township Manager
Upper Uwchlan Township
May 9, 2017
Page 4

As always, please do not hesitate to contact me with questions. Thank you for your attention to this matter.

Very truly yours,



ALYSON M. ZARRO

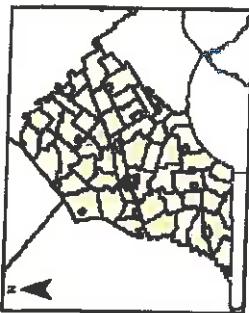
AMZ/kmr
Enclosure

cc: Gwen Jonik, Township Secretary (w/encl. - via email)
Fred Gunther, Gunner Properties, Ltd. (w/encl. - via email)

188



COUNTY OF CHESTER
PENNSYLVANIA



ਪੰਜਾਬ ਯੂਨੀਵਰਸਿਟੀ

PARD:1204 00860000
UPT: 32-436
Mail Address 1: 2 LINDBERGH BLVD
Owner1: GUNNER PROPERTIES LTD
Owner2:
Mail Address 2: HANGER 5B
Mail Address 3: COATEVILLE PA
ZIP Code: 19320
Deed Book: 9228
Deed Page: 454
Deed Recorded Date: 1/27/2015
Legal Desc: 1: NS PARK RD
Legal Desc 2: 2 AC DWG MED BLDG &
STR LO
LUC: R-61
Acres: 2
Lot Assessment: \$137,650
Property Assessment: \$62,612.20
Total Assessment: \$ 763,880
Assessment Date: 12/20/2016
Property Address: 160 PARK RD
Municipality: UPPER UMWELL AN
School District: Derrytown Area

Map Created:
Tuesday, May 08 2017



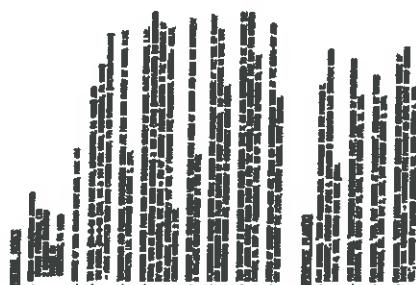
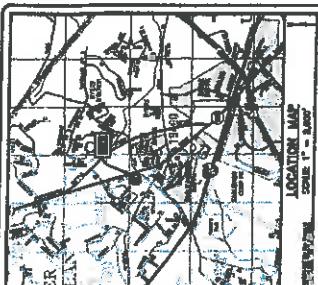
Limitations of Liability and the CIS
Country of Clearance, Foreign Trade, makes no claim to the
true and complete, accurate, or consistent nature of any data
contained herein, and makes no representations of any
kind, including, but not limited to, the veracity of such data.
Any such warranties to be implied are hereby disclaimed.
With respect to the information or data furnished herein,
Country of Clearance, Foreign Trade, makes no claim to the
accuracy or completeness of such information or data furnished herein.
For information and data services, contact
Services Plus at 1-800-333-3333, or visit the CIS



DLHowell



158



PARK AND PARK

PARCELS #32-4-86 & #32-3-21



UPPER UWCHLAN TOWNSHIP

140 Pottstown Pike
Chester Springs, PA 19425
610-458-9400 Fax 610-458-0307

RECEIVED
APR 17 2017

UPPER UWCHLAN TWP

CONDITIONAL USE APPLICATION

Tax Parcel Number: 32-3-8112 Date: April 17, 2017

Name of Applicant: 260 Sierra Drive L.P.

Address: 707 Eagleview Boulevard, Exton, PA 19341

Telephone: 610-458-1900 Email: neal.fisher@hankingroup.com

Owner of Parcel: 260 Sierra Drive L.P.

Address / Location of Parcel: 260 Sierra Drive

Zoning District: PI Existing Use: office/warehouse

Article / Section Authorizing Conditional Use: section 200-49.M (1)

Description of Proposed Conditional Use: see Attached Addendum

This Application shall be accompanied by:

1. A fee of \$500.00 ** for Non-Commercial or \$1,000.00 ** for Commercial/Industrial;
2. Twenty (20) copies of parcel plot plans (half of which can be of reduced size, i.e. 11 x 17), impact statements (if applicable pursuant to the Township's Zoning Ordinance §200-83) and any other information pursuant to Zoning Ordinance §200-116., §200-117. (Conditional Uses, Conditional Use Standards).

** Plus Reimbursement of Township's Consultant and Legal Fees; and Additional Hearing Fees: Non-Commercial \$250.00/Hearing; Commercial/Industrial \$500.00/Hearing

I hereby depose and say that all of the above statements, and the statements contained in any papers submitted herewith, are true to the best of my knowledge and belief.

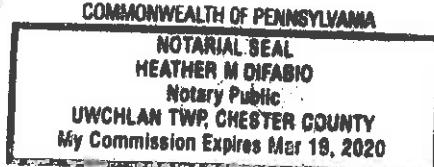
Neal E. Fisher, PE
Printed Name of Applicant

A handwritten signature of Neal E. Fisher, PE, placed over a horizontal line.

Signature of Applicant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER
Sworn to and subscribed before me this
17th day of April, 2017.

Heather M. Difabio
Notary Public



Form Revised January 2015

**BEFORE THE
BOARD OF SUPERVISORS
OF UPPER UWCHLAN TOWNSHIP**

**ADDENDUM TO CONDITIONAL
USE APPLICATION OF 260 SIERRA DRIVE, LP**

260 Sierra Drive, LP (the “Landowner”), hereby submits to the Board of Supervisors of Upper Uwchlan Township (the “Board”) a conditional use application and this addendum thereto, and in support thereof, avers as follows:

BACKGROUND

The Landowner is the legal owner of an approximately 26.5 acre parcel of land situated in Upper Uwchlan Township (“Township”), Chester County, Pennsylvania, and more fully described as Chester County UPI No. 32-3-8112 (the “Property”). The Property is located in the Township’s PI Planned Industrial/Office, pursuant to the Upper Uwchlan Township Zoning Ordinance of 1989, as amended (the “Ordinance”), and fronts on the new Sierra Drive Cul-de-sac extension in the Eagleview Corporate Center.

The Property is improved with an approximately 80,000 square foot “Flex” building and associated parking, landscaping and other improvements (collectively, the “Building”). The Building was permitted “by-right” and required no zoning relief whatsoever.

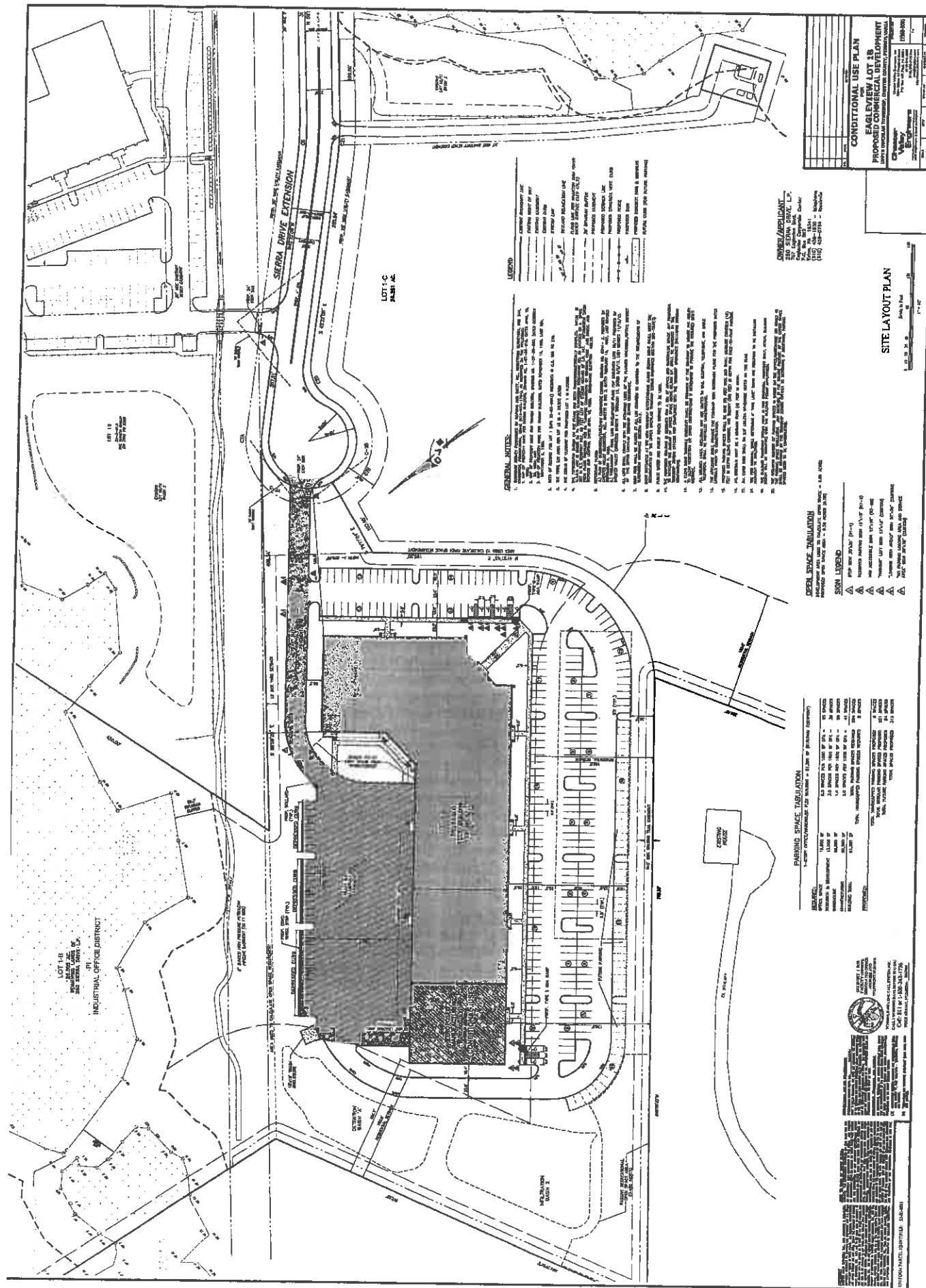
Hankin’s prospective tenant is Essential Medical (“Essential”), which proposes to lease approximately 12,500 square feet of the Building. The Building and associated site, meet all of the Ordinance’s area and bulk requirements, and other objective requirements.

REQUESTED APPROVAL

The Landowner requests conditional use approval from Ordinance §200-49.M(1) to permit the manufacturing at the Building. Essential proposes to manufacture femoral artery closure devices (“Device”) at the Property. The type of manufacturing proposed is a product assembly process only. Materials that comprise the Device will be delivered to the Property in their finished form, and unpacked. People will then assemble the component parts into the Device. The assembled Device is then packaged and shipped to the Essential’s customers. Because the Device is medical, the assembly will take place in sterile “clean rooms”

No chemicals whatsoever are involved in the assembly.

Hankin will demonstrate at the hearing that the proposed manufacturing use meets all of the applicable objective standards of the Ordinance, and all of the applicable requirements of Ordinance §200-116 “Conditional Uses”; §200-117 “Conditional Use Standards”; and §200-126.j, which enumerates the general requirements of the Ordinance.



MEMORANDUM

Date: April 17, 2017

To: Neal Fisher

Fr: Ray Ott, AICP

Re: Eagleview Lot 1, Fiscal Impact for Essential Medical manufacturing facility

This analysis was prepared to determine the fiscal impact of the proposed 12,500 square-foot Essential Medical project on Upper Uwchlan Township and the Downingtown Area School District. The analysis uses the "Per-Capita Multiplier" methodology to estimate township expenditures associated with the office/medical research facility use. This methodology was developed by the Center for Urban Policy Research at the Rutgers University. Revenues for both the township and school district are estimated for the Real Estate and Earned Income Taxes.

Project

This project will utilize 12,500 square-feet of an existing 80,000 square-foot building that was approved in 2016. This currently vacant space will be occupied by Essential Medical, who will use it to manufacture the MANTA vascular closure device that is used to seal femoral punctures following vascular access medical procedures requiring a cardiac catheterization. They propose to create 9 full-time and 4 part-time jobs. They also anticipate employing about 5 students.

The net fiscal effect of this project will be realized by the enhanced value of improving 12,500 square feet of an existing building and the addition of 9 full-time and 4 part-time high-paying jobs.

Fiscal Impact

The results of the Fiscal Analysis are shown in the following table:

FISCAL IMPACTS SUMMARY

	Tax Revenues	Expenditures	Impact
- Township	\$2,420	-\$1,815	\$605
- School District	\$41,545	\$0	\$41,545

We estimate that the proposed project will provide \$41,545 in surplus revenues for the school district and a revenue surplus of \$605 for the township. Since this project will not include any additional resident school children, there will be no additional school expenditures associated with this project. Township expenditures were estimated using township tax assessment data, general fund expenditures and total employment numbers to estimate the average township per-capita expenditures for people working in the township, which equaled \$165 (see Per-Capita Expenditure table below). We conclude that the project will essentially pay its way for any additional township service needs.

RAY OTT & ASSOCIATES

PLANNING AND LANDSCAPE ARCHITECTURE

MEMO

Neal Fisher

April 17, 2017

Page 2

The detailed calculations used in the analysis are presented in the following tables.

HANKIN GROUP: ESSENTIAL MEDICAL IN EAGLEVIEW

VALUES AND DEMOGRAPHIC CHARACTERISTICS

Essential Medical

Market Value	Units	Unit Value	Market Value [1]
Building + site improvements	12,500 SF	\$204 /SF	\$2,550,000

Income	Employees	Avg. Wages	Total
Full time	9	\$91,000 [2]	\$819,000
Part time	4	\$45,500 [2]	\$182,000
	13		\$1,001,000

[1] Provided by the Hankin Group.

[2] Provided by Medical Essentials.

Township Tax Revenues

Real Estate Tax

Use	Total Market Value [1]	Assessment Ratio [2]	Assessed Value	Tax Rate [3]	Revenues
Essential Medical	\$2,550,000	53.8%	\$1,371,900	1.034 mills	\$1,419

Earned Income Tax

Employees (9 full-time, 4 part-time)	13	Total Annual Income	Tax Rate	Adjust. [4]	Revenues
		\$1,001,000	0.5%	20.0%	\$1,001

Total Revenues	\$2,420
----------------	---------

[1] Provided by the applicant.

[2] PA State Tax Equalization Board, 2017

[3] Upper Uwchlan Township, 2017

[4] Estimated percent of employees who will likely live in Upper Uwchlan Township and pay the EIT to the township.

RAY OTT & ASSOCIATES

PLANNING AND LANDSCAPE ARCHITECTURE

MEMO

Neal Fisher

April 17, 2017

Page 3

School Tax Revenues

Real Estate Tax

Use	Assessed Value	Tax Rate [1]	Revenues
Essential Medical	\$1,371,900	27.182 mills	\$37,291

Earned Income Tax

	Total Annual Earned Income	Tax Rate	Adj. [2]	Revenues
Employees (9 full-time, 4 part-time)	\$1,001,000	0.5%	85%	\$4,254
Total Revenues				\$41,545

[1] Downingtown Area School District, 2016-17 school year..

[4] Estimated percent of employees who will likely live in the school district and pay the EIT to the district.

TOWNSHIP EXPENDITURES: Per Capita Expenditure Methodology

1. Township Expenditures

General Fund		\$5,012,044
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Source: Upper Uwchland Township, 2016.

2. Nonresidential Uses Share of Township Expenditures

Nonresidential Share of Property Value [1]

- Nonresidential Property Value	\$268,904,991	=	15.80%
- Total Property Value	\$1,702,272,319		

Ratio of Average Nonresidential Parcel Value to Average Parcel Value

- Average Nonresidential Parcel Value	\$604,281	=	1.48
- Average Parcel Value	\$409,102		

Expenditures Attributed to Nonresidential Uses

- Current Township Expenditures		\$5,012,044
- Nonresidential Share of Property (assessed) Value	X	15.80%
- Refinement Coefficient [2]	X	1.80
- Expenditures Attributed to Nonresidential Uses	=	\$1,425,139

3. Residential Per Capita Expenditures

- Expenditures Attributed to Residential Uses		\$3,586,905
- Township Population (U.S. Census estimate, 2015)	+	18,613
- Residential Per Capita Expenditures	=	\$193

4. Per Capita Employment Expenditures

- Expenditures Attributed to Non-Residential Uses		\$1,425,139
- Employment in Township (based on township \$52 Local Services Tax revenues)	+	8,654
- Employment Per Capita Expenditures	=	\$165
- New Employees (effectively 11, with 9 full-time, 4 part-time)		11
- New Expenditures Attributed to Office Uses		\$1,815

4. Estimated New Township Expenditures

Attributed to Residential Uses		\$0
Attributed to Office Uses		\$1,815
Total Estimated New Township Expenditures	=	\$1,815

[1] Assessment data from Chester County Tax Assessment Office (via chesco epin website), April 2017.

[2] Refinement coefficient from Exhibit 9, "The New Practitioners Guide to Fiscal Impact Analysis," p. 33.



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

April 17, 2017

Mr. Neal Fisher
The Hankin Group
707 Eagleview Boulevard
Exton, PA 19341

RE: Eagleview – Lot 1
Upper Uwchlan Township, Chester County, PA
TPD# HANK.00007

Dear Neal:

As requested, Traffic Planning and Design, Inc. (TPD) has completed a traffic analysis in conjunction with the proposed Eagleview Lot 1 development. The site is located on the western side of Stockton Drive, with access via an extension of Sierra Drive in Upper Uwchlan Township, Chester County, Pennsylvania. The Lot 1 building is 81,350 square feet (s.f.) office building. DSM Biomedical (DSM) currently occupies 53,500 s.f., with the remaining 26,500 s.f. being vacant. A new user is proposed to occupy 12,500 s.f. of space, and the balance of the space (15,385 s.f.) will remain unoccupied at this time. This traffic analysis letter is an update to the 12/1/15 letter which was prepared when DSM was proposed.

Previously-Approved Assumed Uses

TPD previously prepared the 3/7/08 Traffic Analysis and subsequent 5/9/08 Traffic Response Letter for the subject site, both of which were based on an 80,000 s.f. building with access as currently proposed. The 5/9/08 letter assumed that the building would consist of 32,000 s.f. of office and 48,000 s.f. of warehouse space, with the following peak hour trip generation based on the manual Trip Generation, Seventh Edition, 2003, an Institute of Transportation Engineers (ITE) Informational Report.

TABLE 1
FORMER PROPOSED LOT 1
TRIP GENERATION SUMMARY

Time Period	Total Trips
Weekday A.M. Peak	72
Weekday P.M. Peak	71

Existing and Proposed Uses

As mentioned above, DSM currently occupies 53,500 s.f., a new user is proposed to occupy 12,500 s.f. of space, and the balance of the space (15,385 s.f.) will remain unoccupied at this time. Both DSM and the proposed user operate with a mix of manufacturing, warehousing, office, and research related functions. For the purpose of this traffic analysis, the 15,385 s.f. space has been assumed to operate as office, which is consistent with the 2008 and 2015 analysis for the site.

The trip generation rates for the proposed building were obtained from the current manual *Trip Generation*, Ninth Edition, 2012, an Institute of Transportation Engineers (ITE) Informational Report. For the proposed building, Land Use Codes 140 (Manufacturing), and 710 (General Office Building) from *Trip Generation* was used to calculate the number of vehicular trips the development will generate during the weekday A.M. and P.M. peak hours. Please note, consistent with the 2015 analysis for the site, ITE's Manufacturing use was utilized for the entire space occupied by DSM and the proposed user, as the ITE definition states the following, "Manufacturing facilities are areas where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research and associated functions." **Table 2** shows the rates for the analyzed time periods.

TABLE 2
PROPOSED LOT 1
TRIP GENERATION DATA

Land Use - ITE#	Time Period	Equation	Total Trips
Manufacturing #140	A.M. Peak	$T = 0.73*(X)$	48
	P.M. Peak	$T = 0.73*(X)$	48
Office #710	A.M. Peak	$T = 1.56*(X)$	24
	P.M. Peak	$T = 1.49*(X)$	23
Total	A.M. Peak	---	72
	P.M. Peak	---	71

Table 3 compare the weekday A.M. and P.M. peak hour trip generation of the previously-approved uses to the proposed uses of the site.

TABLE 3
TRIP GENERATION COMPARISON

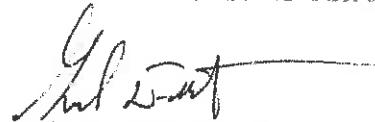
Time Period	Total Trips	
	Former Site	Proposed Site
Weekday A.M. Peak	72	72
Weekday P.M. Peak	71	71

As shown in **Table 3**, during the weekday A.M. and P.M. peak hour, the proposed Lot 1 trip generation is identical to the former assumed Lot 1 uses. Therefore, the proposed use of the Lot 1 building will be unchanged from a traffic perspective when compared to the previously-approved building.

Please do not hesitate to contact us if you have any questions or comments.

Sincerely,

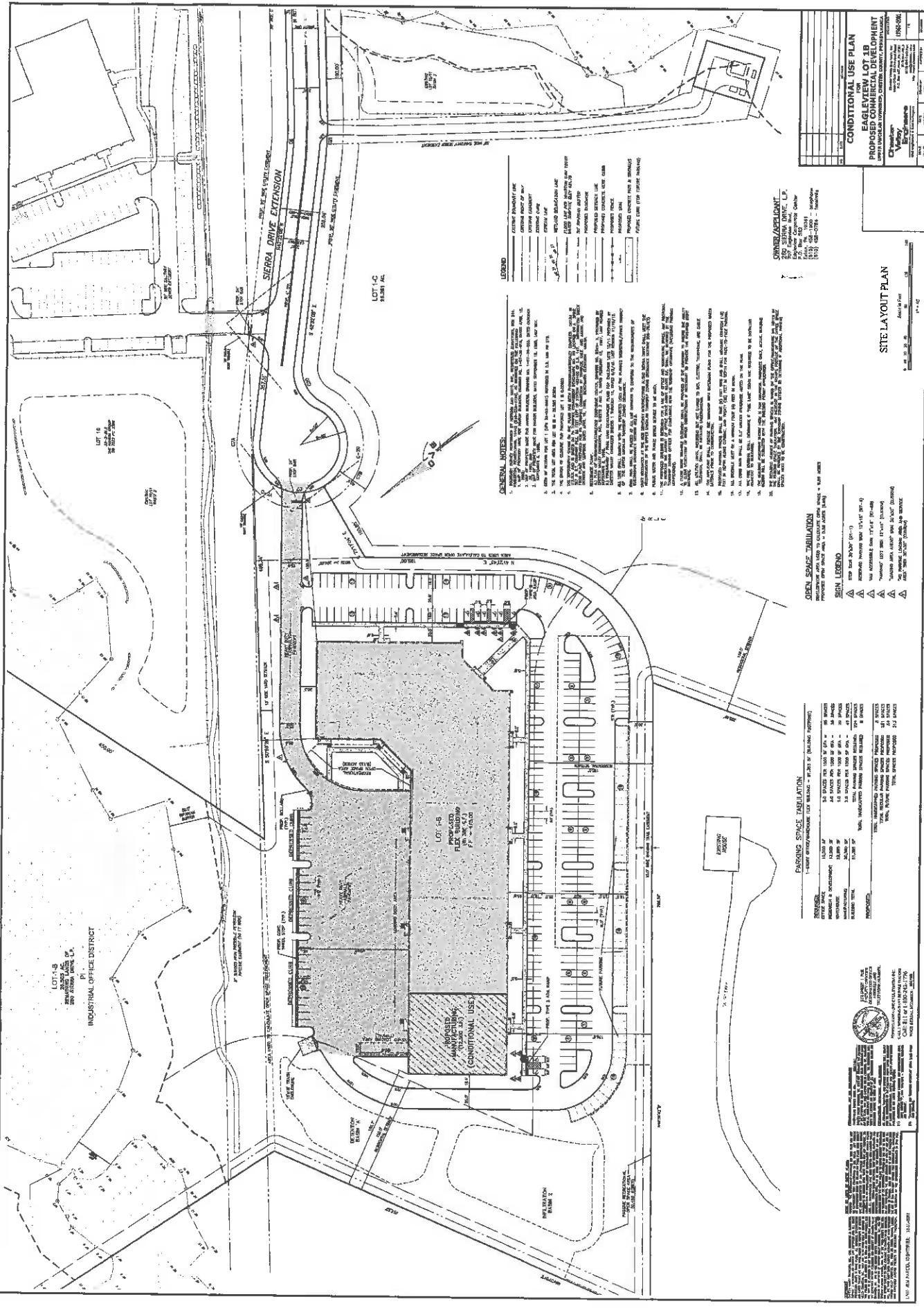
TRAFFIC PLANNING AND DESIGN, INC.



Guido W. DiMartino, P.E.

Senior Project Manager

GDiMartino@TrafficPD.com





GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 8, 2017

File No. 03-0987-T6

Cary B. Vargo
Upper Uwchlan Township Manager
140 Pottstown Pike
Chester Springs, PA 19425

Reference: Eagleview Corporate Center – Lot 1
Conditional Use Application Review- Essential Medical
Upper Uwchlan Township, Chester County, PA

Dear Cary:

The Township Consultants are in receipt of the following information regarding the above referenced application:

- Plan titled, "Conditional Use Plan for Eagleview Lot 1B", dated April 17, 2017.
- Conditional Use Application dated April 17, 2017.
- Fiscal Impact Study Prepared by Ray Ott & Associates, dated April 17, 2017.
- Traffic Study prepared by Traffic Planning & Design, Inc., dated April 17, 2017

I. OVERVIEW

The Applicant, Essential Medical, is proposing to occupy a 12,500 SF space located within the 80,000 SF flex space building which has been constructed on Lot 1B of the Eagleview Campus. The construction of the flex space building and associated improvements were approved as part of a previous land development application. It is our understanding no modifications are proposed to the building footprint or associated improvements to support the use considered under this application.

Cary B. Vargo
Upper Uwchlan Township Manager
Reference: Eagleview Corporate Center – Lot 1
Conditional Use Application Review – Essential Medical
Upper Uwchlan Township, Chester County, PA

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II.

TOWNSHIP CIVIL CONSULTANT COMMENTS
GILMORE & ASSOCIATES, INC.

The conditional use plan appears to have some additional paving proposed in the loading dock area. However, there is also a reduction in the building footprint. Therefore, we do not see the need for a reevaluation of the stormwater management controls.

Being as the above referenced changes are fairly de minimis with regard to site improvements, relative to the previously approved plan, we have no additional comment on this application.

III.

TOWNSHIP TRAFFIC CONSULTANT COMMENTS
McMAHON ASSOCIATES, INC.

1. ZO Section 200-73.H(3) – The parking tabulation should be revised to use the parking requirement for manufacturing developments under 100,000 square feet, which is 2.5 parking spaces per 1,000 square feet. It is noted that this change will result in 214 required parking spaces, and since it is proposed to provide 251 parking spaces, adequate parking is provided for the development.
2. The current plan shows an 81,385 square-foot building, while previous plans for the site showed an 80,000 square-foot building. In addition, the site is currently occupied by 53,500 square feet of manufacturing space, and the remaining space is currently vacant, but was previously assumed to be a mix of office and warehouse space. With the current plan, it is now proposed that a portion of the currently vacant space (12,500 square feet) will change in use to manufacturing space, and the remaining vacant space (15,385 square feet) is proposed as office space.

Based on the trip generation letter, the total traffic generated by the currently-proposed overall site, as mostly manufacturing space and

Cary B. Vargo
Upper Uwchlan Township Manager

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Reference: Eagleview Corporate Center – Lot 1
Conditional Use Application Review – Essential Medical
Upper Uwchlan Township, Chester County, PA

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some office space, will generate exactly the same peak hour traffic (72 weekday morning peak hour trips and 71 weekday afternoon peak hour trips) as was estimated in the original Lot 1 traffic study, which assumed only a mix of office and warehouse space. Therefore, since the proposed use does not generate additional traffic as compared to the originally approved plan for this site, we have no comments regarding the proposed use change from a traffic perspective.

IV.

TOWNSHIP PLANNING CONSULTANT COMMENTS
BRANDYWINE CONSERVANCY

We received a Conditional Use Plan for Eagleview Lot 1B for a proposed building modification to accommodate a manufacturing use in the Planned Industrial/Office (PI) Zoning District and have been asked by the Township for comments. The Applicant is 260 Sierra Drive L.P., and the Conditional Use Plan has been prepared by Chester Valley Engineers, dated April 17, 2017.

Within the PI District, manufacturing and processing are uses requiring authorization of a conditional use by the Upper Uwchlan Township Board of Supervisors, subject to Section 200-116 of the Zoning Ordinance. In addition, no bulk storage of liquid or gaseous fuel or chemicals except for immediate consumption on the premises and no raw materials or finished products shall be permitted on the exterior of the building.

The property is approximately 26.5 acres in size and fronts on the new Sierra Drive cul-de-sac extension in the Eagleview Corporate Center. The property is improved with an approximately 80,000 square foot "Flex" building and associated site improvements (parking, loading, landscaping, stormwater management, etc). The Applicant proposes to lease approximately 12,500 square feet of the existing Flex building for the purpose of manufacturing medical devices (femoral artery closure devices) within a sterile "clean room". Materials used to manufacture these devices will be delivered to the property in their finished form, assembled into the device, repackaged, and shipped to the manufacturer's customers. No chemicals are involved in the assembly. The Applicant's Conditional Use Plan shows the proposed manufacturing use to occupy a rear portion of the building, and no modifications are

Cary B. Vargo

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Upper Uwchlan Township Manager

Reference: Eagleview Corporate Center – Lot 1

Conditional Use Application Review – Essential Medical
Upper Uwchlan Township, Chester County, PA

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proposed to the site for this use, i.e., with regard to parking, loading, setbacks, stormwater management, landscaping, etc.

According to the Zoning Ordinance, in granting or denying a conditional use or establishing conditions for such grants, the BOS shall use as a guide those standards established for review of special exception applications (Section 200-126J). We have reviewed the conditional use application with these standards and find that the proposed manufacturing use is consistent with the types of industrial uses envisioned, and designed, for this building and site. The introduction of this use should not impact existing parking, loading, or site access by delivery vehicles given that the original building plans envisioned manufacturing uses could occupy up to 20,500 sq.ft. of the 80,000 sq.ft. of building space. The proposed manufacturing use should not create risk to the public health, safety, morals, and general welfare of the Township, community, or surrounding neighborhood, and should not cause undue impact on infrastructure (water, sewer, stormwater, roads) designed to accommodate uses of the existing 80,000 building and site. Since no physical changes are proposed to the existing site, there are no site impacts to address by condition of approval.

In summary, we see no objectionable aspects of the Applicant's proposal to establish a manufacturing use of approximately 12,500 sq.ft. in size, as a conditional use within the PI District, in this 80,000 sq.ft. industrial "Flex" building within the Eagleview Corporate Center.

V.

TOWNSHIP SEWER CONSULTANT COMMENTS
ARRO CONSULTING, INC.

1. The Applicant is proposing to use approximately 12,500 square feet (SF) of the building at this property for manufacturing. Wastewater generated on this property is conveyed to and treated at the Eagleview Wastewater Treatment Plant which is located in Uwchlan Township. As such Uwchlan Township should have the opportunity to review since they will be responsible for wastewater conveyance and treatment.

Cary B. Vargo

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Upper Uwchlan Township Manager

Reference: Eagleview Corporate Center – Lot 1

Conditional Use Application Review – Essential Medical

Upper Uwchlan Township, Chester County, PA

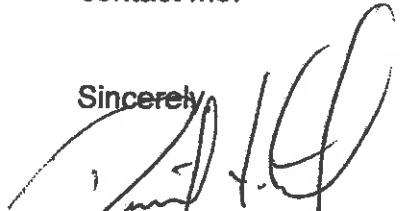
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May 8, 2017

2. Should extension of the sanitary sewer be required, all sanitary sewer improvements shall be designed and constructed in accordance with the Upper Uwchlan Township Municipal Authority Specifications.

It is our hope that the Township finds the above comments useful in their review of the above reference application. Should you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.

Municipal Services Manager
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Board of Supervisors (via e-mail only)
John E. Good, Esq. John E. Good Associates
Sheila E. Fleming, ASLA, Brandywine Conservancy (Via e-mail only)
Christopher J. Williams, P.E., McMahon Assoc., Inc. (Via e-mail only)
David Schlott, P.E., ARRO Consulting, Inc. (Via e-mail only)
Neal Fisher, P.E., The Hankin Group (via e-mail only)