



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
MEETING,
CONDITIONAL USE HEARING

December 18, 2017

7:00 p.m.

Approved

In Attendance:

Board of Supervisors

Kevin C. Kerr, Chair

Jamie W. Goncharoff, Vice-Chair

Guy A. Donatelli, Member

Kristin Camp, Esq., Township Solicitor

Township Administration

Cary B. Vargo, Township Manager

Shanna Lodge, Assistant Township Manager

Gwen A. Jonik, Township Secretary

Jill Bukata, Township Treasurer

Mike Heckman, Director of Public Works

Al Gaspari, Codes Administrator

Dave Leh, P.E., Township Engineer

Corporal Joseph Carr

Mr. Kerr called the meeting to order at 7:03 p.m., led the Pledge of Allegiance, and offered a moment of silence.

Approval of Minutes

Mr. Goncharoff moved to approve the minutes of the November 14, 2017 Board of Supervisors Workshop and Conditional Use Hearing, and the November 20, 2017 Board of Supervisors Meeting – with a minor revision to the last paragraph on page 4. Mr. Donatelli seconded and the Motion carried unanimously.

Mr. Kerr announced that the Montesano Brothers' Conditional Use Hearing #2 has been CONTINUED to January 16, 2018, following the conclusion of the Board of Supervisors' 7:00 p.m. business meeting.

Approval of Payments

Mr. Donatelli moved, seconded by Mr. Goncharoff, to approve the payments to all vendors as listed December 14, 2017. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the balance sheet remains strong; year-to-date revenues are at 99.1% of the budget; year-to-date expenses are at 87.5% of budget; Earned Income Tax receipts are \$3,442,000, which is \$275,000 greater than this time last year.

Supervisor's Report

Mr. Kerr announced that an Executive Session was held earlier this evening regarding personnel matters, and read the published calendar, as follows: December 25, 2017 Office Closed – Christmas Day; January 1, 2018 Office Closed – New Year's Day; January 2, 2018 (Tuesday) 7:00 pm. Board of Supervisors Annual Organization Meeting; January 3, 2018 4:00 p.m. Elected Auditors Annual Organization Meeting; January 9, 2018 4:00 p.m. Board of Supervisors Workshop; January 16, 2018 (Tuesday) 7:00 p.m. Board of Supervisors Meeting, followed by a Conditional Use Hearing – Montesano Brothers. Christmas tree and yard waste collection dates are December 27, 2017, January 3, 2018 and January 17, 2018.

Administration Reports

Township Engineer's Report

Dave Leh reported that the Marsh Lea subdivision has received all approvals and will begin construction relatively soon; an amended plan for the extension of the Struble Trail is under review and will be discussed as the Planning Commission's January meeting; he is working on the bid specifications for the construction of the "Village" Park, the southeast corner of Pottstown Pike and Station Boulevard, which will be advertised in January.

Building/Codes Department Report

Al Gaspari reported that 58 building permits were issued last month, totaling \$29,000+ in permit fees; and lights will be installed in the Upland Farms Park parking lot in January.

Police Chief's Report

Corporal Carr reported there were 1,098 incidents last month, including 1 criminal arrest and 107 traffic warnings. The Department would like to remind residents: 1) Holiday package deliveries left on doorsteps are a target for theft; 2) on-street parking is not allowed when there is snow/ice to be cleared.

Public Works Department Report

Mike Heckman reported that 110 work orders were submitted and completed and the Department worked on the following: 5 storm water inlets repaired; storm water inlets cleaned throughout Township; unloaded large delivery of new trash - recycling toters; trenching for electric at Upland Farms; prepared equipment for snow/ice events; salted road 3 times over the last week; roadside tree trimming throughout Township; maintenance and repair of Township owned vehicles; maintenance at Township buildings.

Mr. Donatelli reported a dangling tree branch on Stonehedge and Don Carlson reported a pot hole.

Land Development

Reserve at Chester Springs Escrow Release Request. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve release #6 to Toll Brothers of \$252,948.72 in escrow for site work completed at the Reserve at Chester Springs. Gilmore & Associates has reviewed the request and recommends the release. The Motion carried unanimously.

Townes at Chester Springs Escrow Release Request. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve release #1 to Toll Brothers of \$677,565.05 in escrow for site work completed at the Townes at Chester Springs (previously known as 270-290 Park Road). Gilmore & Associates has reviewed the request and recommends the release. The Motion carried unanimously.

Route 100 Wastewater Treatment Facility Phase II Bond Release. Cary Vargo explained that the Township took dedication of Phase II of the Route 100 wastewater treatment plant in July 2016. The Township, the Municipal Authority, and ARRO had no concerns with the maintenance bond for the construction of Phase II expiring in November 2017. The Board is requested to release and return Pulte Homes' Bond #800010025 (\$810,089.20). Mr. Donatelli moved, seconded by Mr. Goncharoff to release and return Pulte's Bond #800010025. The Motion carried unanimously.

Marsh Lea (Moser Builders) Developers Agreements. Cary Vargo explained that Moser Builders received land development approval for 21 single family homes in Upper Uwchlan and 6 in Wallace Township on property along Little Conestoga Road at the border with Wallace Township. The Developers Agreement, Financial Security Agreement, Storm Water Management Operation & Maintenance Agreement and On-Lot Sewage Management Agreement have been drafted and reviewed by the Township Solicitor and Consultants. All are in order. Mr. Goncharoff moved,

seconded by Mr. Donatelli to approve and execute these Agreements. Don Carlson and Fred Clarke made comments regarding the property on the north side of Little Conestoga Road. Mr. Vargo advised that parcel was removed from the development plan and may be offered to the State Park as it is wetlands. Alyson Zarro commented that the parcel will be retained by the Popjoy family. The Motion to approve the Agreements carried unanimously.

Village at Byers Station (Parcel 5C) Residential – Developers Agreements. Cary Vargo explained that following land development plan approval, Toll Residential has submitted Developer and Financial Security Agreements, Storm Water Management Operation & Maintenance Agreement, an Easement Agreement for Graphite Mine Road, and Deeds of Dedication for additional right-of-way for Station Boulevard and Darrell Drive, in connection with the Village at Byers Station residential development of 121 townhomes on the vacant parcel just north of the Township Building. The Township Solicitor and Consultants have reviewed the Agreements. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve and execute these Agreements. Don Carlson asked of the parcel exit onto Graphite Mine Road, which Cary Vargo advised is right turn in/right turn out only. The Motion to approve the Agreements carried unanimously.

Don Carlson commented that he is reviewing the revised sewer agreement for the McKee Group / Fetter project on Milford Road and will provide comments to Cary Vargo.

ADMINISTRATION

Submission of PECO Green Open Space Grant Application. Shanna Lodge explained that a Park & Recreation Board member has prepared a grant application for trail and sign enhancements at Upland Farms Park -- a hand-held trail map and a map of the trails at the Park entrance. It also includes the design and installation of additional trail signage and seating. The project is estimated to cost \$11,600 and the Grant is a matching funds Grant – the application seeks \$5,800 and the Township's \$5,800 is included in the 2018 Budget. Mr. Donatelli moved, seconded by Mr. Goncharoff, to adopt Resolution #12-18-17-17 authorizing the submission of the Grant Application and committing the \$5,800 in matching funds. The Motion carried unanimously.

2018 Budget and Tax Millage Rate. Cary Vargo announced the 2018 Budget for all funds totals \$10,295,773 and includes: no change in the tax millage rate of 1.034 mils, no change in the trash/recycling service fee of \$315.00/year, no change in healthcare costs, the addition of 1 full-time police officer, the construction of the Park Road Trail Phase IV (Hickory Park to Marsh Creek State Park) and re-construction of Park Road within the project, construction of the Eagle village park, continued improvements to the Upland Farms barn, and design of a Township building expansion. Mr. Vargo thanked Jill Bukata, the Department heads and staff for their work preparing the budget and staying within budget through the year. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolution #12-18-17-18 which establishes the 2018 Budget at \$10,295,773 and the 2018 Millage Rate at 1.034 mils. The Motion carried unanimously.

2018 Pension Plan Contribution Rates. Cary Vargo advised that the pension plan contribution rates for 2018 are 5% for both uniformed and non-uniformed employees. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolutions #12-18-17-19 (Non-Uniformed Employees) and #12-18-17-20 (Uniformed Employees) establishing the 2018 Pension Plan Contribution Rate at five percent (5%). The Motion carried unanimously.

2018 Emergency Services Providers. Cary Vargo advised that the Township annually designates the agencies/organizations that provide emergency services to the Township. Mr. Goncharoff moved, seconded by Mr. Donatelli to adopt Resolution #12-18-17-21 that designates the following organizations as emergency service providers to Upper Uwchlan Township residents in 2018: Lionville Fire Company, Ludwig's Corner Fire Company, East Brandywine Fire Company, Glenmoore Fire Company, Uwchlan Ambulance Corps, and the Quick Response Services (QRS) of Ludwig's Corner, East Brandywine and Glenmoore Fire Companies. Personnel from the

Township's Police and Public Works Departments are also emergency medical services responders. The Motion carried unanimously.

2018 Fee Schedule. Cary Vargo advised the 2018 Fee Schedule includes the State's increased building permit fee, the addition of permits and fees for flood plain construction, grading, generator and hot water heater replacements, and the revised layout of the Park and Recreation facility fees. Ms. Lodge clarified that the only change to Park and Rec facility fees is the hourly fee for baseball (\$20) vs. seasonal (\$15/hour average). A detailed analysis of comparable athletic facilities and users fees in the Region will be accomplished in 2018. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt the 2018 Fee Schedule via Resolution #12-18-17-22. The Motion carried unanimously.

Black Horse ELU, LLC (Jankowski) Conditional Use Decision & Order. Kristin Camp, Esq., advised a Conditional Use Decision and Order has been drafted according to testimony following 2 public hearings for Black Horse ELU, LLC, Conditional Use Application, proposing 55 dwelling units and requesting 2 waivers which would allow internal roadway width of 28' and sidewalks on only 1 side of the road. The Board of Supervisors has reviewed the Decision which contains the following 19 Conditions of Approval. The Applicant's Solicitor, John Jaros, Esq., advises the Applicant accepts the Decision. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve and execute the Conditional Use Decision and Order. The Motion carried unanimously.

**CONDITIONAL USE APPLICATION OF BLACK HORSE ELU, LLC
DECISION AND ORDER
CONDITIONS OF APPROVAL**

1. The development shall be built and designed generally in accordance with the Revised Plan which was admitted as Exhibit A-3(a) as such plan is revised to comply with this Order and to obtain land development approval from the Board of Supervisors.
2. A maximum of 55 dwelling units shall be permitted in the residential development.
3. 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 land development plans as approved by the Board.
4. Applicant shall address to the satisfaction of the Board all outstanding comments in the Township engineer's review letter dated September 8, 2017 which was admitted as Exhibit B-18.
5. Applicant shall purchase sufficient sewer treatment capacity to provide public sewer service to the proposed single family dwellings in the development Applicant shall pay all applicable permit fees, connection fees and tapping fees and pay for the treatment capacity in an amount determined by the Township and Municipal Authority.
6. Applicant shall obtain sufficient capacity for disposal of the sewage that the development generates for disposal on suitable property approved by the Township and Municipal Authority. Applicant shall pay for the disposal capacity in an amount determined by the Township and Municipal Authority.
7. Applicant shall make all traffic improvements recommended by its traffic engineer in the TIS which was admitted as Exhibit A-9, and which are summarized in Finding of Fact No. 70, except as may be modified by this Order and subject to PennDOT approval where PennDOT has jurisdiction.
8. Applicant shall design the intersection of the Connector Road and Pottstown Pike so that if warrants are met in the future a traffic signal can be installed. Such design shall be approved by the Township Traffic Engineer and Board during land development.
9. Applicant shall implement traffic calming measures as described in Mr. Richardson's testimony on November 14, 2017 and as outlined in Finding of Fact No. 71 above.
10. Applicant shall provide open space and a trail network throughout the development as presented on the Revised Plans and in Applicant's testimony. The issue of whether the Revised Plans should be revised to include a trail on the eastern boundary of the Property leading north along Pottstown Pike shall be decided by the Board during land development. All trails shall be open to the public but maintained by the homeowners association which is created for the development. The exact location of all trails to be installed in the development shall be approved by the Board during land development.
11. Applicant shall obtain the Fire Marshal's approval for the location of the fire hydrants within the community as part of land development.
12. The final landscaping plan for the community shall be approved by the Board during land development and shall comply with the Township Code unless the Board grants waivers of certain provisions of the Code.

13. If the landscaping plan proposes street trees to be located within any publicly dedicated right-of-way, the homeowners association which is created for the community shall maintain responsibility for maintenance of all street trees. If any street trees cause heaving or damage to sidewalks, the homeowners association shall be responsible for repair and maintenance of the sidewalks.
14. Applicant shall provide a blanket easement on the final land development plan in favor of the Township which shall allow the Township to provide public services such as sewer, trash and maintenance of stormwater management facilities.
15. Applicant shall be permitted to provide on street parking in certain locations throughout the community. Appropriate locations must be approved by the Township Engineer, Fire Marshal and Board during land development approval. Where on street parking is permitted, Applicant shall prohibit on street parking on the other side of any internal street and shall designate this side of the street as a fire lane. Applicant shall install signage approved by the Township as part of land development and include the parking restriction in the Homeowner's Declaration which shall be submitted to the Board and Township as part of land development and shall be reviewed and approved by the Township Solicitor prior to recordation of the final plan.
16. Applicant shall pay the Township's transportation impact fee based on the Township Ordinances as calculated by the Township Traffic Engineer.
17. Applicant shall obtain written consent from PECO for any disturbance to PECO's facilities which are located on the Property. Such written consent shall be provided to the Township during land development.
18. Applicant shall obtain written consent from Columbia Gas for any disturbance to the pipelines which are located on the Property. Such written consent shall be provided to the Township during land development.
19. Applicant and its successors and assigns in interest to the Property shall be strictly bound by this Decision.

Authorize Filing of Writ of Scire Facias – Utility Accounts. Cary Vargo explained that there are 6 public sewer accounts and 1 trash/recycling account with balances that exceed the established Policy for filing a Writ of Scire Facias. Staff advises there's been ample communications with the property owners with no resulting payments. The Board of Supervisors appreciated the notification and advised the Staff to proceed with the actions outlined in the adopted Policy.

Open Session

Steve Senn was concerned with a storm water basin and clearing of vegetation on adjacent property. He believes it was supposed to remain natural. Al Gaspari reviewed plans and believes the basin was to be maintained, mowed. Dave Leh and Al Gaspari will review the recorded land development plan and advise.

Mr. Goncharoff expressed his heartfelt thanks and appreciation to Kevin Kerr for the wonderful job Mr. Kerr has done over the last 12 years as Township Supervisor. Mr. Donatelli echoed the sentiments.

Conditional Use Hearing – Applicant Montesano Brothers

As stated at the beginning of the meeting, the Montesano Brothers' Conditional Use Hearing #2 was Continued to January 16, 2018, following the conclusion of the Board of Supervisors' 7:00 p.m. business meeting.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary