



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING

March 19, 2018  
7:00 p.m.  
**Approved**

**In Attendance:**

**Board of Supervisors**

Jamie W. Goncharoff, Chair  
Sandra M. D'Amico, Vice-Chair

Kimberly Venzie, Esq., Township Solicitor

**Township Administration**

Cary B. Vargo, Township Manager  
Gwen A. Jonik, Township Secretary  
John DeMarco, Police Chief  
Al Gaspari, Codes Administrator  
Mike Heckman, Director of Public Works  
Dave Leh, P.E., Township Engineer

Mr. Goncharoff called the meeting to order at 7:05 p.m., led the Pledge of Allegiance, offered a moment of silence and asked if any attendees planned to record the meeting. There were no responses.

**Approval of Minutes**

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the February 13, 2018 Board of Supervisors Workshop. The Motion carried unanimously.

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the February 20, 2018 Board of Supervisors Meeting. The Motion carried unanimously.

**Approval of Payments**

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve the payments to all vendors as listed March 16, 2018. Mrs. D'Amico questioned a payment to the Block Party fireworks vendor, which Mr. Vargo explained was the deposit for this year's Block Party. The Motion carried unanimously.

**Treasurer's Report**

Cary Vargo reported, on Jill Bukata's behalf, that 926 trash payments and 2,221 sewer payments were processed over the past month; the audit of the 2017 Township funds, Municipal Authority and Pension Plans is underway; the balance sheet remains strong; revenues are at 14.5% of budget and expenses are at 11.3% of the budget.

**Supervisor's Report**

Mr. Goncharoff announced that an Executive Session was held earlier this evening regarding a legal matter and read the following calendar: March 30, 2018 Office closed – Good Friday; April 10, 2018, 4:00 PM Joint Boards & Commissions Workshop; April 16, 2018 7:00 PM Board of Supervisors Meeting; April 22-25, 2018 Annual Pennsylvania State Association of Township Supervisors (PSATS) Educational Conference in Hershey, PA.

Mrs. D'Amico announced an Electronics Waste Event will be held Saturday, April 14, 2018, 9:00 AM-Noon at the Public Works facility. Most items are free disposal but there are fees for TVs and computer monitors, dependent on size. She also announced the Township's Park and Recreation Board is holding an Easter Egg Hunt March 31, 2018 at Upland Farms Park.

## Administration Reports

### Township Engineer's Report

Dave Leh reported that construction is underway on the residential portion of the Village at Byer Station (Parcel 5C) and the Developer has submitted a land development plan for the commercial portion as several tenants have been secured (Kimberton Whole Foods, a coffee shop, a daycare); the Jankowski Tract (Black Horse ELU, LLC) land development plan was reviewed at the March 8 Planning Commission meeting, garnering a recommendation for approval, however they will need subdivision approval from West Vincent Township for one of the parcels involved in the development.

Resident Eric Schier made comment regarding stucco issues.

### Building and Codes Department Report

Al Gaspari reported that 43 building permits were issued in February, totaling \$40,684 in permit fees; stucco failure is an issue across all builders and developments in the Region, not just Upper Uwchlan; there are 2 Zoning Hearings soon - March 28 is for JTech and the other is for Operating Engineers, tentatively scheduled for early May; Upland Farms barn interior is being repointed and the floors will be refinished this Spring.

Mr. Goncharoff asked when the barn will be finished, namely indoor restrooms. Mr. Gaspari and Mr. Vargo advised that at this time, renovations are to stabilize and address safety concerns so the main floor of the barn can be utilized this summer. Overall renovation will take 3-5 years, completed incrementally through Capital Fund planning, with permanent indoor restrooms toward the end.

### Police Chief's Report

Chief DeMarco reported that the Department responded to 976 calls in February, including issuing 55 traffic citations; Chief DeMarco attended a seminar on autonomous vehicles at the County Township Officials' Spring Conference last week and he believes autonomous vehicles need more work.

### Public Works Department Report

Mike Heckman reiterated last month's comment that snow events are straining the budget for salt and overtime – the crews were out 4 times for brining, salting and/or plowing; 126 work orders were received and completed last month; the Department installed a new propane tank at their facility which will be Township-owned and cuts propane costs in half; roadways were swept in between storms; and storm water inlets were cleaned.

Mrs. D'Amico asked if there is a way to detect sink holes before they happen, following the recent occurrence in a nearby Township. Mr. Heckman and Mr. Gaspari advised that they aren't aware of detection measures. If one occurs, it would be investigated and a safety perimeter installed.

Mr. Goncharoff questioned whether Senn Drive and Oscar Way had on-site septic or public sewer. Mr. Vargo advised they are on-site septic and providing public sewer to those businesses isn't included in the current Phases of the Route 100 Plant.

### Land Development

Ewing Tract West Vincent Township – Sanitary Sewer Maintenance Bonds. Cary Vargo explained that sanitary sewer infrastructure construction is complete in several Phases of the Ewing Tract in West Vincent Township and the maintenance bond amounts are being determined as part of the pre-dedication activity. ARRO has reviewed and approved the proposed maintenance bond amounts as follows: Ewing Tract West Vincent Sanitary Sewer Phase 1/2A \$696,988.03, which includes force mains and spray irrigation facilities; Phase 2A

\$41,405.55, which includes distribution mains and spray fields; and Phase 2 Carriage Home South \$45,011.33. Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve the maintenance bonds as detailed above. The Motion carried unanimously.

Eagle Village Park – Construction Bid. Cary Vargo reminded attendees that a small Township Park/trailhead had been designed for the southeast corner of the Route 100/Station Boulevard intersection, Township-owned property. Bids had been requested for demolition of the existing area, installation of a 90' x 90' paver plaza, a stage and amphitheater seating, lighting, trail connections, chess tables, landscaping, etc. The bids received were much higher than estimated, resulting in the decision to remove the stage/amphitheater seating from the project at this point in time. Krisanna Construction was the low bidder at \$432,059 for the reduced scope of the project. References were checked and netted all positive responses. In answer to Supervisors' questions, the reduced scope decreased the project costs by \$175,000; the stage and theater seating can be added in the future; there will be re-mobilization costs (@ \$20,000) and potential increases in material/labor to add those items in the future; there will be the trail, landscaping, and so forth between the roadway and the Park, for safety; there were several change orders that further reduced the costs of the project to \$403,609.00; the plan is to construct the Park for use at that year's Block Party; the additional items will be funded over the next couple of years through Capital planning.

Mrs. D'Amico moved to award the Eagle Park construction contract to Krisanna Construction at the \$432,059 bid amount and approved the change order amount of \$403,609 which is the expected final expenditure. Mr. Goncharoff seconded, there were no comments from the public, and the Motion carried by unanimous vote.

#### ADMMINISTRATION

Ordinance Amendment – Amend Group Home Definition, Regulations. Mr. Vargo advised that this proposed amendment allows group homes as a permitted use in all residential zoned districts and the C-1 Village Commercial District, bringing our zoning code in to compliance with the Federal Fair Housing Act, and amends the definition of a group home. The amendments were reviewed by the Township Solicitor and advertised.

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to adopt Ordinance #2018-05, amending the Group Home definition and allowing the use in all Districts where residential use is already permitted. The County Planning Commission's comments were addressed and consistent with the balance of the Zoning Code and the Federal Fair Housing Act. The Motion carried by unanimous vote.

Chester County Tax Collection Committee Delegate Appointment – Resolution. Mr. Vargo explained that each Municipality is to appoint voting delegates to the County's Tax Collection Committee. Upper Uwchlan Township Resolution #03-19-18-02 appoints voting delegates as follows: Primary Delegate Cary Vargo; Secondary Delegate Jill Bukata; Alternate Delegate Shanna Lodge.

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to adopt Resolution #03-19-18-02 appointing the voting delegates as detailed above. The Motion carried by unanimous vote.

Downingtown Area School District Property Transfer Agreement. Kimberly Venzie, Esq., Buckley Brion McGuire & Morris was in attendance. Mr. Vargo advised that the Downingtown Area School District has worked with the Township to grant the Township a .9 acre strip along our property line with the Pickering Valley Elementary School. The strip runs the length of the property line and from the existing property line to the Elementary School's curb line. The property will be needed for future expansion of the Township Administration building. The existing trail would then be owned and maintained by the Township.

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve the Property Transfer Agreement with the Downingtown Area School District (DASD). Mr. Vargo thanked the DASD staff and elected officials for working with the Township on this matter. Mr. Goncharoff noted Mr. Donatelli is not participating in this vote. The Motion carried by unanimous vote.

Settlement Agreement 55 Yarmouth Lane. Mr. Vargo advised that an agreement was drafted by the Municipal Authority and Solicitor regarding the property's lack of connection to the public sewer system, granting compensation from the Municipal Authority's fund in an amount of the estimated cost to connect. Mrs. D'Amico moved to approve execution of the Agreement, Mr. Goncharoff seconded and the Motion carried by unanimous vote.

Open Session

Bob Armstrong, President of Glenmoore/Eagle Youth Association (GEYA) distributed a letter to the Board seeking a reduction by more than half of the fees for Hickory Park use (Field 1, 2, and 50% of 3), citing declining participation due to program costs. The Board thanked Mr. Armstrong for his presentation and would review the request.

Resident Eric Schier distributed information and made comment regarding gerrymandering in Pennsylvania, requesting the Board consider adopting a Resolution in support of legislation in Harrisburg (Senate Bill 22; House Bill 722) for a non-partisan citizens committee to work on drawing new Congressional District lines. The Board thanked Mr. Schier and will review the information. Mrs. D'Amico wasn't a Board member last year when similar information was presented, and at that time the Board questioned whether this was within their purview. Mr. Goncharoff questioned what process would be followed for citizens to be elected or appointed to the Redistricting Commission. Mr. Schier will investigate.

Resident Cindy McMahon made comment regarding traffic and safety issues from the estimated crowd of 15,000 that will attend the country music concert in Ludwigs Corner this summer. Mr. Goncharoff and Chief DeMarco explained that numerous local officials, emergency service providers, public works departments and State Park personnel have met to discuss and develop incident action plans for fire, police, ambulance, quality of life issues, parking, etc. Planning meetings will continue and there will be community and business notifications distributed.

Resident Tim McCain commented on Toll Brothers' building methods, namely stucco failures, asking if the Township can assist residents. Cary Vargo and Al Gaspari noted that building codes have changed, most builders no longer use stucco, houses are built so airtight that that is a large part of the stucco problem, the building code is the minimum of what the builder has to do and most of the time they don't go above that, the Township inspects and enforces according to the building code – we have no additional authority. Mr. McCain was curious if the Township can adopt an ordinance that would mandate builders advise residents of all of the warranties, recalls, etc. on the building products used in their homes.

Adjournment

There being no further business to be brought before the Board, Mr. Goncharoff adjourned the meeting at 8:26 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary