



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING

November 19, 2018

7:00 p.m.

Approved

In Attendance:

Board of Supervisors

Jamie W. Goncharoff, Chair  
Sandra M. D'Amico, 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  
Dave Leh, P.E., Township Engineer

Kristin Camp, Esq., Township Solicitor

Mr. Goncharoff called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, offered a moment of silence, and asked if anyone intended to audio or video record the Meeting. Steve McNaughton recorded the Meeting.

Approval of Minutes

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the October 9, 2018 Board of Supervisors – Draft 2019 Budget Workshop. The Motion carried unanimously.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the October 9, 2018 Hearing for Byers Commercial L.P. The Motion carried unanimously.

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the October 15, 2018 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve the payments to all vendors as listed November 15, 2018. The Motion carried unanimously.

Supervisor's Report

Mr. Goncharoff read the published calendar and yard waste collections, as follows: November 22-23, 2018 Office Closed – Thanksgiving; November 24, 2018 5:00 PM 2<sup>nd</sup> Annual Tree Lighting at Upland Farms Park; December 11, 2018 4:00 PM Board of Supervisors – Draft 2019 Budget Workshop; December 17, 2018 7:00 PM Board of Supervisors Meeting; December 17, 2018 7:30 PM Public Hearing – Vantage Point Retirement Living; December 25, 2018 Office Closed – Christmas Day. Yard Waste Collections November 21 and 28, December 5 and 19.

Treasurer's Report

Jill Bukata reported the Township's financial position remains strong; year-to-date revenues are at 86.1% of the budget; year-to-date expenses are at 73.7%. Earned income tax through October is \$3,180,000 which is \$51,000 less than at this time 2017. We might not make budget for earned income taxes.

### Police Chief's Report

Chief DeMarco reported the Department logged 1,177 calls, including 13 crimes and 11 criminal arrests. The snowstorm last week was challenging, with Officers helping vehicles that were stuck and assisting with medical responses.

Chief DeMarco and Mr. Goncharoff presented a framed Letter of Recognition to Saswash Venkatesh who recently earned the Rank of Eagle Scout. Only 4% of Boy Scouts achieve Eagle Scout. Mr. Venkatesh learned the importance of being prepared and flexible.

Chief DeMarco recognized several businesses that have assisted with the 2018 Junior Police Academy. Fifty cadets attended this year's Academy. Corporal Gathercole and Officer Stiteler, who coordinated the Academy, presented the Letters of Recognition to:

Barry and Theresa DiLibero of ASC Tag Services, who have provided T-shirts all 5 years of the Academy.

Amanda McPhillips of Wegmans – they've provided food and beverages

Visco Pizzeria – they've provided food and the closing day's luncheon

Mr. Goncharoff conducted a ceremonial swearing in for Officer Bill Quinn, in recognition of his moving from part-time to a full-time position with the Department this summer.

### Administrative Reports

#### Township Engineer's Report

Dave Leh reported that Gilmore & Associates is preparing land development plans for the Township building renovation/expansion project.

#### Building and Codes Department

Al Gaspari reported 60 building permits were issued last month, totaling \$46,772 in permit fees; there has been a lot of new construction; a violation notice was sent to FedEx for noise disturbance overnight; Juniper Juice Bar, next to Topiary, plans to open early December; and H&B, roofing material manufacturer in Eaglepointe Industrial Park, plans to expand their operations within the building.

#### Public Works Department Report

Mike Heckman reported the Department has received and completed 146 work orders; the Department has been working on the new Hickory Park playground area – drainage - and reworked the trail to Eagleview Corporate Center; has cleaned storm water inlets; and continues pothole patching.

#### Land Development

Marsh Lea Escrow Release #8. Cary Vargo advised the Moser Homes has requested an escrow release for erosion-sedimentation controls, paving, curbing at the Marsh Lea subdivision. Gilmore & Associates reviewed the request and recommends the release. Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve the release of \$82,890 for Moser Homes. The Motion carried unanimously.

Village at Byers Station (Parcel 5C Residential) Lot Lines Decision & Order. Kristin Camp, Esq., advised a Decision had been prepared for Byers Commercial L.P.'s request to amend the Final Approval of Lot 1 (Residential Portion) of Parcel 5C at Byers Station Planned Residential Development (PRD), following the October 9, 2018 Public Hearing. The Final PRD Plan approved 121 townhomes with individual lot lines which didn't allow for the construction of decks. The Builder proposed the Plans be amended to remove the lot lines and the footprint of each townhouse would become the lot line. Ms. Camp read 5 Conditions of Approval which are detailed below. Jon Thomson of Toll Brothers and Lou Colagreco, Esq., of Riley Riper Hollin & Colagreco - representing Toll Brothers, were in attendance and verbally agreed to the Conditions as read.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve the Decision & Order as follows. The Motion carried unanimously.

### **ORDER**

And Now, this 19<sup>th</sup> day of November, 2018, the Board hereby approves the Application, as amended, and allows the Final PRD Plan for Lot 1 to be modified consistent with the Amended Final PRD plans prepared by Bohler Engineering dated May 20, 2016, last revised September 19, 2018 (the "Amended Plans") subject to the following conditions:

### **CONDITIONS OF APPROVAL**

1. The townhouse development shall be built and designed in accordance with the Amended Plans which were admitted as Exhibit A-6 as such plans are revised to comply with this Order.
2. The townhouse development shall be built and designed in accordance with the testimony and evidence as presented by Applicant at the October 9, 2018 hearing.
3. Applicant shall amend the homeowner's Declaration to reflect the Amended Plans and ownership and maintenance responsibilities for the decks and driveways as explained by Application's counsel at the hearing on October 9, 2018.
4. The amended homeowner's Declaration shall be approved by the Township Solicitor prior to recordation of the Amended Plans and shall be provided to all prospective buyers who have entered an agreement of sale and shall be recorded prior to issuance of any certificates of occupancy for any of the townhouse dwelling units.
5. Applicant and its successors and assigns in interest to the Property shall be strictly bound by:
  - a. All the representations, warranties and commitments made by or on behalf of the Applicant and the testimony, plans or other exhibits that were introduced into the record on these proceedings whether or not express reference is made to said representations, warranties and commitments in this Decision; and
  - b. All of the foregoing conditions of approval.

Eagleview Corporate Center – Lot 1B Maintenance Area Preliminary/Final Land Development Plan. Neal Fisher of the Hankin Group and Mike Malloy, Esq. – representing the Hankin Group, were in attendance. Mr. Fisher advised that the Plan proposes a maintenance area on Lot 1B, located on the cul-de-sac bulb of Sierra Drive. An 80,000 SF building exists on the Lot. The maintenance area is proposed to store salt and landscaping mulch. The Plan was reviewed by Township consultants and the Planning Commission, and was recommended for approval.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to grant Preliminary/Final Land Development Approval and read the Conditions of Approval detailed below. Mr. Fisher verbally agreed to the conditions as read. Steve McNaughton asked if the salt would be covered. Mr. Fisher advised it would be open and the area will drain onto the lawns around the maintenance area. The Motion carried unanimously.

The Board of Supervisors of Upper Uwchlan Township at their November 19, 2018 meeting hereby grants Preliminary/Final Land Development Approval for a plan prepared by Chester Valley Engineers, Inc. titled, "Final Land Development Plan Eagleview Lot 1B – Maintenance Area", dated March 26, 2018, last revised June 14, 2018, accompanied by the following conditions:

1. The plans shall be revised to address the comments raised in the Gilmore & Associates July 5, 2018 review letter.
2. The plans shall be revised to address the comments raised in the Brandywine Conservancy July 5, 2018 review letter.
3. A waiver is hereby granted from SALDO Section 162-55.B. regarding woodland disturbance. This waiver is granted contingent upon the proposed landscaping being relocated as outlined in the September 13, 2018 Planning Commission meeting minutes.

Eagleview Corporate Center - Lot 1C Final Land Development Plan. Neal Fisher advised this 113,000 SF flexible space building is very similar to that on Lot 1B, and will be accessed by 2 driveways on Sierra Drive. It will be predominately office space and warehousing. The loading

dock will be hidden in the “U” shape of the building. They will comply with the Township Engineers’ comments, and the Township Planning Commission reviewed and recommended the Plan.

Mr. Donatelli moved to approve the Land Development Plan accompanied by 6 conditions, which he read aloud and are included below. Mrs. D’Amico seconded the Motion.

Joanne McNaughton of Moore Road asked for postponement of the approval, requesting that all of the revisions from the consultants’ comments be made to the plans before the Board grants approval, especially concerning the landscaping and screening along their common property lines with Lot 1C. She commented the landscaping/screening on Lot 1B isn’t sufficient and would like that avoided with Lot 1C. Mr. Donatelli clarified the request and called attention to a letter from the Hankin Group (November 14, 2018) stating they are agreeable to a post-installation landscaping inspection and if the effective screening isn’t met, they’d install a 6’ fence on top of the proposed berm as well. Mr. Fisher agreed they would include that Note on the Final Plan.

Mr. Donatelli amended his Motion, adding the Hankin Group would include the above-mentioned post-installation inspection note on the Plan.

Lengthy discussion followed regarding the landscaping and effective screening of both Lots 1B and Lot 1C. Steve McNaughton requested that the fence be included on top of the landscaping berm at the beginning of the project, not afterward. Mr. Fisher advised they are proposing a 6’ berm with evergreen plantings on top and the mature trees along the ‘western’ property line are being retained and additional trees/shrubs planted. If all of that fails to provide the effective screening as defined in the Codes, they’ll install a decorative fence. Mr. Fisher explained that Lot 1B sits lower than Lot 1C, which has an impact on the view, and Hankin had planted additional trees and shrubs on 1B.

Mr. Donatelli amended his Motion, adding that all Conditions of Approval be included on the Plan. Mrs. D’Amico seconded the amended Motion. The Motion carried unanimously to approve the Plan as follows:

The Board of Supervisors, at their November 19, 2018 meeting, hereby grants Final Land Development Plan Approval to the plan prepared by Chester Valley Engineers, Inc. titled “Final Land Development Plan Eagleview Lot 1C for The Hankin Group” dated March 26, 2018, and last revised August 2, 2018, (the “Plans”) with the following conditions:

1. The Applicant shall adhere to all conditions and requirements set forth in the Conditions of Preliminary Plan Approval.
2. The Plans shall be revised to address the comments raised in the Gilmore & Associates September 4, 2018 review letter.
3. The Plans shall be revised to address the comments raised in the Brandywine Conservancy October 3, 2018 review letter.
4. The Plans shall be revised to address the comments raised in the Stubbe Consulting LLC’s September 27, 2018 review letter.
5. The Applicant shall obtain all applicable permits from the Chester County Conservation District and the Pa-DEP.
6. The fee in lieu of a Transportation Impact Fee in the amount of \$39,550 has been satisfied as a result of the improvements to Pennsylvania Drive which have been completed by the Applicant.
7. The Applicant shall include on the Plans the following note:  
“After the landscaping that is required and depicted on the Plans is installed, the Township shall perform an inspection to determine if the landscaping meets the requirements of the Plans and Code, including but not limited to the screening requirements in Section 200-77. If the Township determines that any portion of the landscaping fails to meet the requirements on the Plans and in the Code, the Township at its sole discretion, may require the Applicant to install a 6’ fence to meet the effective screen requirements.”
8. The Applicant shall include on the Plans the above-noted seven (7) conditions of approval.

## ADMINISTRATION

Ordinance – Authorization to Borrow, Execute Bond Purchase Agreement. Cary Vargo introduced Helen Mountain, Esq., Dan O'Brien and Ali Mackey of RBC Capital Markets, regarding the Township borrowing \$14,615,000 through a General Obligation Bond for the following Capital projects: renovate and expand the existing Township Building, lighting at Hickory Park, extend public sewer along a portion of Byers Road, Phase 3 of the Route 100 wastewater treatment plant. The borrowing and Bond Agreement had been discussed at the Supervisors November 13 Workshop. Mr. Donatelli advised at that Workshop that he would abstain from the discussion and decision on this topic as it's a conflict of interest – his Firm is the Township's Bond Counsel. Ms. Mountain, of Lamb McErlane advised the Borrowing would be filed with the State Department of Community and Economic Development, and the Township would comply with tax laws and SEC laws. The Ordinance was advertised in the Daily Local News and if adopted, will be advertised post-enactment. The Township Solicitor has reviewed the Bond documents and the Ordinance.

Mrs. D'Amico moved to adopt Ordinance #2018-10 authorizing the borrowing of \$14,615,000 and execute the Bond Agreement with RBC Capital Markets. Mr. Goncharoff seconded and the Motion carried with 2 in favor and 1 abstention (Donatelli).

Resolution – Naming a Bond Compliance Officer. Helen Mountain, Esq., advised that the Township needed to establish a post bond issuance Compliance Officer, who will assure the appropriate use of and investment of bond funds, provide legally-required reporting, record keeping, etc. Jill Bukata, Township Treasurer, is recommended to be the Bond Compliance Officer. The Township Solicitor has reviewed the Resolution. Mr. Donatelli abstained from the discussion and decision on this matter as it's a conflict of interest.

Mrs. D'Amico moved, seconded by Mr. Goncharoff, to adopt Resolution #11-19-18-12 naming Jill Bukata as the Bond Compliance Officer for the 2019 General Obligation Bonds. The Motion carried with 2 in favor and 1 abstention (Donatelli).

Park Road Reconstruction and Trail Installation Project. Cary Vargo advised that bids were received for the reconstruct of Park Road, from Moore Road to Marsh Creek State Park, and to install the pedestrian trail from Hickory Park to Marsh Creek State Park. Seven bids were received, with Allan Myers being the low bidder at \$2,397,777. Construction will begin late winter/early spring.

Mrs. D'Amico moved, seconded by Mr. Donatelli, to award the construction contract to Allan Myers and authorize the Township Manager to execute any of the contractual documents as needed. McMahon Associates, the Project Engineer, will monitor the work and limit change orders. The Motion carried unanimously.

Township Building Construction Project Manager. The Board tabled this matter.

East Brandywine Fire Company Agreement – Extension. Upper Uwchlan Township, East Brandywine Township and West Brandywine Township are parties to an Agreement for East Brandywine Fire Company coverage. New contribution rates per Township are being calculated and a 6-month Agreement extension is requested in order to complete the analysis. Upper Uwchlan's 2019 contribution is \$13,608.00. Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve the Agreement Extension through May 1, 2019. The Motion carried unanimously.

Authorization to advertise the Draft 2019 Budget. Cary Vargo thanked Jill Bukata and all Department heads for the contributions made to draft the annual budget. The Draft 2019 Budget proposes the General Fund \$6,203,132; Capital Reserve Fund \$5,940,756; Solid Waste Fund

\$956,278; Water Resource Protection Fund \$610,880; Liquid Fuels Fund \$354,000; Act 209 Traffic Impact Fund \$7,000; Sewer Fund \$375,373; for a Total \$14,447,419.00. Mr. Donatelli moved, seconded by Mrs. D'Amico, to authorize advertising the Draft 2019 Budget in the Daily Local News. The Motion carried unanimously. The Draft 2019 Budget will be posted on the website as well.

Distribution of Fire Fighters Relief Funds. Cary Vargo advised that the 2018 Fire Relief Funds have been received, totaling \$86,679.05. These funds are received annually from the State and are distributed to the emergency response agencies using the same formula as the Township's contribution to those agencies. Mr. Donatelli moved, seconded by Mrs. D'Amico, to distribute the Fire Relief Funds as follows: Lionville Fire Company \$38,522.67; Ludwigs Corner Fire Company \$42,553.15; East Brandywine Fire Company \$4,262.87; Glenmoore Fire Company \$1,340.36. The Motion carried unanimously.

Authorize Execution of On-Lot System Operation & Maintenance Agreements. Cary Vargo explained that the PaDEP is requiring the Township to enter into Agreements with property owners with on-lot septic systems until the Township adopts a Septage Management Ordinance. The Agreement states the property owner is responsible to maintain their on-lot system by having it pumped and inspected every 3 years. Once adopted, the Septage Management Ordinance will supersede these Agreements. Mr. Donatelli asked that the text within Agreement point #16 be revised to state the Agreement becomes null and void with the adoption of the Septage Management Ordinance. Mr. Donatelli moved to authorize the Township's execution of On-Lot System Operation and Maintenance Agreements following the revision to point #16 as previously stated. Mrs. D'Amico seconded and the Motion carried unanimously.

#### Open Session

Jim Dewees questioned the status of the trail bridge in the Reserve at Chester Springs. Staff will research.

Brett Hand, Vivian McCardell and Jordan Staub of the Historical Commission were in attendance. Mr. Hand read prepared comments regarding historic structure exterior renovations, thankful for Supervisors' support of the Commission, review/recommendation of Vantage Point Retirement Living's architecture, assisting the Township with the Adaptive Reuse Ordinance process and the condition of the Upland Farms house. The Supervisors thanked the Commission members for their service, encouraged continued communications with Staff on these issues and encouraged attendance at the December 17, 2018 Hearing for the Vantage Point project.

Joanne McNaughton commented on lack of communication regarding their complaints of Eagleview Corporate Center Lot 1B inadequate landscaping and noise issues. Al Gaspari and Cary Vargo advised that a variety of trees were selected and planted that would fill in the landscaping voids as the trees mature. Mr. Gaspari was asked to coordinate a sound engineer to visit the McNaughton property at this time to test the noise levels and to return next year when air conditioners would be in use, for comparison.

#### Adjournment

There being no further business to be brought before the Board, Mr. Goncharoff adjourned the meeting at 9:11 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary