



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING
August 19, 2019
7:00 p.m.
Approved
(with a revision in *italics*)

LOCATION: Temporary Township Administration Office
415 Eagleview Boulevard, Suite 116
Exton, PA 19341

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chair
Jamie W. Goncharoff, Member

Township Administration

Cary B. Vargo, Township Manager
Shanna Lodge, Assistant Township Manager
Gwen A. Jonik, Township Secretary
Jill Bukata, Township Treasurer
Al Gaspari, Codes Administrator
Dave Leh, P.E., Gilmore & Associates

Mr. Donatelli called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, offered a moment of silence and asked if any attendees were recording the meeting. There were no responses.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve as presented the minutes of the July 9, 2019 Board of Supervisors Workshop. The Motion carried unanimously.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve as presented the minutes of the July 15, 2019 Board of Supervisors Meeting. The Motion carried unanimously.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve as presented the minutes of the July 24, 2019 Board of Supervisors Meeting and Conditional Use Hearing. The Motion carried unanimously.

Approval of Payments

Mr. Goncharoff moved, seconded by Mr. Donatelli, to pay all vendors listed August 15, 2019. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the Township financial position remains strong; year-to-date revenues are at 67.2% of budget and expenses are at 51.2% of budget; earned income tax revenue is at 63.1% of budget and \$113,000 ahead of the end of August 2018.

Supervisor's Report

Kurtis Miller, Constituent Advocate with U.S. Rep. Chrissy Houlahan's West Chester office, announced that during her tenure, the Congresswoman has: helped close nearly 500 constituents' cases; returned over \$800,000 to District 6; received @ 50,000 and responded to over 30,000 calls, emails, letters; held 9 town halls; is actively fighting for pipeline safety and

transparency; introduced 10 bills and co-sponsored 148 bills, to name a few of the services provided and work in which she's involved.

Jeff Kowalczyk, Audit Partner – Barbacane Thornton, presented results of the 2018 audit for the Township. Separate audits are conducted for the Municipal Authority, the two Pension Plans (uniformed employees, non-uniformed employees), and the tax collector. All audits are receiving “clean” opinions, meaning the financial statements and documents are found to be materially accurate, which is the highest level of assurance they’re able to provide. There were no unusual transactions found, no deficiencies identified with internal controls, there are sufficient checks and balances within the Finance Department, no changes recommended. The full report is available on the Township website. *Mr. Goncharoff asked if there were sufficient checks and balances with Finance department processes to quickly identify improper handling of funds. Mr. Kowalczyk advised there are sufficient checks and balances, strong internal controls and processes, appropriate segregation of duties, including several levels of invoice reviews and multiple check signers are required.*

Mr. Donatelli announced an Executive Session was held August 13, 2019 regarding personnel and he read the following calendar: September 2, 2019 Office closed ~ Labor Day – there's no trash/recycling collection September 2; collection will be Township-wide Tuesday, September 3 - place materials curbside Monday night; September 10, 2019 4:00 PM Joint Boards & Commission Workshop; September 16, 2019 7:00 PM Board of Supervisors Meeting and continuation of RIP Holdings' Conditional Use Hearing; September 25, 2019 6:00 PM Struble Trail Extension II Conditional Use Hearing (continued from July 24, 2019) and yard waste collection dates: August 21, September 4, 11, 18, 25.

ADMINISTRATION REPORTS

Township Engineer's Report

Dave Leh reported that a preconstruction meeting was held for “Chester Springs Crossing” (formerly known as the Jankowski Tract) and preliminary site work has begun. They'll start work soon on the sanitary sewer tie-in on Garrison Drive. A revised alternate plan was submitted for Byers Station Parcel 5C Lot 2 Commercial. It proposes decreased commercial area and 55 townhouses and will be under review by the Township consultants and Planning Commission.

Building and Codes Department Report

Al Gaspari reported that 58 building permits were issued in July, totaling \$37,320 in permit fees; there are already 3 houses sold and 15 deposits for Chester Springs Crossing; the Townes at Chester Springs (on Park Road) is sold out; the replacement of the Milford Road turnpike bridge is on target to be completed by the end of October; the renovations at the Township Building are coming along – they're currently working on building the outer walls and the roof will change in the next few weeks; a Zoning Hearing application was received to add on to a non-conforming structure on Greenridge Road; UTI is being used for a parking area during the Country Music Festival in West Vincent Township this coming weekend.

Norm Gaitens, Meadow Creek Lane, asked the timing of replacing the Turnpike bridge over Route 100. Mr. Vargo advised there's no news on that timing; perhaps in 2022.

Police Chief's Report

Chief DeMarco was absent; no report was given.

Public Works Department Report

Mike Heckman was absent; no report was given.

Land Development

Chester Springs Crossing (Jankowski Tract) Subdivision. Toll Brothers has provided Financial Security Agreements, Land Development Agreements and Public Improvement Performance Bonds, Storm Water Management Operations & Maintenance Agreement and a Deed of Dedication for additional Route 100 right-of-way for this project, for the Board's acceptance and approval. The Township Solicitor and Gilmore & Associates have reviewed the documents. The sanitary sewer will be tied in to the Route 100 Treatment Plant – the capacity was included in Phase II. The Deed of Dedication to the Township for additional Route 100 right-of-way is on the western side, for future road improvements, if necessary.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to accept and approve the Land Development and Financial Security Agreement for site improvements (Bond \$1,799,262.35), Land Development Agreement and Financial Security Agreement (Bond \$452,955.60) for sanitary sewer improvements; Stormwater Best Management Practices and Conveyances Operation and Maintenance Agreement, and Deed of Dedication for additional right-of-way of Route 100 for the Chester Springs Crossing Subdivision. The Motion carried unanimously.

Eagleview Corporate Center Lot 4 Land Development Plan. Neal Fisher of the Hankin Group presented the land development plan for Eagleview Lot 4 proposing the addition of 27 parking spaces for the existing single tenant of the building, Frontage, to support their growth. Hankin will comply with the consultants' review letter. The Planning Commission requested the installation of a walking trail between Pennsylvania Drive and Stockton Drive, along the Lot 4 / Lot 5 boundary, however, Hankin doesn't own Lot 5 so they cannot meet that request. Mr. Fisher explained that there's an extensive trail network throughout Eagleview Corporate Center, easily accessed from Lot 4.

Following brief discussion, Mr. Goncharoff moved, seconded by Mr. Donatelli, to grant Preliminary/Final Land Development Approval to the plan prepared by Chester Valley Engineers dated June 5, 2019, with the following conditions:

1. The plans shall be revised to address the comments raised in the Gilmore & Associates July 3, 2019 letter.
2. A waiver is granted from §162-7.B.(2)(b) & (c) to permit the plan to be considered a Preliminary and Final Land Development Plan.

The Motion carried unanimously.

Eagle Village Parking Expansion Land Development Plan. Alyson Zarro, Esq. and Fred Gunther presented a land development plan to expand the existing parking lot on the north side of the Shoppes at Eagle Village, for a total of 128 spaces on-site, to support the existing businesses and the eating / drinking establishment (beer garden) which was recently granted conditional use approval. Additional parking will be available off-site; executed parking Agreements were included in the conditional use approval. They will comply with the consultants' comments except for several discussed with Brandywine Conservancy. The Conservancy understands that they won't connect the interior pathways to all buildings due to PaLCB requirements that the beer garden is fenced; the trail along the north side of Park Road won't be extended at this time – that will occur with future development of the Parcel; and additional streetscape lighting won't be installed at this time. They will complete the landscaping around the perimeter of the expanded parking area and along the property boundary with the Reserve at Waynebrook. McMahon's comment regarding the width of the Route 100 right-of-way was discussed and agreed to be ultimate right-of-way.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to grant Preliminary/Final Approval of the Eagle Village Parking Expansion Land Development Plan prepared by D.L. Howell & Associates dated July 3, 2019 with the following conditions:

1. The plans shall be revised to comply with the Gilmore & Associates, Inc. review letter dated July 31, 2019, except as noted above.
2. All conditions set forth in the July 24, 2019 Conditional Use Order shall be adhered to.
3. A waiver is granted from §162-7.B.(2)(b) & (c) to permit this submission to be considered a Preliminary and Final Land Development Plan.
4. A waiver is hereby granted from §162-57.C.(7)(f)[2] to permit a 10' wide landscaping island between parking areas instead of the required 15' wide island.

The Motion carried unanimously.

ADMINISTRATION

Traffic signal backplate installation. Cary Vargo requested the Board approve a liquid fuels expenditure to replace older traffic signal backplates at 5 intersections within the Township for compliance with current Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) standards. The total expenditure for purchase and installation of the backplates is \$8,730.00. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve the expenditure. The Motion carried unanimously.

Traffic signal street sign replacement. Mr. Vargo requested the Board approve a liquid fuels expenditure to replace mast arm mounted street name signs to comply with MUTCD standards for retro-reflectivity and size. The Township will purchase the signs (\$11,000) which will be installed by Charles Higgins & Sons (\$7,200). Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve the expenditures to purchase and install the traffic signal street signs. The Motion carried unanimously.

Resolution endorsing Chester County's Landscapes3 Comprehensive Plan. Mr. Donatelli and Mr. Vargo explained that the County recently updated and adopted their comprehensive plan, known as Landscapes3. The County requests Municipalities endorse Landscapes3, "to encourage a consistent approach across the county for addressing growth and preservation". Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolution #08-19-19-09, endorsing Landscapes3, using the plan as a guide when updating our planning documents and while reviewing development proposals. The Motion carried unanimously.

Delinquent trash accounts. Mr. Vargo advised that 3 trash accounts are extremely delinquent, and per Policy, the next step is Sale by Sheriff. This is a very infrequent event and follows exhaustive efforts to recoup the fees for trash/recycling services. The property owners have received, but haven't responded to, the required letters, liens, writs, default judgement, etc. The accounts are outstanding at \$4,084.80, \$3,893.72 and \$3,206.22 and the Township Solicitor made the property owners aware that the Township may file for Sheriff Sale if payment arrangements aren't made in a timely fashion. Mr. Donatelli moved, seconded by Mr. Goncharoff, to proceed as the Solicitor has advised. The Motion carried unanimously.

Open Session

Tammy Krumbhaar, Meadow Creek Lane, advised the Board that 67 Meadow Creek residents have signed a petition concerning the revised Sunoco pipeline route in their neighborhood and the impact on their properties, asking that the Township not grant any further easements and deny any permits for the Mariner 3 project. She made comments regarding noise from the

pipeline work and from the turnpike, issues with dust, and they'd like to know the safety/emergency plan as they're within the blast zone.

Cary Vargo and Shanna Lodge advised they'll meet with the residents. Mr. Donatelli noted it could be a limited public meeting with specific pipeline related questions provided in advance and the full Board of Supervisors could attend without violating Sunshine Laws. We'll see if Senator Muth and Representative Friel-Otten can attend. The Township doesn't have updated plans for the Sunoco pipeline route in that area as they're in front of PaDEP and there's a moratorium on issuance of new or amended permits.

Fred and Tina Bauman, Bill Dukes, Tom Fox, all Meadow Creek Lane residents, made comments on the topic:

- Sunoco representatives are going door to door seeking permission to survey their properties and asked why that'd be necessary if the pipeline is going in the road. Mr. Vargo noted that the proposed plan is to put the pipe under the road, to stay out of yards and they might need to survey for temporary construction easements.
- Who polices Sunoco's permits and what if Sunoco isn't compliant?
- The Township owns the road and should be able to deny permits.
- There are several other pipelines in/around Meadow Creek – increased risk of contractors hitting existing pipes.

The Supervisors don't favor road easements for pipelines, however, if the pipeline is ruled a public utility, it will need to be treated the same as water supply, electricity, etc. It's suggested they seek Counsel, individually or as a group.

Kumar Bhargava, Byers Station resident, made comment regarding Vantage Point senior living facility's proposed driveway easement.

Bob Fetters made comments regarding the width of the recently curbed Park Road/Moore Road intersection, and trees that need to be trimmed on Moore Road. Mr. Vargo will check with McMahon regarding the intersection.

Norm Gaitens made comment regarding a drainage issue on Moore Road.

Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the meeting at 8:46 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary