



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS MEETING

October 14, 2019

6:30 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  
Sandra M. D'Amico, Vice-Chair  
Jamie W. Goncharoff, Member

State Senator Katie Muth, 44<sup>th</sup> District  
State Representative Danielle Friel Otten  
155<sup>th</sup> District  
Tom Oeste, Esq., Township Solicitor

Township Administration

Cary 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., Gilmore & Associates

Mr. Donatelli called the meeting to order at 6:30 p.m., led the Pledge of Allegiance, offered a moment of silence and asked if any attendees were recording the meeting. Mrs. Bauman advised her husband will be listening via her mobile phone.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the September 10, 2019 Board of Supervisors Workshop. The Motion carried unanimously.

Mr. Goncharoff moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the September 16, 2019 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 October 10, 2019. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the Township's financial position remains strong; year to date revenues are at 87.8% of budget and expenses are at 73.9% of budget; earned income tax revenue is over 3,000,000 which is \$356,000 ahead of this time 2018.

Supervisor's Report

Mr. Donatelli announced that an Executive Session was held October 10, 2019 regarding personnel matters. He read the following calendar and wished everyone a happy Columbus Day: November 12, 2019 4:00 PM Board of Supervisors Workshop, Draft 2020 Budget Workshop; November 12, 2019 7:00 PM Conditional Use Hearing – Struble Trail Extension; November 18, 2019 7:00 PM Board of Supervisors Meeting; November 21, 2019 Chester County Association of Township Officials' Fall Conference; November 28-29, 2019 Office Closed – Thanksgiving Holiday; November 30, 2019 5:00 PM 3<sup>rd</sup> Annual upper Uwchlan Township Tree Lighting at Upland Farms Park (Raindate December 1, 2019); yard waste collections October 16, 23, November 6 and 13.

## Administration Reports

### Township Engineer's Report

Dave Leh reported that site construction continues at Chester Springs Crossing (previously known as the Jankowski Tract) and the sewer main boring work under Pottstown Pike is scheduled for late October; Starbucks – Eaglepointe Shopping Center – has submitted a land development plan for consultants' review.

### Building and Codes Department Report

Al Gaspari reported that 61 building permits were issued last month, totaling \$13,393 in permit fees; the Donoghues received a zoning variance for an addition to their house, which is on the township's historic resource inventory; and the developer of Green Bank Cottages (formerly Upattinas School) is converting the 'manor' house to 5 condominiums with garages.

### Police Chief's Report

Chief DeMarco reported that 1,100 calls were handled last month; school is open – keep alert for student and bus activity; watch out for trick or treaters on Halloween.

### Public Works Department Report

Mike Heckman reported that over the past month, Department activities included: 170 work orders received and completed; all road resurfacing and long-line striping is complete; inspecting and prepping snow removal equipment; worked on the 2020 budget; mowing activities continue; rebuilt stormwater inlets on Yarmouth Lane; cleaning/clearing stormwater pipes and inlets; replacing road signs; performed preventive maintenance and repairs on township vehicles; working with ARRO on landscaping and repair of a berm at Meadow Creek wastewater treatment plant.

## LAND DEVELOPMENT

Byers Station Parcel 5C Commercial - Lot 2A/2B – Final PRD Plan Decision & Order. Applicant Bob Dwyer and Alyson Zarro, Esq., were in attendance. Tom Oeste, Esq., introduced a draft Decision & Order which would approve the Amended Final PRD Plan for the 3.5-acre commercial parcel, with the following conditions:

1. The Final Plan shall be revised to comply with Gilmore and Associates' review letter dated September 5, 2019.
2. The Applicant shall add a note to the Final Plan and include a provision in the homeowners' declaration or a deed restriction that prohibits landscaping or the placement of structures on or adjacent to Lots 42 and 43 that would obstruct the sight triangles on Road B at approximately Stations 8+10 and 10+20.
3. The number of required stacking spaces for the drive-thru lane for the proposed eating establishment on Lot 2B shall be determined by the Township when the specific use is identified by the Applicant.
4. The Township reserves the right to require the purchase of additional sewer capacity for the commercial users based upon actual water usage.
5. The Applicant shall dedicate proposed and existing sanitary sewer facilities to and as requested by the Township, at no cost to the Township.
6. The Applicant shall obtain all required outside agency permitting and approvals (e.g., PennDOT Highway Occupancy Permit approval, PaDEP Planning Module approval) prior to recordation of the Final Plan.
7. The proposed commercial development on proposed Lot 2B shall be located on two pad sites as generally depicted on Sheet 4 of the Final Plan; there shall be a minimum of 15,000 square feet of first floor gross floor area of commercial development on Lot 2B.

8. A pedestrian crosswalk and related facilities shall be installed across Station Boulevard at the intersection of Road A and Station Boulevard as generally depicted on a plan titled "Exhibit A – Station Boulevard Crossing at the Parcel 5C Driveway" prepared by Traffic Planning and Design, Inc. dated October 17, 2017 which plan is attached hereto.
9. Proposed Lot 2A shall be developed with a maximum of 55 dwelling units.
10. The Applicant shall grant to the Township an indefinite extension of time for a decision on the 2018 Commercial Plan application. Contemporaneously within the recordation of the Final Plan, the Applicant shall withdraw the 2018 Commercial Plan application.
11. To the extent that the Final Plan or any of the conditions imposed by this Decision and Order are inconsistent with or contrary to the Tentative Approval as applicable to Parcel 5C, the conditions of approval set forth herein shall control.
12. The Board grants the following modifications from the Subdivision and Land Development Ordinance (SLDO) and waiver from the Stormwater Management Ordinance (SWMO):
  - A. A modification from the requirement of SLDO Section 162-31.B (requirement for a minimum centerline radius of 150 feet on a local road) to permit a centerline radius for Road B at Stations 8+10 and 10+20 less than 150 feet as depicted on the Final Plan.
  - B. A modification from the requirement of SLDO Section 162-41.A (requirement for sidewalks on both sides of streets) to permit sidewalks on one side of the proposed streets as depicted on the Final Plan.
  - C. A modification from the requirement of SLDO Section 162-57.C.(7)(f)[3] (requirement for 15-foot wide landscaped islands at the end of a parking bay that abuts or opens onto any street) to provide landscaped islands as depicted on the Final Plan.
  - D. A waiver of SWMO Section 152-311.H.(3) to utilize a natural spillway lining for emergency spillways instead of concrete monoslab pavers.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to grant Approval of the Application of Byers Retail Acquisition Limited Partnership for Final Planned Residential Development for Parcel 5C Lot 2 of the Byers Station Planned Residential Development (PRD) as outlined above. The Motion carried unanimously.

Townes at Chester Springs Escrow Release #2. Dave Leh advised that Gilmore & Associates reviewed Toll Brothers' request for escrow release #2 and recommends the release of \$233,681.67. Mr. Goncharoff moved, seconded by Mrs. D'Amico, to approve the release of \$233,681.67. The Motion carried unanimously.

Villages at Byers Station/Chester Springs Escrow Release #2. Dave Leh advised that Gilmore & Associates reviewed Toll Brothers' request for escrow release #2 and recommends the release of \$264,605.00. Mr. Goncharoff moved, seconded by Mrs. D'Amico, to approve the release of \$264,605.00. The Motion carried unanimously.

Chester Springs Crossing (Jankowski) Escrow Release #1. Dave Leh advised that Gilmore & Associates reviewed Toll Brothers' request for escrow release #1 for this project and recommends \$177,716.96 be released. Mr. Goncharoff moved, seconded by Mrs. D'Amico, to approve the release of \$177,716.96. The Motion carried unanimously.

Gunner Properties (160 Park Road) Development Agreement. Cary Vargo advised that Gunner Properties submitted a Land Development Agreement, Financial Security Agreement, a Stormwater Maintenance Agreement and a Pedestrian Crosswalk Maintenance Agreement for the parking lot expansion project on his property at Route 100 and Park Road. The documents were reviewed and approved by the Township Solicitor. Mr. Goncharoff moved, seconded by

Mrs. D'Amico, to approve the aforementioned documents, the Financial Security being in the amount of \$171,360.00. The Motion carried unanimously.

#### ADMINISTRATION

Engagement of Human Resource Consultant for Township Manager Search. Mr. Donatelli announced Township Manager Cary Vargo's resignation and thanked Mr. Vargo for providing great leadership over the last 10 years. The Board of Supervisors has interviewed a recruiter, Roseann McGrath, to assist with the recruitment of a Township Manager. Mr. Goncharoff moved, seconded by Mrs. D'Amico, to engage Ms. McGrath to assist in the Township Manager search at \$125/hour. The Motion carried unanimously.

Professional Services Agreement. Mr. Donatelli summarized an Agreement with ARRO Consulting, for administrative assistance with day-to-day operations until a Township Manager is hired, for an initial 3-month term. Cary Vargo will provide guidance and direction to Township Staff, as needed, with respect to projects in progress (Park Road Trail, Township building expansion), the 2020 budget process, and the transitions of the newly elected Township Supervisor and new Township Manager. This hourly consultation fee won't exceed \$76.00/hour. Mr. Goncharoff moved, seconded by Mrs. D'Amico, to approve the Professional Services Agreement with ARRO Consulting. The Motion carried unanimously.

Resolution – Submission of Byers Station Parcel 5C Commercial Lot sewage facilities planning module (SFPM) to PaDEP. Mr. Vargo noted this Resolution is part of the administrative process for approval of the sewage planning module for the revised project, which includes subdividing Lot 2 into 2 lots – 2A will be developed with 55 townhouse units and 2B will be 26,573 SF of retail, office, and coffee/fast food establishments. Mr. Goncharoff moved, seconded by Mrs. D'Amico, to adopt Resolution #10-14-19-10 authorizing the submission to PaDEP of the Byers Station Parcel 5C Commercial Lot SFPM. The Motion carried unanimously.

Disposition of Township Property – Accept/Reject High Bids. Several pieces of Township property had been duly advertised for sale via electronic auction on Municibid. Mr. Goncharoff moved in 2 separate Motions, both seconded by Mrs. D'Amico, to accept the high bid of \$170.00 for a Stihl TS400 CutOff Saw, which is being replaced, and \$62.00 for a Mitsubishi Electric Mr. Slim condensing unit and inverter, which is being replaced during the renovation of the Township building. The Motions carried unanimously.

Mr. Goncharoff moved, seconded by Mrs. D'Amico, to reject the high bid of \$3,500.00 for a Hipower Generator Model HGM65M6U, as the high bid didn't meet the \$10,000 reserve price placed on this item. The Motion carried unanimously.

#### Open Session

Mr. Donatelli announced that State Senator Katie Muth and State Representative Danielle Friel Otten were in attendance.

Mr. Goncharoff commented that the time on the CVS clock needs to be corrected, and we should consider adopting an ordinance that public clocks need to have the correct time. Mr. Donatelli asked Tom Oeste to draft such an ordinance for consideration.

Mr. Donatelli announced a short recess would be taken.

#### Sunoco Mariner East Pipeline – Use of Meadow Creek Lane

Mr. Donatelli reconvened the evening at 7:03 p.m. and introduced Representative Otten, elected November 2018 (155<sup>th</sup> District) and Senator Muth (44<sup>th</sup> District). Approximately 22 residents

were in attendance to discuss with the State officials Sunoco's recently proposed alternate route for the Mariner East pipeline expansion – open trench in Meadow Creek Lane since HDD failed. The discussion points are summarized as follows:

- status of permit approval with PaDEP and timing if current moratorium is lifted;
- speculation as to what Sunoco might do with the property they own at 38 Meadow Creek Lane; the on-lot septic system is rumored to be ruined;
- where will the trench and the 50' wide easement be located? (the trench is proposed to be in the road);
- if permitting ban is lifted, this is a major modification and the permit would be open for public review and comment so all should watch for that Notice and make comments.
- Residents should sign up through our website to receive notifications and updates;
- Each property owner should constantly talk to the Land Agent. If Sunoco already has an easement on their property, they don't need to notify. If Sunoco doesn't have an easement they need to notify. Negotiate any accommodations the property owner needs.
- Contact PaDEP directly with comments and concerns.
- Pennsylvania doesn't regulate location of pipelines.
- There are Class Action Lawsuits for water contamination in other parts of the State that will delay lifting the moratorium, but it won't make it permanent.
- keep raising safety concerns and sharing the impact to you/your community through your State officials and to the DEP.
- Meadow Creek Lane is a public road, owned by the Township, but the Township can resist providing permission to use the roadway. Sunoco would then have to negotiate easements and access with each property owner.
- Property owners should get a structural integrity assessment prior to the HDD or trenching activity;
- anything that's a public nuisance – off-hours noise, debris, etc. -- should be called in to 911 for a response and for record of the violation(s).
- document everything. Take the steps to protect your family first and then document and photograph what is going on so that you can get reimbursed. Contact Sunoco constantly. Send photos / documentation to State representatives as they forward them on to their colleagues and higher levels of Government.
- If drilling or trenching activities make the home or property unlivable, the property owner can seek monetary compensation through the legal process.
- each level of government has to do all they can and work together to get as many of these issues resolved as possible.
- Sunoco's emergency action plan was reviewed and provides Sunoco asset protection moreso than public safety.
- Sunoco can't operate the pipeline until the full emergency action plan protecting life and residential property is in place.
- Both Rep. Otten and Senator Muth have introduced Bills requiring risk assessments, provisions for early detection/warning systems, and independent assessments.
- DEP reviewers try to make the pipelines as safe as possible.
- If the pipeline route gets approved, Meadow Creek residents would prefer the pipeline be in the road rather than in their property and as far away from the houses as possible.
- *Mr. Goncharoff asked those present that IF, in the end, over the Township's objections and opposition, Sunoco was permitted to use Meadow Creek Lane, did the residents want the Township to seek monetary compensation for public purposes. The reply was Yes.*

- If the road is trenched, the Township provides active communications with emergency services, schools, buses, etc. If there are going to be problems accessing properties, the land agent should notify the owners and they may need to acquire short-term lodging elsewhere.

Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the Meeting at 8:55 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary