



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING

April 20, 2020

7:00 p.m.

Approved

LOCATION: This was a virtual meeting, held via Zoom video/audio conferencing, in order to minimize public exposure to COVID-19 and maintain social distancing. The meeting's Public Notices instructed those interested in participating in the meeting to email or call the Township Manager for the link and password to join in the meeting.

In Attendance:

Board of Supervisors

Sandra M. D'Amico, Chair

Jamie W. Goncharoff, Vice-Chair

Jennifer F. Baxter, Member

Tony Scheivert, 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

Kristin Camp, Esq., Township Solicitor

There were seven (7) citizens in attendance.

Mrs. D'Amico called the meeting to order at 7:07 p.m., led the Pledge of Allegiance, and offered a moment of silence. No citizen planned to video or audio record the meeting, however, the Township was recording audio, for purposes of minute preparation.

Approval of Minutes

Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the March 10, 2020 Board of Supervisors Workshop and the March 16, 2020 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve the payments to all vendors as listed April 16, 2020. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the financial position of the Township remains strong; year-to-date revenues are at 24.6% of the budget; year-to-date expenses are at 22.4% of the budget; expenses are up first quarter 2020 due to the capital contribution toward Lionville Fire Company's ladder truck purchase.

Mrs. Bukata reported the impact of the coronavirus 2019 pandemic will most likely be evident in May, with decreased earned income tax payments from employers, due to residents' temporary unemployment following the Governor's stay-at-home orders and business closures. A great percentage of Upper Uwchlan residents have technology-related jobs and may be able to work from home, potentially impacting Upper Uwchlan less negatively than other municipalities.

Supervisor's Report

Mrs. D'Amico announced that an Executive Session was held April 14, 2020 regarding a legal matter, Census 2020 is here and residents are encouraged to respond via mail, on-line or by phone. Completing the Census questionnaire, with everyone being counted, is important to our community for congressional representation, distribution of funding for educational programs, health care, transportation services, and public spaces. Mrs. D'Amico read the following calendar

of events: May 12, 2020 4:00 PM Board of Supervisors Workshop; May 18, 2020 7:00 PM Board of Supervisors Meeting; the Annual Block Party has been POSTPONED to a date not yet determined; and yard waste collections April 22, April 29, May 6 and May 13.

Administrative Reports

Township Engineer's Report

Dave Leh reported the most construction halted mid-March, following the guidelines of the COVID-19. Contractors may complete the enclosure of new homes under construction when the guidelines when into effect or for stabilization of erosion and sedimentation controls. The Final Plan for Byers Station Parcel 6C – Vantage Point Retirement Living – at the northeast corner of Byers Road and Graphite Mine Road will be discussed later this evening.

Building and Codes Department Report

Al Gaspari reported that 53 building permits were issued in March, totaling \$54,586 in permit fees. Meineke is opening a shop where DZM was located; DZM relocated within the Township; Profound Technology submitted their building addition permit and will be ready to start when contractors are allowed to start new construction; John Shelton submitted building permit plans for "Greenridge Hall", 12 condos in the former Upattinas gym building.

Kristin Camp, Esq., summarized Act 15 of 2020, signed into Law by the Governor today, which provides for a 30-day extension to Townships for reviews and approvals, due to the COVID-19 pandemic. Timeclocks will start after May 20, 2020.

Police Chief's Report

Chief DeMarco reported 1,189 calls were handle last month; unfortunately, Junior Police Academy is cancelled for this year; all Officers are in good health; COVID-19 related resources are adequate; traffic is starting to increase. Mr. Goncharoff questioned the positive case count in Upper Uwchlan – there were 9 as of Friday, but it may have risen over the weekend. Thankfully no deaths.

Public Works Department Report

Mike Heckman wasn't currently in attendance. Tony Scheivert reported that mowing activities continue as the doesn't work near each other.

Land Development

Profound Technology. The Board had reviewed at previous Workshops the developer's agreement, construction escrow, financial security agreement and storm water management agreement for Profound Technology's commercial building land development plan, as approved by the Board of Supervisors at their November 18, 2019 meeting. The property is located at 125 Little Conestoga Road and the development is a 2-story building addition and additional parking areas. These agreements comply with the Approval Letter and have been reviewed by Kristin Camp, Township Solicitor. Alyson Zarro, Esq., was in attendance representing the Owner, to answer any questions.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve the Land Development Agreement, the Financial Security Agreement (\$210,904.93) and the Stormwater Management Operation & Maintenance Agreement. The Motion carried unanimously.

Byers Station Parcel 6C – Vantage Point Retirement Living – Final Amended PRD Plan.

In attendance for Vantage Point Retirement Living: Alyson Zarro, Esq., Greg Stevens, Trupert Ortlieb, Mark Quigley and Joe Russella. Vantage Point Retirement Living proposed a Plan for a 36,000+ SF, 3-story, 100-unit senior living facility on Byers Station Parcel 6C, the northeast corner of the Byers Road / Graphite Mine Road intersection. It will include independent living, personal assistance and a memory care unit. (Fieldstone at Chester Springs) Kristin Camp explained that the Board of Supervisors had granted Tentative Amended PRD Plan approval at their September 16, 2019 meeting, and the Plan had been revised to address the Conditions of Approval, including working with the Township Historical Commission regarding the architectural elevations of the

building and the Codes Department regarding the size and lighting of the signage. The Board had been presented with and reviewed at their last 2 Workshops the final draft of the Decision & Order to grant Final Approval of the PRD Plan.

Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve the Decision & Order for Vantage Point Retirement Living, Inc. For Final Approval for Parcel 6C of the Byers Station Planned Residential Development (PRD) as follows with ten (10) conditions. The Motion carried unanimously.

ORDER

The Board of Supervisors of Upper Uwchlan Township hereby grants Final Planned Residential Development Approval as set forth in the Application and on the Final Plan, subject to compliance with the following conditions:

1. Except as may be modified by these conditions of Final Plan approval, the Property shall be developed in compliance with the Application and Final Plan, and the Applicant and the development and use of the Vantage Point Property and Project shall comply with the conditions of the Parcel 6C Tentative Approval.

2. The color palette, materials and architecture of the proposed building shall comply with the Conceptual Rendering, Final Version, dated November 13, 2019, 2 sheets, prepared by Kimmel Bogrette, attached hereto as Exhibit "A" and made a part of this Decision. The side and rear elevations of the proposed building shall be substantially similar to the front façade in color, materials and architectural style. The minimum vertical clearance of the porte-cochere shall be fourteen (14) feet.

3. The location, design and size of signs for the Project and the Butler House Property shall comply with the drawing titled Exterior Signage Draft dated 1/8/2020 prepared by Kimmel Bogrette, attached hereto as Exhibit "B" and made a part of this Decision. Prior to issuance of a permit for the signs, Applicant shall demonstrate that the proposed up-lighting of the signs complies with the lighting standards set forth in the Township Zoning Ordinance and Subdivision and Land Development Ordinance.

4. Applicant shall remove from the Township property and the Byers Station Homeowners Association property (if the Applicant can obtain authorization from the Association) the existing utility poles on the existing gravel driveway to the Butler House Property. The poles shall not be cut at grade; the entire pole, including the underground portion, shall be removed.

5. Applicant shall comply with the requirements of Conditions 6, 7 and 8 of the Tentative Approval related to easements and legal authority to re-locate the Butler House driveway to the location shown on the Final Plan; and an easement to utilize the Township property for the new driveway access to the Property from Byers Road and for signs and utilities.

6. Applicant shall design, permit and install the stub, lateral and all necessary infrastructure to service the Property with public sanitary sewer by connecting to the proposed sewer main in Byers Road. Applicant shall also reimburse the Township for the installation of the manhole necessary to service the Property in the event that the Township installs the manhole. These improvements shall be included in the developer's agreement for the Project and financially secured.

7. After the Project is fully occupied and from time to time, the Township may evaluate water usage for the Project to determine if additional sanitary sewer capacity must be purchased by the Applicant. Applicant shall cooperate in providing water usage records to the Township and purchase such additional capacity if warranted.

8. The Applicant, the development of the Property and Project and the Final Plan shall comply with the comments, recommendations and requirements of correspondence of the Township Engineer, Gilmore & Associates, Inc., dated March 11, 2020.

9. The terms of the easements and other agreements required by the conditions of the Parcel 6C Tentative Approval and this Final Approval shall be satisfactory to the Board in form and substance. All easements and agreements shall be recorded contemporaneously with the Final Plan for the Vantage Point Property.

10. Applicant and its successors and assigns in interest to the Property and the Project shall be strictly bound by all of the foregoing conditions of this Final PRD approval.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to authorize Mrs. D'Amico, Supervisors Chair, to execute the Easement Agreements and other Agreements as noted in Condition #9 above following execution by the Developer. The Motion carried unanimously.

ADMINISTRATION

Resolution to Appoint Tax Collector for Unexpired Term. Elected Tax Collector Ben LaGarde has tendered his resignation as he is moving out of the Township. The Board of Supervisors accepts his resignation and is required to appoint a Township resident to serve in the position until the next Municipal Election, or for the remainder of the unexpired term, through December 2021. Township Treasurer, Jill Bukata, is the Deputy Tax Collector and she will carry out the operational duties. Guy Donatelli had volunteered to fill the position but has since withdrawn. Jeffrey Smith, a member of the Township Planning Commission, has volunteered to fill the vacancy.

Mrs. Baxter moved, seconded by Mr. Goncharoff, to adopt Resolution #04-20-20-06, appointing Jeffrey Smith as the standing Tax Collector until the next Municipal Election. The Motion carried unanimously.

2020 Road Materials Bid – Award Contract(s). Mike Heckman reported that bids were received and opened April 17, 2020 for the 2020 Road Materials contracts. Glasgow, Inc. was the low bidder for the bituminous concrete - warm mix materials. For the coarse aggregate materials, after fuel and employee time is factored in for pick-up at the plant, Glasgow, Inc. is the low bidder. It is Mr. Heckman's recommendation that Glasgow, Inc. be awarded the bituminous concrete – warm mix materials contract at the bid amount of \$34,950 at plant, and \$40,657.50 if delivered, and the coarse aggregate materials contract at the bid amount of \$6,510 at plant, and \$9,187.50 if delivered.

The Board had questions on the bid specifications and tabled the contract award until their May 12 Workshop.

Open Session

Gwen Jonik advised that since Jill Bukata is carrying out the operational duties of Tax Collector following Ben LaGarde's resignation, S & T Bank (formerly DNB1st), the depository for the real estate taxes, requires a statement that Jill Bukata is the only person to access the Township real estate tax payment account. Following brief discussion, Mrs. D'Amico stated that the Board affirms that statement.

Cindy McMahon made comments regarding approving senior living facilities and protecting the community from outbreaks such as COVID-19 and the flu. Mrs. D'Amico replied that they follow the State Department of Health, CDC and County Health Department guidelines.

Mike Heckman read his Departmental Report, noting 127 work orders were received and completed, and following the March 16 stay at home order and social distancing guidelines, they worked on street sweeping, are responding to PA-1 calls, mowing and park maintenance, and taking advantage of on-line classes and safety training. Mr. Goncharoff asked that maintenance and repair projects throughout the township be scheduled if safety/social distancing can be maintained.

Adjournment

There being no further business to be brought before the Board, Mrs. D'Amico adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary