



Upper Uwchlan Township  
Board of Supervisors Workshop  
June 9, 2020  
4:00 p.m.  
Minutes  
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 Notice 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.

Attendees:

Sandy D'Amico, Chair  
Jamie Goncharoff, Vice-Chair  
Jenn Baxter, Member

Tony Scheivert, Township Manager  
Shanna Lodge, Assistant Township Manager  
Gwen Jonik, Township Secretary  
John DeMarco, Police Chief  
Al Gaspari, Codes Administrator  
Dave Leh, Township Engineer  
Kristin Camp, Esq., Township Solicitor

The Board of Supervisors and Cathy Tomlinson, Park & Recreation Board Chair, met (virtually) with Stephen Beckman at 3:45 p.m. to discuss Stephen's interest in serving on the Park & Rec Board and filling a current vacancy.

Sandy D'Amico called the Workshop to order at 4:00 p.m., led the Pledge of Allegiance and offered a moment of silence. No one planned to record the meeting other than the township, for minute preparation purposes.

Water Resource Protection Program - Update

Shanna Lodge introduced Russ Benner, T&M Associates, and John Damico, Environmental Rate Consultants, consultants who were engaged in 2015 regarding the potential for a phased, fee-based storm water management protection program (water resource protection program). Phase 1, the feasibility study completed in 2015, calculated the typical annual costs for storm water related tasks in Upper Uwchlan. Phase 2 included the business plan and the township opened a specific fund for water resource protection. In Phase 3, the Needs Analysis from Phase 2 will be updated, the key costs identified, a public education component developed, and residents and businesses will be requested to provide opinions regarding implementation of a fee to fund the specific water resource protection activities.

In 2015, it was estimated that the township spends \$351,980/year for storm water management. The 5-year forecast to provide the required minimum protection of water resources is \$840,000+/year. The fee would be based on an equivalent residential unit (ERU) of 4,000 SF of impervious (hard) surface. In 2015, a sampling of 400 homes in the township was used to determine the average SF. A residential property is typically 1 ERU. The average fee, by national survey, is \$5.00/ERU/month. More than 3-family+ units are considered commercial. FedEx is almost 500,000 SF which would equal 125 ERUs x \$5.00 = \$624/mo = \$7,488/year.

Discussion included:

1. The concept is that a specific fee (user fee, so to speak) will fund the water resource protection program. There are @ 20+ communities in Pennsylvania with such a program in place.
2. The consultants would update the business plan and current conditions (employees, facilities that need serviced, engineering, permits, etc.), calculate the costs, then determine the fee, which across the country averages \$4.00-\$7.00/ERU/month.
3. There has been challenges by schools and churches who are tax exempt and believe this to be a tax, not a user fee.
4. Jamie Goncharoff is concerned with the relative newness of this type of program in the State and expressed interest in waiting a year or so to take next steps. The consultants advised that the next steps in Phase 3 are to revisit the last 5 years' financial data, review current GIS, update the business plan and costs, assist with ordinance language, educate the public, organize a storm water authority or pair with the sewer authority, etc. Implementation of a fee would take @ 12 months.
5. There are credits toward the fee if a property has a storm water detention or capture basin, as these are Best Management Practices (BMP).
6. The fee would fund the activities and people to reduce pollutants in our storm water and to carry out the tasks to best manage the volume: storm water pipes, inlets and basins maintenance – cleaning, repairing or replacement; salaries of the specific storm water program employees; specific equipment.
7. Upper Uwchlan's storm water impacts Marsh Creek Lake, Pickering Creek, Black Horse Creek, and the East Branch of the Brandywine River.

The Board took no action.

#### First Amendment to Lease Agreement with Chester County – Transmission Tower

Kristin Camp, Esquire, reviewed the history of the lease agreement between the Township and the County for access to the property that holds the emergency services transmission tower, near Fellowship Fields. When the lease was originally drafted, Toll Brothers owned the property. The Township owns the property now and has an access easement agreement with Texas Eastern. The lease has been revised to reflect the current ownership and easement. Approving and executing the First Amendment to the Lease Agreement will be on the Board's June 15, 2020 meeting agenda.

#### Resolution Re: Outdoor Dining

Tony Scheivert introduced a Resolution, as Chester County is now in the "yellow phase" of reopening Pennsylvania, that would allow restaurants to expand outdoor seating temporarily (90 days) without going through the conditional use process. Kristin Camp advised that a lot of townships are trying to help their businesses during this time, to recover from the coronavirus 'shut down', by allowing outdoor dining or sales. There are 7 conditions that restaurants have to meet in order for them to have outdoor dining. There was discussion of the condition regarding parking and it was decided that Ms. Camp will revise the wording that a parking analysis be provided to the Zoning Officer that shows the availability of adequate parking. The revised Resolution will be considered at the Board's June 15 meeting.

#### Reserve at Chester Springs Public Sewer Facilities Dedication

Alyson Zarro, Esq., representing Toll Brothers, advised that the Reserve at Chester Springs (RACS) is fully constructed, and Toll is offering to the Township the dedication of the public sewer pipes / facilities within the roadways – Dominic Drive, Emmett Lane and Radek Court. The Grant of Easement and Maintenance Bond was reviewed by the Authority's Solicitor, Chris

Frantz, by Kristin Camp, the Township's Solicitor, and the Authority approved acceptance of the easement and deed to the pipes within the roads at their May 26, 2020 meeting. Ms. Zarro also advised that the Township has an easement on Lot 66, on the other side of Little Conestoga Road from the development, and the Parcel that contains the pump station is proposed for dedication to township. The Authority built the pump station, so it won't be dedicated. This parcel has a billboard on it that includes a 3-year term Lease which is believed to be with Toll/RACS Homeowners Association and expiring January 31, 2021. Ms. Camp is concerned with First Amendment Rights of the billboard company on Township property if dedication is accepted. Following discussion, the Board would like to wait to accept dedication of the property until after the RACS HOA terminates the Lease and the billboard is removed. It's believed that the billboard company would be responsible for removing the billboard. These points will be investigated.

#### Ordinance Amendments Review

Kristin Camp summarized the ordinance amendments that the Planning Commission has been revising over the past several months and the Board has previously reviewed regarding: outdoor advertising signs; definitions for mixed use dwelling and cultural facility; lighting standards; residential uses in the C-1 Village Commercial, C-3 Highway Commercial Districts and relating to adaptive reuse of historic structures in those commercial districts; and adding historical commission review of adaptive reuse applications. The ordinance amendments have been properly advertised for consideration at the Board's June 15 meeting.

Ms. Camp noted that the Township will be reviewing an above-ground storage tank ordinance amendment as was brought up at a recent workshop where Neal Fisher of the Hankin Group was in attendance. An amendment had been drafted in 2016 and at that time was reviewed by the Township and County Planning Commissions but discussing adoption was postponed. The Hankin Group had recently drafted an amendment with a narrower scope than the Township's 2016 draft. The Board does not want ambiguity as to what is or isn't permitted, doesn't want to limit businesses but wants to keep everyone safe. Al Gaspari advised that there are currently 2 tanks that weren't permitted, and some of the businesses store materials inside which means they are transferred by personnel from the delivery trucks to the inside. If they're allowed to be stored outside and plumb the pipes inside, that is a safer process as no personnel are transferring the product. Ms. Camp will merge the drafts for review at the Planning Commission's July meeting.

#### Township Manager's Report

Tony Scheivert highlighted the following projects: there is a Zoning Hearing June 24, 2020 regarding a residential addition encroaching on the front yard setback; the Cohen Group has prepared a proposal to conduct a Comcast franchise contract audit. Jamie Goncharoff would like the Cohen Group to investigate how Comcast passes on franchise fees to their customers.

#### Open Session

No comments were offered.

#### Adjournment

There being no further business to be brought before the Board, Sandy D'Amico adjourned the Workshop at 6:14 PM. The Board proceeded to hold an Executive Session regarding real estate.

Respectfully submitted,  
Gwen A. Jonik  
Township Secretary