



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 15, 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

Kristin Camp, Esq., Township Solicitor

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

There were 4 citizens in attendance.

Mrs. D'Amico called the meeting to order at 7:01 p.m., led the Pledge of Allegiance and offered a moment of silence. No one planned to video or audio record the meeting except the township for purposes of minute preparation. This is Al Gaspari's last Supervisors meeting as he retires at the end of June.

Approval of Minutes

Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the May 12, 2020 Board of Supervisors Workshop and May 18, 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 listed June 11, 2020. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the Township's financial position remains strong; year-to-date revenues are 51.5% of the budget and expenses are at 37.8% of the budget; real estate tax receipts are exceeding budget at this point; however, they're 9.1% less than this time last year.

Supervisor's Report

Mrs. D'Amico announced that Executive Sessions were held June 9, 2020 regarding personnel and real estate, and that the Board had met with Stephen Beckman regarding his interest in serving on the Park & Recreation Board. Mr. Goncharoff moved, seconded by Mrs. Baxter, to appoint Stephen Beckman to the Park & Recreation Board. The Motion carried unanimously. Mr. Beckman's term will expire December 31, 2021.

Re-opening Township Parks – discussion. Tony Scheivert highlighted the list of the Governor's guidance regarding organized sports teams. Teams can't practice until the County enters the "green" phase, however Chester County Health Department has guidelines that state that teams

can practice if they comply with a multitude of protocols. Discussion included: not many townships have opened their parks/playgrounds – trails were always open; the Governor's Order leaves it up to the Board of Supervisors, who could ask for waivers from coaches/leaders if they want to begin practices and can meet the protocols; if we're one of the first to open our fields, we'll be inundated with requests; how do we check/enforce that teams are following protocols; is there any limitation in our liability insurance; the Board members would like to open up for our usual teams; we could be proactive and set up a virtual meeting with our sports teams and develop a Form; make sure we have the sanitation stations for the players and sanitize any equipment; restrooms are cleaned 2x/week and spray disinfected throughout the week; the fields are getting a nice rest; Hickory Park tennis and basketball courts have been in use and users don't want to be told they can't; Tony and Shanna are meeting with organizations tomorrow night (virtual meeting) to see what they're thinking and provide that information to the Supervisors. The Supervisors would like to hear what the organizations are thinking about all of the protocols and will develop a policy.

MS4 Public Education ~ Illicit Discharge Detection & Elimination Fact Sheet. Gwen Jonik advised that the DEP updated their fact sheet regarding detecting and eliminating illicit discharges to the storm sewer system. This information is for everybody – staff, residents, businesses, etc. The fact sheet is posted on the township website and printed copies are available in the township lobby.

Mrs. D'Amico read the following calendar: The Annual Township Block Party has been postponed, hopefully we'll be able to have an event in the Fall; June 24, 2020 7:00 PM Zoning Hearing Board ~ Garman Application; July 1, 2020 Al Gaspari retires; July 3, 2020 (Friday) Township Office is closed ~ observing Independence Day; July 14, 2020 4:00 PM Board of Supervisors Workshop; July 18, 2020 9:00 AM – Noon Electronics Recycling Event – at Public Works, 132 Oscar Way; July 20, 2020 7:00 PM Board of Supervisors Meeting; and yard waste collection dates are June 17, June 24, July 8, July 22-.

Administration Reports

Township Engineer's Report

Dave Leh reported that the contractor for Chester Springs Crossing is paving the section of Route 100 that they widened and resurfaced Garrison Drive; PennDOT will do the final paving of Route 100 as part of their resurfacing project; site work has begun at Profound Technologies for their building expansion; and the sample homes at the Preserve at Marsh Creek (McKee/Fetters) are under construction.

Building and Codes Department Report

Al Gaspari reported that 49 building permits were issued last month, totaling \$59,000+ in permit fees; Starbucks plans to open late June; the Zoning Hearing Board has an in-person Hearing scheduled for June 24. Mrs. D'Amico is concerned with Starbucks' drive-through traffic backing up onto Route 100. Chief DeMarco had spoken with our traffic engineer, Chris Williams, about this concern and will speak with him again.

Public Works Department Report

Mike Heckman reported that the Department received and completed 151 work orders; cleared storm water inlets; removed down trees; started road base repairs.

2020 Road Milling and Paving Bid. Mike Heckman advised that there were 7 bidders for this Contract. DiRocco Brothers was the low bidder at \$3.57/square yard for milling and \$62.90/ton in place for the asphalt overlay. The total would be \$381,946.65, which is well under budget. It is Mr. Heckman's recommendation to award the 2020 Milling and Paving Contract to DiRocco Brothers. Mr. Heckman advised DiRocco Brothers has been in business a long time and many local townships have used them. Mrs. Baxter moved, seconded by Mr. Goncharoff to award the

2020 Milling and Paving Contract to DiRocco Brothers at \$3.57/SY for milling and \$62.90/ton in place for the paving. The Motion carried unanimously.

Land Development

160 Park Road Escrow Release #4/Final. Dave Leh recommended final release of the escrow for Fred Gunther's beer garden parking lot expansion project. Outstanding restoration and landscaping items have been completed. Mrs. D'Amico moved, seconded by Mr. Goncharoff, to approve the final release of escrow for the 160 Park Road / Eagle Village Parking Expansion project. The Motion carried unanimously.

Chester Springs Crossing Escrow Release #3. Dave Leh recommended release of \$229,101.72 for paving completed at this project. Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve the release of \$229,101.72. The Motion carried unanimously,

Marsh Lea Escrow Release #9. Dave Leh recommended release of \$124,258.20 for E&S controls, returning soils, landscaping, paving and curbing activities. Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve the release of \$124,258.20. The Motion carried unanimously.

ADMINISTRATION

Ordinance Amendments. Kristin Camp advised that several ordinance amendments were before the Board for adoption. The amendments have been reviewed by the Township and County Planning Commissions, recommended for adoption and the Ordinance properly advertised. A summary of the Ordinance includes amendments to: outdoor advertising signs, removed residential uses from C-1 and C-3 commercial zoning districts, added definitions for mixed-use dwelling and cultural facility, added a review function for the Historical Commission for adaptive reuse applications, and changes to lighting. Mrs. Baxter moved, seconded by Mr. Goncharoff, to adopt **Ordinance #2020-01**. The Motion carried unanimously.

Expiration of the Disaster Declaration of March 16, 2020. Tony Scheivert recommended that the Board of Supervisors keep the Declaration in place at least until Chester County enters the "Green" Phase of re-opening from the COVID-19 shutdown. The Township can continue to be reimbursed for PPE and such when the Declaration is still in place. The Board unanimously agreed to keep the Declaration in place.

Resolution – Outdoor Dining/Sales. This proposed Resolution allows for outdoor dining and sales for 90 days in order to assist local businesses during this time of COVID-19 restrictions. Kristin Camp revised the Resolution as the Board requested at their June 9, 2020 Workshop, combining the paragraphs relating to parking needs and assuring that the appropriate number of ADA spaces are provided. Mrs. Baxter moved, seconded by Mr. Goncharoff, to adopt **Resolution #06-15-20-08**, allowing outdoor dining and sales, to expire in 90 days. The Motion carried unanimously.

First Amendment to the Lease with Chester County ~ Transmission Tower. Kristin Camp explained that the Lease with the County was approved in 2016 when the Township did not yet own the parcel on which the emergency transmission tower was constructed. The Township now owns the parcel and the Lease is being amended to reflect that, as well as clarify the access to the parcel. Ms. Camp's office has reviewed the First Amendment and recommends approval by the Board. Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve and execute the First Amendment to the Lease with Chester County. The Motion carried unanimously.

Reserve at Chester Springs Sanitary Sewer Facilities Dedication, Maintenance Bond. Kristin Camp explained that Toll Brothers offered for dedication to the township, the sanitary sewer

facilities for the Reserve at Chester Springs sanitary sewer pipes and such. They also provided a Maintenance Security Agreement and an 18-month Bond, which obligates them to guarantee the structural integrity of the facilities. The Municipal Authority has reviewed the documents and agreed to accept the sewer facilities within the easements. The wastewater engineer will inspect the facilities in 16-17 months and contact Toll should any of the facilities require attention.

Mrs. Baxter moved, seconded by Mr. Goncharoff, to accept the dedication of the sanitary sewer lines and the 18-month Maintenance Bond. The Motion carried unanimously.

Comcast Cable Franchise Fee Audit and Renewal Negotiations.

Tony Scheivert introduced a Letter of Engagement with The Cohen Law Group, proposing to review Upper Uwchlan's Comcast Franchise Agreement. The Cohen Law Group is working with 26 other Municipalities on their Verizon Franchise Agreement fees/audit but we're the only one with a Comcast Agreement renewal coming up. We will receive a 10% break if we have them conduct both the franchise fee audit and negotiate the renewal. The initial Agreement was signed 14 years ago and there are more items that can be included in the franchise fee agreement. In sixty percent (60%) of the franchise fee audits conducted by The Cohen Law Group underpayments to the Municipality are discovered.

Mr. Goncharoff wondered if negotiations can include Comcast not passing 100% of the franchise fees on to the residents/users – it should come out of their profits, and what happens if we don't renew the franchise agreement. Jill Bukata noted the township receives @ \$250,000/year in revenue from franchise fees. The fees paid to the Township is for use of the Township's rights-of-way. The Board asked Mr. Scheivert to see if we could be granted a 1-year extension and see if other Municipalities will join us and split the costs of the audit/renewal.

Open Session

No comments were offered.

Adjournment

Mrs. D'Amico thanked Al Gaspari for his 24+ years of service to the Township. There being no further business to be brought before the Board, Mrs. D'Amico adjourned the meeting at 8:51 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary