



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS MEETING

August 17, 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
Jill Bukata, Township Treasurer
John DeMarco, Police Chief
Mike Heckman, Director of Public Works
Dave Leh, P.E., Gilmore & Associates
Rhys Lloyd, Building Code Official
Anthony Campbell, Zoning Consultant

Sandy D'Amico called the meeting to order at 7:00 pm, led the Pledge of Allegiance and offered a moment of silence. No one planned to record the meeting.

Approval of Minutes

Jenn Baxter moved, seconded by Jamie Goncharoff, to approve the minutes of the July 14, 2020 Board of Supervisors Workshop and the July 20, 2020 Board of Supervisors Meeting. The motion carried unanimously.

Approval of Payments

Ms. Baxter moved, seconded by Mr. Goncharoff, to approve the payments to all vendors listed August 12, 2020 totaling \$109,922.05. The motion carried unanimously.

Treasurers Report

Jill Bukata reported that the balance sheet remains strong; year-to-date revenues are at 63.5% of the budget; year-to-date expenses are at 53.5% of the budget. Earned Income Tax at the end of July was \$92,000 less than same time last year, but receipts are showing improvement from the end of June when the difference was \$168,000.

Supervisors' Report

Ms. D'Amico highlighted the following calendar items: On September 8, 2020 the Joint Boards and Commissions Workshop will be held virtually. The Board of Supervisors will meet on September 21, 2020. Yard waste collection dates: August 19, September 2, 9, 16, and 23, 2020.

Administrative Reports

Engineer's Report

David Leh reported that the Township has received revised Land Development plans from Windsor Baptist Church. The Church's building expansion will be reviewed by consultants and put before the Planning Commission in September. Home construction continues at Lot 5C at Byers Station; there are two more buildings to go before site is built out. Road paving has begun at the Preserve at Marsh Creek, along with Milford Road widening. At Chester Springs Crossing (Jankowski), walking trail and sidewalk installation has begun.

Mr. Goncharoff inquired about the revisions of the Windsor plans. Mr. Leh noted the plans are for a school expansion along the back of the building and some additional parking. The revision addresses outstanding consultant comments.

Building and Codes Department Report

Rhys Lloyd reported 69 building permits were issued in July totaling \$39,000+ in permit fees. The Preserve at Marsh Creek paving results in the release of building permits, as many as 30 by the end of this week.

Police Chief's Report

Police Chief DeMarco reported there were 1,212 calls last month.

Public Works Department Report

Mike Heckman reported that the Department received and completed 206 work orders in July. Staff worked on stormwater inlets on roads to be resurfaced, particularly at the Reserve at Eagle. Staff installed signs and hand sanitizer stations in the parks. Following Tropical Storm Isaias, crews conducted sign repair and replacement.

Tony Scheivert commended the Public Works and Police departments for their efforts during Tropical Storm Isaias. Mr. Goncharoff asked Mr. Heckman about unmet needs in the storm response. Mr. Heckman noted that some battery backup units will need to be replaced, but generators worked in this case. The batteries will be added to the replacement schedule. Mr. Goncharoff asked about the inlet repair. Mr. Heckman noted deteriorating structures as the cause. The inlets are approximately 16-17 years old. Mr. Leh noted that brick work like the risers in the Reserve at Eagle inlets tends to fail, and that the way they are built is not consistent with standards today.

Land Development

Townes at Chester Springs Financial Security Agreement Extension

On behalf of Toll Brothers, Alyson Zarro requested an extension for completion of improvements at the Townes at Chester Springs. The homes in the development are complete, but COVID-19 disrupted the completion of the improvements, notably roadway top paving and sewer dedication. Toll has provided a completion timeline, which indicates the paving and other work will be completed in the fall. Final inspections and notice of termination can lag, therefore Toll is requesting an extension to March 30, 2021.

Kristin Camp confirmed that the financial security does not expire unless notice is given; the bond is still in effect. Mr. Leh confirmed he is comfortable with the completion timeline. Ms. Camp noted that Toll should complete the improvements as stated in the completion timeline in the letter. Inspections, as-built review, and dedication paperwork requirements make March 30 a reasonable extension. Mr. Goncharoff inquired if the consultants had any reason not to approve the extension. Ms. Camp noted that not approving the extension could lead to a lawsuit with the surety company. As a schedule has been received, a fall work focus has been assured, and it is reasonable to grant the extension. Ms. Baxter moved, seconded by Mr. Goncharoff, to approve the extension. The motion carried unanimously.

ADMINISTRATION

Resolution – Real Estate Tax Collection Outsourcing

Ms. Bukata reported that the previous Real Estate Tax Collector moved out of the Township and was no longer able to be the Township Official Tax Collector. Ms. Bukata researched options for the administrative options for real estate tax collection. Primary contenders were Keystone Collections Group and Chester County Treasurer's Office. The County was less expensive for

both the Township service contract and for residents requesting tax certifications. The County comes recommended by other municipalities. Ms. Bukata recommended appointment of the Chester County Treasurer's Office as the Deputy Tax Collector effective January 1, 2021. Mr. Goncharoff moved, seconded by Ms. Baxter, to adopt **Resolution #08-17-20-10**. The motion carried unanimously.

Consider Ordinance Adoption

Animal Control

Ms. Camp presented the Animal Control Ordinance amendment, which was prepared by Kim Venzie of Buckley Brion and the Township Planning Commission. As an MS4 community, it is important to keep animal waste out of Upper Uwchlan's storm sewer system. Ms. Camp reported that the Ordinance amendment has been sent to the Chester County Law Library and duly advertised in the Daily Local News. The amendment tweaks and modernizes Chapter 50 of the Township Code. It addresses dogs running at large, control of animals on public property, waste cleanup, and appointment of an animal control office, in keeping with a lot of other municipalities. Ms. Baxter moved, seconded by Mr. Goncharoff, to adopt **Ordinance # 2020-02** amending Township Codes Chapter 50 "Animal Control". The motion carried unanimously.

Wireless Communications Facilities

Ms. Camp presented the Wireless Communications Facilities Ordinance amendment, which was prepared by Kim Venzie of Buckley Brion and reviewed by the Township Planning Commission. This is an amendment to the Zoning Ordinance, removing the regulations regarding Small Wireless Facilities. The trend and best practice for Small Wireless Facilities, which are in the public rights-of-way, is to remove those regulations from Zoning and place them in a standalone chapter in the Code. This ordinance removes small wireless facilities from Zoning. This has been duly advertised, sent to the County Law Library, reviewed and approved by Township Planning Commission, and sent to the County Planning Commission, who reported that they had no comments other than to confirm the amendment consistent with Federal Law. In response to questions from Mr. Goncharoff, Ms. Camp noted that a standalone ordinance streamlines the amendment process, should changes in technology require amendments, and allows for more Township control with respect to design guidelines. Ms. Baxter moved, seconded by Mr. Goncharoff, to adopt **Ordinance #2020-03**, amending the Wireless Communications Facilities section (200-91) of the Township Zoning Code. The motion carried unanimously.

Small Wireless Facilities

Ms. Camp presented this Ordinance, which is the standalone ordinance that will create a new Chapter 143 entitled Small Wireless Facilities. It deals with small cellular facilities within the Township rights of way. Ms. Baxter moved, seconded by Mr. Goncharoff, to adopt **Ordinance #2020-04**, creating Chapter 143 to allow for and regulate small cell wireless facilities within the Township public rights of way. The motion carried unanimously.

Storm Water Management re: Agricultural High Tunnels

Ms. Camp presented this Ordinance, which came about due to an alert from Chester County. The County has alerted municipalities to a change to State Law. A new Act requires municipalities to allow an exemption for agricultural high tunnels, a certain type of Greenhouse, in a Storm Water Management Ordinance. This amendment adds agricultural high tunnels to the existing list of exemptions in the Township Code. Mr. Goncharoff moved, seconded by Ms. Baxter, to adopt **Ordinance #2020-05**, amending Chapter 152 of the Township Code. The motion carried unanimously.

Consider Ordinance Advertisement

Aboveground Storage Tank Ordinance

Ms. Camp presented a history of this Ordinance draft. Mr. Neal Fisher had requested a narrow change to the Outdoor Storage Tank regulations for the PI Planned Industrial District. Under the current ordinance, aboveground storage tanks are allowed only in the C-3 Highway Commercial Zoning District or the LI Limited Industrial Zoning District. On behalf of Hankin, Ms. Zarro put together a draft amendment that changed this limited scope, expanding to include the PI District. In 2016, an earlier version was drafted by previous Manager Cary Vargo to address inconsistencies, enhance safety regulations, establish setbacks, require annual inspections etc. This draft was reviewed by the Planning Commission at that time but was not put before the Board of Supervisors. The draft before the Board is an amalgam of these two drafts. The Township Planning Commission made a recommendation to move the current draft forward with an edit to require 150' setback from any property boundary.

Ms. D'Amico discussed the various contents of the tanks and requested the addition of a requirement of appropriate screening. Ms. Camp advised that this is possible, but it should ensure that the regulations do not create an impediment to use. Ms. Baxter expressed apprehension toward the broad scope of the ordinance as drafted. Mr. Goncharoff referenced a letter from the McNaughtons, Township residents, who had voiced concerns. He further inquired about third party confirmation that proper safety procedure is included in the Ordinance. Ms. D'Amico inquired about permits and inspections. Ms. Camp noted that a goal of the 2016 draft was to enhance Township access to Federal and State permits and Material Safety Data Sheets and require additional inspections. Anthony Campbell offered further advice regarding consistencies with the Building Code.

It was the consensus of the Board that the Ordinance should not be advertised as drafted. Therefore, the ordinance will not be advertised, but will be further revised, specifically to limit the materials permitted in the PI District to inert gasses and non-hazardous materials and include the safety regulations from the 2016 draft.

Open Session

Mr. Scheivert provided a summary of the recent Energy Transfer Partners drilling mud spill: On August 10, 2020 there was a significant drilling mid spill at HDD 290, which impacted wetlands, a small stream, and Marsh Creek Lake. Mr. Scheivert noted that Energy Transfer worked all weekend, with permitted extended work hours, to continue cleanup and ensure safety during a storm. Energy Transfer and State Park officials have reported that the cleanup is going well, and an analysis of the Lake for continued cleanup is underway. A call was held on Friday, August 14 with many State and Local agencies. Ms. D'Amico commended the Township Manager and Assistant Manager for their efforts to communicate to the public, and the Police Department for their work to photograph the situation by drone. Mr. Goncharoff commended Ms. D'Amico for her coordination work and efforts to raise awareness of the issue.

Adjournment

There being no further business before the Board, Ms. D'Amico adjourned the meeting at 7:58 p.m.

Respectfully submitted,

Shanna Lodge
Assistant Township Manager