



UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
October 19, 2020  
7:00 p.m.  
**Approved**  
(with modification in *italics*)

**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 Jonik, Township Secretary  
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

Sandy D'Amico called the meeting to order at 7:01 pm, 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. There were 19 citizens in attendance. Mr. Goncharoff will be late.

**Approval of Minutes**

Mrs. Baxter moved, seconded by Mrs. D'Amico, to approve as presented the minutes from the September 8, 2020 Board of Supervisors Workshop and the September 21, 2020 Board of Supervisors Meeting. The Motion carried unanimously.

**Approval of Payments**

Mrs. Baxter moved, seconded by Mrs. D'Amico, to approve the payments to all vendors as listed October 15, 2020. The Motion carried unanimously.

**Treasurer's Report**

Jill Bukata reported that the financial condition remains strong; year-to-date revenues are at 86.4% of the budget; year-to-date expenses are at 71.3% of the budget; earned income tax receipts is \$95,000 higher than this time last year, 84.7% of the budget. We've received \$95,209 from the State for the annual Fire Tax Relief that is distributed to our local fire companies, and \$206,801 from the State for pension funding.

**Supervisor's Report**

Mrs. D'Amico announced an Executive Session was held October 13, 2020 regarding legal matters. The following calendar was posted: October 31, 2020 Park & Rec's Drive in Movie @ Hickory Park; November 10, 2020 4:00 PM Board of Supervisors, Draft 2021 Budget Workshop; November 16, 2020 7:00 PM Board of Supervisors Meeting; November 26-27, 2020 Office Closed observing the Thanksgiving Holiday; November 28, 2020 4<sup>th</sup> Annual Tree Lighting and Light UP Upper Uwchlan; yard waste collection dates: October 21, 28 and November 4, 11, 18, 25, 2020.

Shanna Lodge noted the drive-in movie was sold out but there might be another in November. The November 28 Tree Lighting will be a drive-through activity and the details for Light UP Upper Uwchlan are on the website.

#### Administrative Reports

##### Township Engineer's Report

Dave Leh reported that the Toll is moving forward on punch list items for the Townes at Chester Springs, hoping to pave the road in next few weeks; Toll is requesting a pre-construction meeting for the residential portion of Byers Station Parcel 5C Lot 2A – the plans need to be recorded and the developer's land development and financial security agreements executed before construction begins. Windsor Baptist Church is revising their plans that include the trail along Park Road - they withdrew from tonight's agenda.

##### Building and Codes Department Report

Rhys Lloyd reported that September was a busy month - they issued 130 permits (more than twice the number issued September 2019), totaling \$87,000 in fees. The building and public works departments assisted Rohan Rao with his Eagle Scout project, replacing the billboard at Hickory Park.

##### Police Chief's Report

Chief DeMarco reported that 1,225 incidents were handled, including 129 traffic citations, 17 reported crimes, 5 criminal arrests. With daylight savings time ending, be careful on the roads and watch out for pedestrians in the coming weeks.

Christine DiGiulio asked about Sunoco security personnel recording residents. Chief DeMarco advises residents to call 911 if/when they're uncomfortable or observe such behaviors so the activity can be addressed immediately. You can also fill out and submit a Voluntary Statement Form, which is on the website.

##### Public Works Department Report

Mike Heckman reported that during September the Department received and completed 164 work orders; they recommend residents trim up their roadside trees so the plow trucks, buses, delivery trucks don't hit them. The Department does a "truck cut" beginning in November if residents don't do their own. Paving is done, plus a little extra on Styer Road, they're rebuilding inlets, performing preventive maintenance and inspections on vehicles, replacing signs around the township, taking training classes.

##### Land Development

Byers Station Parcel 5C Lot 2A – Establish Sanitary Sewer Escrow Account. Tony Scheivert explained that ARRO has reviewed the developers estimates for the sanitary sewer escrow for the residential portion of Byers Station Parcel 5C Lot 2 (commercial lot). ARRO agrees with the amount of \$147,396.00. This will be included in the financial security agreements which will most likely be presented next month.

Marsh Lea Land Development & Financial Security Agreements – Extension. Kristin Camp explained that the public improvements for the development haven't been fully completed. The 1-year timeframe written into the agreements is too short. The developer, Marsh Lea 27 LLC c/o Moser Construction Management is requesting an extension of the agreements to May 31, 2021. Mrs. Baxter moved, seconded by Mrs. D'Amico, to approve the extension to May 31, 2021. The Motion carried unanimously.

Preserve at Marsh Creek Phase 1 Land Development & Financial Security Agreements – Extension. Ms. Camp noted that the Pennsylvania Municipalities Planning Code (MPC) provides 5 years for developers to complete public improvements. Again, the timeframe written

into the agreements for this large development is too short and the developer is asking for an extension within that 5-year window, to November 1, 2024. Mrs. Baxter moved, seconded by Mrs. D'Amico, to approve the extension of the agreements to November 1, 2024. The Motion carried unanimously.

Eagleview Lot 9 UTI / Frontage Preliminary/Final Land Development Plan. Dave Leh provided an overview of the project, which is modifying the existing 231,000+ SF UTI building, converting 73,000 SF for Frontage Laboratories -- 50,000 SF for labs and 23,000 SF for offices. Neal Fisher and Nick Hartman – Hankin Group and Steve Hetland – Frontage, were in attendance to answer questions about the project and seek approval of the Plan. Twenty-three parking spaces will be removed to provide for outdoor storage areas (for empty containers, dumpster, back-up generator) and re-configure loading docks. UTI is scaling back in size and modifying part of the building for Frontage Laboratories, a contract research laboratory. Test samples are brought in by UPS, FedEx, etc. in sealed barrels/containers. They use HPLC equipment (high performance liquid chromatography) and any solvents or chemicals used are removed as waste via truck, again, in sealed barrels or containers. There are 3 existing loading docks, all on-grade and they'd like to change the grade on the middle dock so it's a 4' dock to serve the Frontage deliveries/pick-ups. Sanitary sewer discharges into the Eagleview wastewater treatment facility, operated by Uwchlan Township, which will be monitored and metered by them. The Planning Commission has reviewed the Plan and recommended approval. Concern was raised regarding biohazards/hazmat incidents. Chief DeMarco advised that the fire fighters of the 4 fire companies that respond in Upper Uwchlan have hazmat operations training, as do the ambulance companies, and Township police officers. The Township has an Emergency Operations Plan, as does the County's Department of Emergency Services. Concern was raised regarding proximity of construction to a pipeline. Mr. Fisher advised the modifications are minimal and the pipeline is 1/4 mile away. Kristin Camp suggested additional compliance language to the conditions of approval.

Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve the Preliminary / Final Land Development Plan prepared by Chester Valley Engineers, Inc. titled, "Eagleview Lot 9 For Universal Technical Institute & Frontage Laboratories" (9 sheets), dated September 8, 2020, with the following conditions. The Motion carried unanimously.

1. The plans shall be revised to address the comments raised in Gilmore & Associates, Inc.'s October 1, 2020, review letter.
2. A waiver is hereby granted from §162-7.B.(b) & (c) to permit the plan to be considered a Preliminary / Final Land Development Application.
3. There will be no above ground storage tanks installed as part of this project.
4. The Applicant shall comply with comments raised by the Township Fire Marshal's review.
5. The Applicant agrees to confirm with the Township's Traffic Engineer the proposed reduction in the number of trips per day compared to the current use. The Township's Traffic Engineer will then determine if a Traffic Impact Fee is required and the amount, which would be due at the time of building permit issuance.
6. Applicant shall comply with all applicable federal, state and local laws and regulations.

## ADMINISTRATION

Upland Farm Barn Renovation – Consider Approving Construction Management Contract. Tony Scheivert advised that in June 2019, at the Township's request, architectural firm Archer & Buchanan prepared plans for improvements to the barn at Upland Farms. The improvements were prioritized, starting with the installation of public restrooms on the lower level, then renovating the entry door and ramp for ADA accessibility, repairing windows, doors and walls for weatherproofing, finishing the community room, and finishing the storage room. We'd like to hire a construction manager for this project, as we did with the Township Building renovations. Mr. Scheivert and Shanna Lodge met with Tony Ganguzza of Boyle Construction Management and received a quote of \$169,600 to provide these professional services. We'd like to contract

with them for the total project. They'll prepare the bid specifications, manage the bidding process, oversee construction through completion, and close out the project. Since these services are considered professional services, it does not have to go out to bid. We've been happy with Boyle's work on the Township Building project. It would be @ 12-month process – estimated 5 months for the bid process, 6 months for construction, and 1 month to close out the project. This would be funded through the General Bond issued in 2019. We had hoped to accomplish the project this year but COVID interrupted.

Mrs. Baxter moved, seconded by Mrs. D'Amico, to approve the contract with Boyle Construction Management for construction management services totaling \$169,600.00. The Motion carried unanimously.

Windsor Ridge Trail Extension Feasibility Study – Consider McMahon's Proposal. Tony Scheivert explained that the Township is researching options to connect Windsor Ridge to the Village of Eagle. Mr. Scheivert, Shanna Lodge, and Park & Rec Board Chair Cathy Tomlinson walked the area and there are several options. McMahon Associates was asked to prepare a proposal to conduct a feasibility study, to determine the best, most cost-effective option, and to begin preparing a DCNR Grant application. This Study will be funded through the general fund's traffic engineering budget line. Mrs. Baxter moved, seconded by Mr. Goncharoff, to accept McMahon's proposal of \$8,500 to conduct the feasibility study. The Motion carried unanimously.

#### Easement Agreements for Sunoco Pipeline Within Meadow Creek Lane.

The following is a summarization of the discussion, not a formal transcript.

Kristin Camp began the discussion, following up from last week's meeting, by clarifying that all of the lots within the Meadow Creek neighborhood would have the option to connect to public sewer; the Board of Supervisors and Authority's intention is to cover the costs of all of these connections; regarding the geological testing and analysis of the soils, Gilmore & Associates has geologists and inspectors on staff and they can observe and inspect the conditions throughout the construction; with open cut trenching method, the contractor has a better view of what is in the ground, not like 'blind' HDD; there is no excavation involved for the above-ground markers and they'd be installed within the 50' township-owned right-of-way so there won't be markers placed in someone's septic system or drain field; both pipelines have to be in the southwest side of the road; Sunoco clarified that aerial inspections by plane are one of many overlapping methods used to inspect the pipelines – sinkholes/depressions would be visible from the air; a performance bond is not necessary as Sunoco has already posted a bond to address restoring the road to pre-construction condition; the \$1,000,000 payment should cover or come fairly close to covering the construction and connection costs for sewerizing all the properties.

All of the homes on Meadow Creek Lane and Quail Run Lane will be connected to public sewer; the Township hopes there won't be any charges to the homeowners for the connection but *the Township cannot guarantee it.*

A road condition evaluation was done by ARRB in March 2017. At the completion of the project, they will return and re-evaluate the roadway, and there's a \$500,000 bond we can pull if Sunoco doesn't fix the road;

A letter will be prepared by the Municipal Authority detailing the sewer line details; Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations should be researched and Sunoco should have to comply with public education conditions; Concern raised regarding Sunoco's machinery impacting property alongside the roadway; Sunoco will provide an extension of time for the township to act on the Agreements, however, if not acted upon soon, they'll condemn the easement and construct the pipeline where they originally planned, which is in residents' yards;

The Township is trying to incorporate into this agreement appropriate protections for the residents and negotiated a fee to replace septic systems with public sewers. These protections and fee wouldn't be available if Sunoco, as a public utility, condemns the easement. The Township would have 30 days to appeal the condemnation. Sunoco would only have to pay the appraised value of the roadway;

This topic and residents' concerns were discussed in May. The residents did not want the pipeline going through their front yards. We've been negotiating with Sunoco since then. If we don't execute the Agreements, Sunoco has 2 choices – they could return to negotiations with individual residents to go through their front yards or they could condemn the road.

Concern raised with water quality issues near other Sunoco pipeline sites;

There will be an additional meeting for public comment, Monday October 26, 2020 at 7:30 p.m.; It's hoped this is the last pipeline to go through this area;

Aerial inspection frequency and height is not known, but not believed to be a nuisance;

The Township is trying to make the best of a situation, trying to negotiate the best result for the residents who have been or will be affected;

The meeting on October 26, 2020 will be for additional public comment and possibly voting to execute the Agreements;

Residents can contact Township Manager, Tony Scheivert, for further information or Sunoco contact information.

#### Open Session

Resident commented that traffic at Starbucks in the Village has backed up onto Simpson Drive and near Route 100. Kristin Camp replied that the conditions of approval for Starbucks include requiring a traffic study if stacking out onto Route 100 is observed. Chief DeMarco noted he'll follow up with McMahon Associates.

#### Adjournment

There being no further business to be brought before the Board, Mrs. D'Amico adjourned the meeting at 8:57 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary