



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
MEETING
July 19, 2021
Minutes
Approved

LOCATION:

Township Building, 140 Pottstown Pike, Chester Springs PA 19425

Attending:

Board of Supervisors

Sandra M. D'Amico, Member

Jamie W. Goncharoff, Member

Jenn F. Baxter, Member (via phone)

Kristin Camp, Esq., Township Solicitor
Mark Hagerty, Court Stenographer

Township Administration

Tony Scheivert, Township Manager

Shanna Lodge, Assistant Township Manager

Gwen Jonik, Township Secretary

John DeMarco, Police Chief

Jill Bukata, Township Treasurer

Rhys Lloyd, Building Code Official

Anthony Campbell, Zoning Officer

Mike Heckman, Director of Public Works

Mary Lou Lowrie, Gilmore & Associates

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 record the meeting. There were 12 citizens in attendance. Mrs. D'Amico announced an Executive Session was held this evening regarding a personnel matter.

Continuation ~ Conditional Use Hearing ~ Barn on Moore Application

Mrs. D'Amico announced the conditional use hearing for the Barn on Moore Application would not be heard this evening. It has been continued to September 20, 2021 at the Applicant's request. Kristin Camp, Esq., noted an email was received by the Applicant's Counsel, David Bolger, for the hearing to be continued to September 20. The Hearing is continued on the Record, which negates the requirements to advertise the September Hearing in the newspaper and post the property.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve with modifications the minutes of the June 8, 2021 Board of Supervisors Workshop. The modifications are within comments made by Mr. Goncharoff on Page 2, in the second paragraph under "Outdoor Aboveground Storage Tank Ordinance Amendments – Discussion". The motion carried unanimously.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve with modification the minutes of the June 21, 2021 Board of Supervisors Meeting. The modification is to include on Page 5 comments that Mr. Goncharoff made regarding citizen participation related to a proposed subdivision at 100 Greenridge Road. The motion carried unanimously.

Approval of Payments

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve the payments to all vendors as listed July 16, 2021. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the balance sheet remains strong; we are half-way through the year; year-to-date revenues are at 68.4% of the budget; year-to-date expenses are at 42.5% of the budget; earned income tax receipts through the middle of July are \$242,000 higher than at the end of July last year.

Mrs. Bukata requested the Board authorize a transfer of \$500,000 from the General Fund to the Capital Fund, as included in the 2021 Budget, for the improvements being made to the Upland Farms Barn community center. Mr. Goncharoff moved, seconded by Mrs. Baxter, to authorize the transfer of \$500,000 from the General Fund to the Capital Fund. The motion carried unanimously.

Mr. Goncharoff asked if there have been any issues with the County Treasurer's Office collecting the township's real estate taxes. Mrs. Bukata replied that it's been working out well.

Supervisor's Report

Mrs. D'Amico reported that there is a vacancy for Alternate Member of the Zoning Hearing Board (ZHB). The ZHB members met with resident Joe Ceribelli and recommend he be appointed to the position. The Board of Supervisors met with Mr. Ceribelli earlier this evening. On a motion by Mr. Goncharoff, seconded by Mrs. Baxter, the Board voted unanimously to appoint Joe Ceribelli to the position of Alternate Member of the Zoning Hearing Board. A term on the ZHB is 3 years. Mr. Ceribelli is filling a mid-term vacancy and his term will expire December 31, 2023.

Mrs. D'Amico read the following published calendar: August 10, 2021 4:00 PM Board of Supervisors Workshop; August 16, 2021 7:00 PM Board of Supervisors Meeting; August 20, 2021 Dusk – Movie Night at Hickory Park; September 6, 2021 Office Closed ~ Labor Day; yard waste collection dates: July 21, August 4 and August 18.

Administration Reports

Township Engineer

Mary Lou Lowrie reported that new home construction continues with no issues; there are 2 escrow releases that will be discussed later this evening.

Building and Codes Department

Rhys Lloyd reported that the department had another record month in June, issuing 89 building permits that totaled \$77,793.00 in permit fees. The year-to-date fees are \$117,000+ over the average of the last 3 years at this time of the year. In addition to processing building permits, Kathi McGrath processed 23 refinance certifications and 26 resale certifications.

Mr. Goncharoff commented that the field needs to be cut on the Vantage Point Retirement Living property at the corner of Byers Road and Graphite Mine. Anthony Campbell noted that it's been mowed monthly but he'll contact the owner.

Police Department

Chief DeMarco reported the department handled 1,114 calls, including a lot of identity thefts and 156 traffic stops; Junior Police Academy was 1 day this year and was very well attended; check the Department's Facebook page for Fall activities and programs.

Public Works Department

Mike Heckman reported that the department completed 186 work orders, finished road base repairs, trimmed trees and repaired storm water inlets on roads to be resurfaced, responded 4 times for downed trees after storms, cleaned storm water inlets throughout the Township, repaired storm water pipes and inlets on Orchard Valley Road and Krauser Road, began painting

crosswalks though there's a road paint shortage this year, performed routine maintenance and inspections of facilities and township vehicles.

Land Development

Rob Hulnick, representing J. Snodgrass, presented a plan to consolidate 2 adjacent 5+ acre lots that Mr. Snodgrass owns on Krauser Road. One lot contains a house, a garage and pasture. Mr. Snodgrass would like to enlarge his pasture; no development is planned on the consolidated lot. The Plan has been revised to show the property monuments, which addresses a comment in Gilmore's review letter. Several waivers are requested as no construction is proposed.

Mr. Goncharoff moved to approve the Minor Subdivision Plan titled "Preliminary / Final Lot Consolidation Plan for Jeffrey Snodgrass" prepared by Chester Valley Engineers, dated May 19, 2021 and last revised June 29, 2021 and granting the requested waivers. Mrs. Baxter asked if the restriction from further subdivision noted on the plan goes forward with the land. Kristin requested Note #7 be changed to change the word "shall" to the word "is". Mr. Goncharoff modified his motion to include that change in wording of Note #7 on the Plan. Mrs. Baxter seconded the motion and by unanimous vote, the Plan was approved with the following conditions:

1. The plans shall be revised to comply with Gilmore & Associates, Inc. review letter dated June 30, 2021;
2. A waiver is granted from SALDO Section 162-9.B(2)(b)[10] requiring site information be provided within 100 feet of the property;
3. A waiver is granted from SALDO Section 162-9.B.(2)(b)[11] requiring on site wetlands to be delineated;
4. A waiver is granted from SALDO Section 162-9.B.(2)(b)[17] to allow for the use of lidar information rather than field data to delineate site contours;
5. A waiver is granted from SALDO Section 162-9.C(2)(a)[8] to not require providing location and invert information for existing storm and sanitary facilities;
6. A waiver is granted from SALDO Section 162-9.C(2)(a)[14] to not require providing cartway geometry information for Krauser Road;
7. Plan Note #7 will be revised to read: "Upon approval and recording of this plan, the consolidated premises shown hereon is deed restricted from further subdivision."

Preserve at Marsh Creek Escrow Release #3 Site Improvements. Mary Lou Lowrie advised that Gilmore & Associates had reviewed McKee-Milford Associates' request for a release of \$2,153,631.43 for site improvement work at the Preserve at Marsh Creek and they recommend the release of that amount. Mr. Goncharoff moved to approve the release of \$2,153,631.43 based upon the Township Engineer's recommendation. Mrs. Baxter seconded and by unanimous vote, the motion carried.

Enclave at Chester Springs (Byers Station Parcel 5C Lot 2A) Escrow Release #2 Site Improvements. Mary Lou Lowrie advised that Gilmore & Associates had reviewed Toll Brothers' request for a release of \$225,699.80 for site improvement work at the Enclave at Chester Springs and they recommend the release of that amount. Mr. Goncharoff moved to approve the release of \$225,699.80 based upon the Township Engineer's recommendation. Mrs. Baxter seconded and by unanimous vote, the motion carried.

ADMINISTRATION

Outdoor Storage Tank Ordinance Amendment – Consider Authorizing Advertisement. Mrs. D'Amico noted that the Board received an email today from Joanne McNaughton that voiced concern with the draft Ordinance not being separated into 2 ordinances as was discussed at the June 8 Supervisors Workshop: 1) allowing tanks as an accessory use in the Planned

Industrial/Office Zoning District (PI/O); and 2) clarifying language and additional safety regulations for existing tanks.

Kristin Camp, Esq., explained that upon further review, it was determined that the draft could not be separated without creating internal reference conflicts. To be divided, it would need to be rewritten, reviewed by the Township Planning Commission and the County Planning Commission, and re-advertised. If most of the Board supports everything in this draft - the increased safety regulations and allowing outdoor tanks as an accessory use in the PI/O District - it could be adopted in its current form.

Mr. Goncharoff indicated his opposition expanding aboveground storage tanks into the PI/O district; he would like the ordinance separated, to provide one that increases the safety regulations for tanks in the districts where currently allowed and a separate one that proposes allowing tanks as an accessory use in the PI/O district. He is not in favor of advertising this draft. He is in favor of making improvements to the ordinances for outdoor tanks in the districts where currently allowed.

The County Planning Commission's review comments were that the Township should confirm the appropriateness and accuracy of the Uniform Construction Codes referenced in the Ordinance and consider grouping tanks together for effective screening, if that would be permitted by relevant construction and safety codes.

Mrs. D'Amico noted that we had received input from experts about tank placement, and she asked Anthony Campbell, Zoning Officer, for his thoughts. Mr. Campbell commented that grouping of tanks would depend on the materials in the tanks. Mrs. D'Amico noted that the draft Ordinance covers tank placement and enhanced screening.

Mr. Goncharoff reiterated that he is not in support of allowing tanks in the PI/O at this time, especially given proximity to residential uses. He noted there is no rush to do so and asked that further time be taken to develop the right regulations. He prefers that the Board is unanimous on legislative issues and believes unanimity could be achieved regarding the safety regulations alone.

Mrs. D'Amico added that the Township has increased the safeguards, checked with experts about the safety of materials and contents, and took the time to get to a place where there's a balance of protecting residents, protecting quality of life and protecting employees. Along with the safeguards, screening of the tanks and aesthetics have been addressed. Separating this draft into 2 would be administrative in nature, and she doesn't favor spending more for double the reviews, advertising and hearings, if it isn't going to provide any better protections.

Mrs. Baxter questioned the timing if this ordinance was separated – one with the enhanced safety regulations in the Districts where tanks are currently allowed and the other exclusively for allowing outdoor storage tanks in the PI/O District. If there is a majority of the Board in agreement with the ordinance allowing tanks in the PI/O, could they be adopted at the same time. Ms. Camp confirmed this can happen at the same time. Mrs. Baxter is concerned with referencing and cross-referencing regulations if this draft would be divided. It could lead to unintended ambiguity. She agreed that the Township has taken it's time with this draft. Expanding zoning regulations isn't to be taken lightly. It needed and received analysis, and because of the nature of the businesses in the PI/O District, a lot of safeguards were added in this draft. She also wants to protect residents, and prevent unforeseen emergencies, and believes that's been achieved.

Mrs. Baxter moved to authorize the advertisement of the draft Outdoor Storage Tank Ordinance Amendments as presented this evening. Mrs. D'Amico seconded the motion. There were no questions or further discussion. The motion carried with two (2) in favor and one (1) opposed (Goncharoff).

Mr. Scheivert noted that it was his and Ms. Camp's decision to send this draft Ordinance to the County Planning Commission for review.

2021 Pavement Marking Contract. Mike Heckman advised that there was one bidder for the pavement marking contract, Midlantic Marking. They only bid 90mil Durable Markings for intersections, arrows and legends. They bid paint for long lines. There is a shortage of paint materials this year. The Public Works staff has the capability to paint a limited number of crosswalks, arrows and legends. Mr. Heckman will choose the arrows and legends for the contractor to do in durable markings and will be very careful to stay within budget. The pricing was the same amounts as last year, we've used Midlantic Marking previously and Mr. Heckman recommended they be awarded the 2021 Pavement Marking Contract for long line paint and the 90mil Durable Markings at the individual, per item, amounts listed on their bid.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to award the 2021 Pavement Marking Contract to Midlantic Marking as recommended by Mr. Heckman. The motion carried unanimously.

Declaration of Disaster Emergency – Termination. Mr. Scheivert noted that the Board had approved an Emergency Disaster Declaration at their March 16, 2020 meeting, due to the onset of the COVID-19 pandemic. The Declaration had no expiration date. Mr. Scheivert requested the Board consider terminating the Declaration. If an increase in COVID-19 or variant cases warrants, a new Declaration could be implemented.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to abolish the Emergency Disaster Declaration March 2020. The motion carried unanimously.

Marsh Harbour ~ Emergency Exit. Chief DeMarco advised that he and Byron Nickerson, the Township's Emergency Management Coordinator (EMC) have been researching alternative evacuation routes for Marsh Harbour and Heron Hill residents, should Park Road need to be closed south/west of Moore Road in an emergency. After a field walk, they've prepared a draft plan that includes several options. These are concepts at this point, needing review by the Township's Emergency Management Planning Commission (EMPC), Public Works Department, Lionville Fire Chief, Fire Marshall, and the County Department of Emergency Services (DES). During an emergency, if local resources are exhausted, the County DES would assist. It will take a few months for these reviews to occur before a formal presentation to the Board. The Board would then determine if consultants are needed for engineering and what monetary resources to put forth to affect any options.

Open Session

Tony Scheivert commented that there have been numerous resident requests for a cricket pitch. Mr. Scheivert met with YSM Landscape Architects to look at Hickory Park. They've provided a proposal to evaluate if there's room for a cricket pitch, a T-Ball field, perhaps move the volleyball court so there could be 2 courts, enlarge parking areas. The proposal to evaluate the Park is \$2,650, but the evaluation may require an additional on-site visit not included in the proposal. Mr. Scheivert recommended accepting YSM's proposal at \$2,650 and capping the expenditure at \$3,000. There are funds for this project in the 2021 Budget for Parks.

Mr. Goncharoff moved to enter into an Agreement with YSM Landscape Architects for no more than \$3,000 to review Hickory Park for the amenities mentioned above. Mrs. Baxter seconded, and the motion carried unanimously.

Mrs. Baxter commented that with the construction underway inside the barn at Upland Farm, we should begin reviewing Township policies regarding facility and park usage. Mr. Scheivert will coordinate efforts with the Park & Recreation Board. Mr. Goncharoff had mentioned several months ago about considering the allowance of alcohol at special events. Mr. Scheivert had asked our insurance carrier who says that is already covered in our insurance policy. If construction remains on schedule, the barn might be usable in November/December.

Adjournment

There being no further business to be brought before the Board, Mrs. D'Amico adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary