



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
MEETING
October 18, 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

Kristin Camp, Esq., Township Solicitor

Township Administration
Tony Scheivert, Township Manager
Shanna Lodge, Assistant Township Manager
Gwen Jonik, Township Secretary
John DeMarco, Police Chief
Jill Bukata, Township Treasurer
Anthony Campbell, Zoning Officer
Mike Heckman, Director of Public Works
Dave Leh, Township Engineer

Mrs. D'Amico called the meeting to order at 7:00 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 that the Conditional Use Hearing for the Barn on Moore Application will not be held this evening and on a motion by Mr. Goncharoff, seconded by Mrs. Baxter, will be continued (postponed) until the December 14, 2021 Board of Supervisors Workshop, which begins at 4:00 p.m. The motion carried unanimously.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve as presented the minutes of the September 14, 2021 Joint Boards and Commission Workshop. The motion carried unanimously.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve as presented the minutes of the September 20, 2021 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 as listed October 15, 2021. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported the financial position remains strong, year-to-date revenues are at 106.8% of the budget, year-to-date expenses are at 71.6% of the budget, and earned income tax receipts through mid- October are more than \$303,00 higher than the end of October 2020.

Transfer from Solid Waste Fund to Capital Fund. Mrs. Bukata asked for authorization to transfer \$100,000 from the Solid Waste Fund to the Capital Fund, as included in the 2021 Budget approval. Mr. Goncharoff moved, seconded by Mrs. Baxter, to authorize the transfer of \$100,000 from the Solid Waste Fund to the Capital Fund. The motion carried unanimously.

Mr. Goncharoff questioned the status of the American Rescue Plan (ARPA) funds. Mrs. Bukata noted the Township received \$618,000 in July, the first half of what we'll receive. The other half will be received next year. We have not yet used any of those funds. Tony Scheivert noted we'll pay for the public water line for the Upland Farms Park (\$214,000) from those funds and potentially fix a

sinkhole on Eagle Farms Road (no estimate yet). The Treasury hasn't issued their Final Ruling on how the funds may be used; however, water, sewer and stormwater projects were included from the start.

Supervisor's Report

Mrs. D'Amico announced an Executive Session was held October 11, 2021 regarding personnel matters. She read the published calendar: October 30, 2021 3:00-5:00 p.m. Truck or Treat at Hickory Park; November 9, 2021 4:00 p.m. Board of Supervisors, Draft 2022 Budget Workshop; November 9, 2021 6:30 p.m. Conditional Use Hearing for Chester County's Struble Trail Extension; November 15, 2021 6:30 p.m. Board of Supervisors Meeting, Liquor License Transfer Hearing, and Conditional Use Hearing for Toll/100 Greenridge Road, which will be held at Pickering Valley Elementary School. Yard waste collection dates are October 20, 27, November 3, 10, 17 and 24.

Administration Reports

Township Engineer's Report

Dave Leh reported that Toll submitted revised 100 Greenridge Road plans to address the Planning Commission's and consultants' comments. All new construction projects are going well.

Building and Codes Department

Anthony Campbell reported that 78 building permits were issued last month, totaling \$36,529 in permit fees. He and Rhys Lloyd accomplished 230 inspections, which doesn't include follow up calls or responding to residents' concerns. Mr. Campbell has been employed with the Township 1 year. The Department works together well, which is how they accomplish all that they do.

Police Chief's Report

Chief DeMarco reported there were 1,182 incidents last month, including 6 arrests and 109 citations. Hurricane Ida created lots of flooding issues, manhole covers bubbled up, and Mike Heckman and the Public Works Department deserve lots of credit for taking care of those safety hazards in quick order.

Public Works Department Report

Mike Heckman reported that the Department received and completed 200 workorders, poured curbs, cleaned up from the storms, swept roadways, painted crosswalks, trimmed trees at intersections, requested bids a second time for snow plowing and received no bids again. They'll check with other townships to find out the hourly rates and will hire at large. We also took dedication of the roads in the Reserve at Chester Springs last month.

ADMINISTRATION

Marsh Lea (formerly known as the Popjoy Tract) Intermunicipal Agreement with Wallace Township, Dedication of Popjoy Lane, accept Maintenance Bond, approve Escrow Release #11/Final. Kristin Camp, Esq., explained that Marsh Lea was a 46-acre property subdivided into 27 lots, 6 in Wallace Township, 21 in Upper Uwchlan Township. The roadway, Popjoy Lane, runs through both Townships. It was determined during the Land Development Approval that Upper Uwchlan Township would take dedication of and maintain the entire roadway, and the 6 lots in Wallace would be included in Upper Uwchlan's trash/recycling collection contract. In a previous Intermunicipal Agreement with Wallace Township, there were 4 properties partially in Upper Uwchlan Township, as part of the Chalfont/St. Giles subdivision, that Wallace Township maintains the roadway. This Intermunicipal Agreement extinguishes the previous Agreement and neither Township owes the other any funds for future road maintenance. The Deeds for Popjoy Lane and additional right-of-way on Little Conestoga Road are offered for dedication to Upper Uwchlan Township. The Homeowners Association (HOA) Declaration states that the homeowners own the sidewalks and if sidewalk is along open space, the HOA is responsible for maintenance. The Developer, Moser Builders, will put a clause in the Deed that the maintenance obligation is the HOA's responsibility for the sidewalk along an existing Lot (parcel 32-3-37.4) that isn't part of the Marsh Lea development but borders the roadway.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve the Intermunicipal Agreement with Wallace Township by adopting Resolution #10-18-21-06, accept the dedication of Popjoy Lane and additional right-of-way along Little Conestoga Road by adopting Resolution #10-18-21-07, with the Deed revised that the portion of sidewalk along parcel 32-3-37.4 is to be the responsibility of the HOA, and to accept the 18-month Maintenance Bond for the site improvements. The motion carried unanimously.

Dave Leh advised that the site was given a final inspection, as-builts have been received, and his office supports the final release of escrow \$40,327.44 and release of the Performance Bond. Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve the final escrow release in the amount of \$40,327.44 and return the Performance Bond to the Developer. The motion carried unanimously.

Outdoor Storage Tank Ordinance Amendments.

Kristin Camp, Esq., advised that the Planning Commission and Board of Supervisors have been working over a year to amend the Outdoor Storage Tank Ordinance in order to clarify some of the text, improve the safety regulations and potentially allow tanks for certain materials in the Planned Industrial/Office District (PI/O). A Hearing was opened at the September 20, 2021 meeting but discussion was tabled until tonight as the amendment was being reviewed by the County Planning Commission at that time. Mrs. McNaughton, in an email today, stated that the proper procedures had not been followed. Ms. Camp advised that the amendment had been duly advertised September 6 and 13, 2021 and the full text had been sent to the County Law Library. The Township Planning Commission reviewed the amendments at their September meeting and recommended approval. The revisions made at the September Commission meeting were not substantive – correcting a typo and minimal text revision.

Ms. Camp advised that the amendment allows aboveground storage tanks as an accessory use in the PI/O District, "... for storage of Inert gases, liquids and solids, water and brine; provided, however, that the storage of any materials and/or substances that meet the definition of a Regulated Substance as that term is defined in 25 Pa. Code Chapter 245.1 shall be prohibited." Those same regulations are carried over for new tanks in the Limited Industrial (LI) and Highway Commercial (C3) Districts.

Bruce McFarland, Turnstone Way, questioned flammability of materials in the tanks and discharge of materials into storm drains. Ms. Camp advised there are specific requirements in the ordinance as to what can be stored in tanks and where they can be located on any given property – they're not allowed in front or side yards.

Mr. Goncharoff questioned limitations to the location of tanks in relation to other hazards, such as the pipeline. He had wanted separate ordinances – one enhancing the safety regulations and another about expanding use of tanks into the PI/O. He is not in favor of expanding the use in the PI/O.

Anthony Campbell advised the text states the tanks have to be basically attached to the building so standard building setbacks would keep them away from pipeline easements or rights of way. Ms. Camp reiterated that the only items that can be stored in the PI/O are Inert – nonreactive, nonflammable, noncorrosive materials whether gas, liquid or solid.

Neal Fisher, Hankin Group, commented that the attorneys and experts hired by the Township had included a lot of safety language, regarding tank inspections and that a professional engineer has to review and prepare a report.

Mrs. D'Amico is also concerned with what could end up in the storm drains, with pipeline safety and the safety of the materials in the tanks, appreciates the experts' opinions and believes this amendment is as safe and enforceable as possible, alleviating the risk of moving tanks in and out of buildings, addressed the aesthetics issue, and with the industry changing, we need to update our ordinances.

Mrs. Baxter moved to adopt Ordinance # 2021-04, amending the Outdoor Storage Tank Ordinance, as presented this evening. Mrs. D'Amico seconded.

Discussion included Mr. Goncharoff giving Mr. Fisher credit for his work with the Hankin Group and he's happy the Township sought experts. He would've liked it to have been 2 ordinances as he favored increasing safety regulations but did not favor expansion into the PI/O, so he is going to abstain. Mrs. Baxter commented that safety impacts have been in the forefront and she is also glad professionals were consulted for clarity. She doesn't take lightly the environmental impacts, thinks that the ordinance needs to be updated as it's 30 years old and how businesses operate is different than it was. All of the people that did research and worked on this amendment made it a thorough process. Alexandra Rose, Shea Lane, asked is tank size was limited – Ms. Camp replied tank size is limited.

The motion carried with two (2) in favor and one (1) abstention (Goncharoff).

Open Session

Alexandra Rose asked if the Board had reviewed the 100 Greenridge Road plan and when can residents provide input. Mr. Scheivert advised the Board will receive comments at the Hearing, and that is when the Board will also ask questions and provide comments. – has BOS reviewed and when do they input?

Vince McVeigh, Marsh Harbour, thanked Byron Nickerson, Township Emergency Management Coordinator, for meeting with them recently regarding the emergency preparedness plan and the emergency access proposals.

Mrs. D'Amico would like the Zoning Hearing Board members and consultants to review the Zoning Ordinances, discuss changes, and bring them to appropriate parties. Ms. Camp encouraged the Board also review ordinances, and the Planning Commission works on amendments too. Review the zoning map and see what you like, what you don't like, what projects have been proposed that aren't favored. Mr. Goncharoff commented that perhaps the Township should buy land, rezone it to limit or prevent development, preserve our land. Neal Fisher volunteered to participate in a zoning review. Covid changed a lot of how businesses operate so protect what you have during re-development and utilize office space or commercial spots as vacant buildings aren't good. Mrs. Baxter questioned how to attract commercial to the forefront of the Township. Bruce McFarland commented that ordinances should make a percentage of the existing topography be retained, to keep stormwater controlled, make it sustainable.

Adjournment

Mrs. D'Amico thanked the attendees for their participation. There being no further business to be brought before the Board, Mrs. D'Amico adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary