



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
MEETING

August 15, 2022

7:00 p.m.

Approved

Attending:

Board of Supervisors

Sandra M. D'Amico, Chair
Jennifer F. Baxter, Vice-Chair
Andrew P. Durkin, Member

Township Administration

Tony Scheivert, Township Manager
Gwen Jonik, Township Secretary
Jill Bukata, Township Treasurer
John DeMarco, Chief of Police
Rhys Lloyd, Director of Building & Codes
Anthony Campbell, Zoning Officer
Dave Leh, Township Engineer

Kristin Camp, Esq., Township Solicitor

The Meeting was held at the Township Building, 140 Pottstown Pike, Chester Springs PA 19425. Mrs. D'Amico called the meeting to order at 7:00 p.m., led the salute to the flag and offered a moment of silence. One citizen planned to audio record the meeting. There were 24 citizens in attendance.

Approval of Minutes

Mrs. Baxter moved, seconded by Mr. Durkin, to approve as presented the minutes of the July 12, 2022 Board of Supervisors Workshop, July 18, 2022 Board of Supervisors Meeting and July 27, 2022 Conditional Use Hearing #8 – 100 Greenridge Road. The motion carried unanimously.

Approval of Payments

Mrs. Baxter moved, seconded by Mr. Durkin, to approve payments to all vendors listed August 12, 2022. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported the balance sheet remains strong; we're 58.3% through the year; year-to-date revenues are at 67.8% of the budget; year-to-date expenses are at 47.1% of the budget; earned income taxes received are \$93,000 higher than this time last year.

Supervisor's Report

Jeff Kowalczyk, Audit Partner with Barbacane Thornton, presented the 2021 Audit results. They didn't have any findings or reportable conditions and all fund balances are on target. Mrs. D'Amico thanked Jill Bukata and the team for doing a wonderful job, and asked Mr. Kowalczyk that if he sees other municipalities doing something different to please tell us. Mr. Kowalczyk noted that due to potential changes in general accounting standards next year, there might be changes in how leases are reported.

Emily Cackowski of Chester County Library Services and the Henrietta Hankin Branch provided an update of services available at County libraries, including library card signups in September, "maker" space, which contains a copier, 3-D printer, sewing machines, and more. Visit www.chescolibraries.org for more information about library programs, resources, etc.

There was no Police Liaison meeting this month.

Mrs. D'Amico read the following calendar: September 5, 2022, Office Closed ~ Labor Day, no trash/recycling services; September 13, 2022, 4:00 PM Joint Boards & Commissions Workshop;

September 19, 2022, 7:00 PM Board of Supervisors Meeting; yard waste collection dates: August 24, 31 and September 14.

Administration Reports

Township Engineer's Report

Dave Leh reported that a 2-lot minor subdivision plan had been submitted for 461 Font Road to separate 2 existing homes currently on 1 property. The Planning Commission recommended approval.

Building and Codes Department Report

Rhys Lloyd reported the Department has been busy, approving 68 building permits last month, totaling \$37,918 in permit fees; performed 203 inspections; 15 resales; 16 new families in July; addressing zoning complaints and conducting fire inspections.

Police Chief's Report

Chief DeMarco reported there were 1090 incidents logged last month; school opens in 2 weeks so watch out for children, buses, school flashing signals; the Department currently has 2 Chaplains and there are 2 residents interested in serving the Department in this manner; the Department recently received notification renewed Accreditation – a plaque will be presented in October.

Public Works Department Report

Tony Scheivert reported the Department received and completed 124 work orders and road paving is set to begin next week.

LAND DEVELOPMENT

Vantage Point Retirement – Fieldstone at Chester Springs - escrow recommendation, land development and financial security agreements. Kristin Camp, Esq., advised that the land development plan for this senior living facility was approved several years ago. The Developers have submitted Developers Agreements and Financial Security Agreements for signature and are posting escrow in the form of a Bond. She has reviewed the Agreements and finds them satisfactory. We'll release the approved plans once these documents are signed and the original Bond in the amount of \$1,289,313.80 is received. Mrs. Baxter moved, seconded by Mr. Durkin, to approve the construction escrow and execute the agreements. The motion carried unanimously.

Villages at Chester Springs (VACS) – escrow release, dedication of sanitary sewer facilities. This is Byers Station Parcel 5C Lot 1. Kristin Camp, Esq., noted that residents of VACS had requested at the July meeting to delay the escrow release until the Homeowners Association's (HOA) Engineer's punch list could be addressed. The list wasn't going to be available until mid-August. The HOA Engineer did provide a punch list, Gilmore and Associates inspected the items that were covered under the construction escrow agreement, and they were addressed. Gilmore recommended releasing escrow #4 \$186,641.30, and the final release of \$15,000 conditioned on the Developer submitting a cash escrow of \$15,000 for the maintenance 'bond' for the trail along Darrell Drive. Gilmore will follow up within 16 months before the \$15,000 maintenance bond expires. Mrs. Baxter moved, seconded by Mr. Durkin, to approve escrow release #4 in the amount of \$186,641.30.

Naresh Tulluru, VACS resident, advised that there are items of deficiency on the transition list – the transition of the community from the Developer to the HOA is in process – that include curb cracks, poor grass growth, grading issues behind the homes along Route 100, etc., and asked that the escrow not be released. Dave Leh and Kristin Camp reiterated what items would be included in the construction escrow and what items would be home warranty issues.

Mr. Leh noted they haven't received a drainage complaint and that many homes have added decks and that contractors may have disturbed the swale. The HOA Engineer's final report hasn't yet been received. He had thought they'd have a field meeting between the July meeting and now.

Kristin Camp confirmed for the Board that escrow releases happen before the transition period because the construction / public improvements have been completed. If smaller, individual projects disturb swales and drainage features, the Township can't hold the Developer responsible for that.

Justin Hunt, Toll Brothers, and Ryan Furlong, Esq., Riley Riper Hollin & Colagreco, noted that the County Conservation District was good with the condition of the basins but the PaDEP hadn't yet terminated their permit as it's also tied to Parcel 5C Lots 2A (residential) and 2B (commercial).

Ryan Furlong advised that Toll has completed the public improvements, Gilmore has inspected them, and the escrows should be released. They have no objection to providing the \$15,000 cash escrow for the maintenance security. The residents' concerns will be addressed during the transition from the Developer to the HOA.

Justin Hunt said they received the HOA Engineer's final report this afternoon and the transition begins this evening. Toll will respond to the HOA, the HOA responds to Toll, and they go back and forth until everyone is in agreement. Mr. Tulluru and several other residents voiced their individual property concerns regarding paving, standing water, poor grading. Mr. Hunt advised they've addressed the bondable items that are escrowed. The bulk of the HOA's list is not escrowed items, they are items taken care of during transition or with Toll warranty.

Mrs. D'Amico called for a 10-minute recess to confer with the Township Solicitor.
Mrs. D'Amico reconvened the meeting at 8:28 p.m.

There was a motion on the floor to release Escrow #4 in the amount of \$186,641.30. The motion carried unanimously.

Mrs. Baxter moved to withhold escrow release #5 in the amount of \$15,000 and asked if Toll would post an additional \$15,000 cash escrow to cover the grading/drainage inspection to be completed in a timely manner with Toll and the Township Engineer. Then the Township would release the \$15,000 construction escrow (#5) and have \$30,000 to address potential drainage-related issues. The Township must get the HOA's punch list promptly to see if they are bondable improvements that need to be addressed. The Township would hold the cash escrows for up to 18 months, the typical maintenance security period.

Mr. Hunt agreed to provide a second \$15,000 cash escrow for the inspection of the grading / drainage issues and if any deficiencies are found, will do the work once there's a signed agreement. The inspection should include the Township Manager, Building Inspector, Township Engineer, HOA Board members, Toll, and anyone else the HOA wants. The Board of Supervisors expressed confidence in the Township Staff and Engineer's abilities to resolve this quality-of-life concern. The motion to release escrow #5 following receipt of a \$15,000 cash escrow carried unanimously.

Villages at Chester Springs sanitary sewer dedication. Ms. Camp advised that ARRO had reviewed the dedication documents and recommends the Township accept dedication of the sanitary sewer facilities and the 18-month Maintenance Bond. Mrs. Baxter moved, seconded by Mr. Durkin, to accept dedication of the Village at Chester Springs sanitary sewer facilities and accept the Maintenance Bond. The motion carried unanimously.

Mr. Furlong asked if the Performance Bond for the sewer facilities could be released. Mrs. Baxter moved to approve the release of the Performance Bond for the sanitary sewer facilities. Ms. Camp noted Matt Brown, Authority Administrator and Chris Frantz, Authority Solicitor, had reviewed the request and approved the release. Mr. Durkin seconded the motion and it carried unanimously.

Chester Springs Crossing, formerly known as the Jankowski Tract, Sanitary Sewer Dedication and Maintenance Bond, Public Improvements Dedication and Maintenance Bond. The Authority's Engineer has inspected the sanitary sewer facilities and reviewed the Maintenance Agreement and Bond and recommends acceptance of the facilities. Mrs. Baxter moved to accept the dedication of the sanitary sewer easements and facilities and the 18-Month Maintenance Bond for the sewer facilities. Mr. Durkin seconded the motion and it carried unanimously.

The Developer has offered for dedication the Chester Springs Crossing roadways: Maggie Lane, Michael Way and the Milford Road extension. The 18-Month Maintenance Security Agreement and Bond has been received. Mrs. Baxter moved, seconded by Mr. Durkin, to accept the dedication of the roadways and accept the 18-month maintenance security agreement. The motion carried unanimously.

Mrs. D'Amico moved, seconded by Mrs. Baxter, to add to the agenda the release of the Chester Springs Performance Bond. The motion carried unanimously.

Mrs. Baxter moved, seconded by Mr. Durkin, to approve the release of the Chester Springs Crossing public improvements performance bond (\$97,940.84). The motion carried unanimously.

ADMINISTRATION

Vantage Point Retirement's revised Sewage Facilities Planning Module (SFPM). This Vantage Point project is also known as Fieldstone at Chester Springs. Tony Scheivert explained that due to a modification to Vantage Point's senior living facility plan, a revised SFPM was drafted for PaDEP's review. Mrs. Baxter moved, seconded by Mr. Durkin, to adopt Resolution # 08-15-22-05 authorizing the SFPM submission to PaDEP. The motion carried unanimously.

Human Resources ~ Employee Handbook and Policies. Mr. Scheivert announced that Shanna Lodge played a major role in updating the Township's personnel policies. The Employee Handbook presented this evening is a culmination of that work. There is a supplemental Policy regarding first responders and our Public Works Department. The Employee Handbook has been reviewed by Ms. Camp. Mrs. Baxter moved, seconded by Mr. Durkin, to adopt the Employee Handbook presented this evening. The motion carried unanimously.

Mr. Scheivert announced that this evening, Shanna is being appointed as Township Manager for Willistown Township. While we will miss her, we wish her well at Willistown.

Open Session

Tony Scheivert noted that anyone who feels their water has been impacted by Sunoco's Mariner 2 pipeline project should send in the form that had been publicized to the Attorney General by this Friday, August 19.

Naresh Tulluru inquired who Mr. Leh contacted at their HOA Management Company.

Gerry Stein inquired how to find out the County Conservation District's or PaDEP's thoughts on a project's storm water issues and such. Ms. Camp advised they can submit a Right to Know Request and ask about the project's NPDES permit. (National Pollutant Discharge Elimination System) Residents can also write complaints, send emails, to those agencies.

Adjournment

There being no further business to be brought before the Board, Mrs. D'Amico adjourned the meeting at 9:04 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary