



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING

November 20, 2023

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
Rhys Lloyd, Director of Code Enforcement
Anthony Campbell, Zoning Officer
Mike Esterlis, Director of Public Works
Tom Jones, Police Chief
Dave Leh, P.E., Township Engineer

Tom Oeste, Esq., Township Solicitor

LOCATION: Township Building, 140 Pottstown Pike, Chester Springs, PA 19425

Mrs. D'Amico called the evening to order at 7:01 p.m., led the Pledge of Allegiance, and offered a moment of silence. Noone planned to record the meeting. There were 5 citizens in attendance.

Mrs. D'Amico announced that there had been a fire early this morning at the Eagle Animal Hospital; the building sustained heavy damage. She also announced that an Executive Session had been held November 14 and this evening regarding legal and personnel matters.

Approval of Minutes

Mrs. Baxter moved, seconded by Mr. Durkin, to approve as presented the minutes of the October 10, 2023 Joint Boards & Commissions Workshop and the October 16, 2023 Board of Supervisors Meeting. The motion carried unanimously.

Approval of Payments

Mrs. Baxter moved, seconded by Mr. Durkin, to approve the payments to all vendors listed November 17, 2023. Mr. Scheivert called attention to the payment to the SPCA for a mom and 4 kittens at \$200/each. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the balance sheet remains strong; year-to-date revenues are at 94.1% of the budget; year-to-date expenses are at 83.9% of the budget; earned income tax revenue is \$211,000 higher than the total 2023 Budget.

Supervisor's Report

Emily Cackowski of the Chester County Library System highlighted recent activities and programs. They've received a grant from AT&T and the Public Library Association for the Affordable Connectivity Program (ACP) that helps connect families and households that struggle to afford internet service, so they can get connected and use library services – there's information on their website event calendar; they are on track to have 1,000,000 digital checkouts by the end of the year; they have apps for audio books, digital magazines, and crafts.

There was no Police Liaison report.

Mrs. D'Amico read the following published calendar: November 23-24, 2023 Office Closed ~ Thanksgiving Holiday; November 25, 2023 4:00-7:00 7th Annual Tree Lighting and Fireworks; December 12, 2023 4:00 p.m. Board of Supervisors Workshop; December 18, 2023 7:00 pm Board of Supervisors Meeting; December 25, 2023 Office Closed ~ Christmas Day; yard waste collection dates: November 29, December 6 and December 20.

Administration Reports

Township Engineer's Report

Dave Leh reported that revised plans were reviewed for QBD Ventures/164 Byers Road and final plan approval was recommended by the Planning Commission. The project will be discussed later this evening.

Building and Codes Department Report

Rhys Lloyd reported that 52 building permits were issued last month, totaling \$35,511 in permit fees; 172 scheduled inspections were conducted; 5 new houses settled; there were 8 resales; and 12 zoning complaints were handled. Rhys thanked Anthony Campbell for holding down the department the 10 weeks he was laid up.

Police Chief's Report

Chief Jones reported there were 1,147 calls in October, including 18 criminal investigations and 204 citations. Officers Hess and Raymond have completed CIT training; the department was at the fire on Byers Road this morning, as were Tony Scheivert, Rhys Lloyd, and our fire marshal - Richard Ruth. We're trying to help the owners as much as possible. Chief's safety tip for the holiday season is to break down your boxes when putting them out for recycling/trash so that passersby can't see what you received!

Public Works Department Report

Mike Esterlis reported that 139 work orders received and completed, cleared stormwater inlets throughout the Township, upgraded a walking trail, poured bleacher pad at Fellowship Fields, participated in Trunk or Treat, preparing equipment for the winter season. Mrs. D'Amico commended the Department for the trail upgrade; they did an amazing job.

Land Development

164 Byers Road / QBD Ventures – Preliminary/Final Land Development Plan Approval.

Tom Oeste, Esq., Township Solicitor provided background for this project. The land development had received approval in 2010, however, other than the demolition of several existing buildings, no construction occurred, and the approval expired. The property is in the C1 Village Commercial District. The Plan proposes a 2-story, 4,400 SF office building with associated parking and stormwater management facilities. There is no tenant at this time, therefore the size and design of the building is conceptual. Dave Gibbons of DL Howell is representing the property owner, Peter Rodgers of QBD Ventures. The Plan has been reviewed by the Township consultants and Planning Commission and approval with conditions is recommended. Mr. Oeste read a prepared Motion of approval with 10 conditions, as follows. Mr. Gibbons did not have any concerns with the conditions.

Mrs. Baxter moved, seconded by Mr. Durkin, to grant Preliminary/Final Land Development Plan Approval to the plan known as QBD Ventures as prepared by D.L. Howell & Associates, Inc., dated December 21, 2020, last revised September 28, 2023 subject to the 10 conditions Mr. Oeste read. Gerry Stein questioned Condition #10 relating to the modification or waiving of providing a historic resource impact statement. Mr. Oeste explained that in this case, since the Applicant doesn't have a tenant or user at this time, the design of the building will be reviewed at the time of building permit application. Mr. Stein commented that providing an impact statement would be informational for the developer/builder, so they know what to expect when designing the building. Mr. Gibbons didn't think they'd oppose providing a statement at this time but without a user, it'd be incomplete. The impact would be discussed at building permit time. The Supervisors discussed modifying Condition

#10 to include that the Historical Commission would review a historic impact statement and the building drawing before the building permit submission. Mr. Oeste reminded the Board that if the Plan is not approved tonight, we need to ask the Applicant for another extension. If he doesn't grant an extension, it's a 'deemed approval'.

Mrs. Baxter moved, seconded by Mr. Durkin, to grant Preliminary/Final Land Development Plan Approval to the plan known as QBD Ventures as prepared by D.L. Howell & Associates, Inc., dated December 21, 2020, last revised September 28, 2023 with the 10 conditions previously read and Condition #10 amended during this meeting, as follows. The motion carried unanimously.

1. Prior to the Plans being released for recording, the Plans shall be revised to comply with Gilmore & Associates, Inc. review letter dated September 11, 2023.
2. All Byers Road roadway improvements shall be completed in accordance with the approved PA-DOT Highway Occupancy Permits.
3. A waiver from SALDO Section 162-8.B. is hereby granted to allow this application to be submitted as a Preliminary/Final Application.
4. A waiver from SALDO Section 162-32.F. is hereby granted to permit a 35' curb radius on the southwest corner of the intersection of the proposed driveway and Byers Road.
5. A waiver from SALDO Section 162-55.D.(1) is hereby granted to permit the construction of an inlet, stormwater pipe, paving and part of a retaining wall in alluvial soils to the extent depicted on the Plans.
6. A waiver from SALDO Section 162-57.C.(6)(b) is hereby granted to allow a modified Landscape Plan with regard to building façade plantings, parking and loading landscaping, road frontage and tract boundary plantings. The Landscape Plan which is included as Sheet 12 of the Plans is approved.
7. A waiver from Stormwater Management Ordinance Sections 152-305.A and 152-306.A is hereby granted to allow Applicant to not provide the required stormwater runoff volume reduction due to high groundwater levels on the property.
8. A waiver from Stormwater Management Ordinance Section 152-311.D is hereby granted to allow the proposed foundation drain to be set less than 18" below the foundation.
9. Applicant shall pay a Traffic Impact Fee in the amount of \$11,670. This fee shall be paid prior to a Use and Occupancy Permit being issued.
10. A modification of SALDO Section 162-9.H.(5)(a) which requires a historic resources impact statement (HRIS) to be submitted with the preliminary plan submission is hereby granted to permit and require the HRIS to be submitted by the Applicant and reviewed by the Historical Commission prior to the issuance of a building permit for the new building since the design of the proposed building has not been finalized because no tenant or user has been identified at this time. Additionally, prior to the issuance of a building permit for the new building, Applicant shall demonstrate to the satisfaction of the Board of Supervisors that the proposed building meets the design standards in Zoning Ordinance Section 200-36.B. The Board may request the Historical Commission's recommendation on the proposed architecture and its compliance with the design standards.

ADMINISTRATION

Ordinance ~ Marsh Creek State Park Closure / Parking Restrictions.

The Board is considering an Ordinance amending the traffic code regarding parking on roadways near Marsh Creek State Park when the Park temporarily closes due to parking at capacity. This Ordinance would add that "there shall be no stopping, standing or parking between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays, Sundays and Federal government holidays between the dates of April 15 and October 15 on the following roads: Heron Hill Drive, Watercroft Circle, Stephen Lane and Laura Lane." Residents of those roads would provide proof of residency and be provided with a parking permit to park on the roads during the times referenced in the Ordinance. The Ordinance has been duly advertised. This will provide the Police Department with the authority to fine and/or to tow vehicles that are parked in violation of the Ordinance.

In answer to Mrs. D'Amico's inquiry, Chief Jones noted that there are some problems with parking in Marsh Harbour but they are non-dedicated roads so the Police can't enforce parking violations there; however, the Marsh Harbour HOA has laws in place permitting towing.

Mrs. Baxter moved, seconded by Mr. Durkin, to adopt **Ordinance #2023-05** amending Chapter 176 of the Upper Uwchlan Township Code to prohibit parking on the roads previously noted and to amend the penalty provisions and authorize the Township Police Department to tow vehicles parked in violation of these provisions. The motion carried unanimously.

Resolution ~ Real Estate Tax Collection for 2024.

Tony Scheivert noted the County Treasurer's Office has been collecting the Township's real estate taxes for 3 years but the costs are rising, doubling for 2024. We requested and received a quote from Keystone Collections that is half that of the County Treasurer's Office. The Keystone Collections Agreement designates Keystone as the Deputy Tax Collector beginning January 1, 2024 for a period of 3 years. The current quote locks the price in for 3 years.

Mrs. Baxter moved, seconded by Mr. Durkin, to adopt **Resolution #11-20-23-12** designating Keystone Collections Group as the Township's Deputy Tax Collector beginning January 1, 2024 for a period of 3 years. The motion carried unanimously. The Board also reiterated the authorization to execute the Contract/Agreement with Keystone Collections.

Gwen Jonik introduced a Resolution regarding Keystone Collections' delinquent tax collection attorneys' fees. This Resolution will be considered at the December Supervisors meeting.

McMahon Traffic Study Proposal.

Tony Scheivert advised that PennDOT requested a traffic study of Graphite Mine Road and Route 100 before they'll consider swapping the roadways. McMahon (a Bowman Company) has provided a quote for \$14,000, the cost of which would be paid out of our Act 209 Fund since the intersection is in the Act 209 area. The roadway swap has been of interest to the Township for well over a decade.

Mrs. Baxter moved, seconded by Mr. Durkin, to authorize the expenditure and execute the Contract with McMahon as presented. The motion carried unanimously.

Open Session

Vince McVeigh, Marsh Harbour resident, thanked Tony Scheivert and Chief Jones for recognizing Marsh Harbour HOA's concerns with parking issues.

Adjournment

There being no further business to be brought before the Board, Mrs. D'Amico adjourned the Meeting at 7:48 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary