



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP
December 10, 2024
4:00 p.m.

AGENDA

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

	Packet Page #
I. Call to Order	Packet Page #
A. Salute to the Flag	1
B. Moment of Silence	1
C. Inquire if any Attendee plans to audio or video record the Workshop	1
II. Volunteer Service Tax Credit Ordinance ~ Discussion	2
III. 640 Little Conestoga Road Lot A – Purchase Agreement ~ Discussion	5
IV. Increasing Elected Auditor's and Township Supervisor's compensation ~ Discussion	9
V. Proposed 2025 Meeting Schedule ~ Discussion, Approval	--
VI. Updated Village Design Guidelines, Village Concept Plan, Historic Resource Protection Plan, Comprehensive Plan – Discussion	--
VII. Open Session	--
VIII. Adjournment	--

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, ESTABLISHING A VOLUNTEER SERVICE CREDIT PROGRAM AND ENACTING A TAX CREDIT FOR THE TOWNSHIP REAL ESTATE TAX AND EARNED INCOME TAX FOR VOLUNTEER MEMBERS OF VOLUNTEER FIRE COMPANIES AND NONPROFIT EMERGENCY MEDICAL SERVICE AGENCIES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township as follows:

SECTION 1. Pursuant to the authority in Act 172 of 2016, the Board adopts this Ordinance titled, "Earned Income and Real Estate Tax Credit Program" which shall provide as follows:

§ 1. This Ordinance shall be titled, "EARNED INCOME AND REAL ESTATE TAX CREDIT TO QUALIFYING VOLUNTEERS PROGRAM."

§ 2. Purpose. The purpose of this Ordinance is to encourage membership and service in volunteer fire companies and nonprofit emergency medical service agencies.

§ 3. Definitions. All terms defined in the Local Tax Enabling Act and Act 172 of 2016, shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

QUALIFYING VOLUNTEER

A volunteer that meets the criteria in Section 6 of this Ordinance.

ELIGIBLE AGENCY

Refers to a volunteer fire company or department or non-profit emergency medical service agency identified by the Chester County Commissioners in County of Chester's Active Volunteer Service Tax Rebate Program. The specific agencies whose volunteers may receive the incentives described in this Article shall be those approved by Chester County in such program.

§ 4. Real Property Tax Credit. Each Qualifying Volunteer, who is certified as such in accordance with the provisions of this Article, shall be entitled to receive a tax credit equal to 100% of the Township real estate tax imposed against residential real property owned or jointly owned and occupied by the Qualifying Volunteer as their primary domicile.

Commented [KC1]: Does UUT want to limit this credit to volunteers in organizations that service UUT or can they volunteer for other organizations and live in UUT?

§ 5. Earned Income Tax Credit. Each Qualifying Volunteer who is certified as such in accordance with the provisions of this Ordinance, shall be entitled to receive a tax credit in the maximum amount of \$250.00 against their earned income tax imposed pursuant to Chapter 169, Section 169-2 of the Upper Uwchlan Township Code. The credit shall be applied to that portion of the earned income tax that is payable to the Township and cannot exceed the volunteer's liability to the Township for the earned income tax due on wages/net profits earned in that tax year.

§ 6. Qualifying Volunteer. A Qualifying Volunteer shall be defined as a resident of Upper Uwchlan Township who is:

- A. A volunteer who has satisfied the criteria specified for that volunteer's Department, as specified in a resolution adopted by the Board of Supervisors from time-to-time; or
- B. A volunteer who has met the criteria for an Active Volunteer Service Tax Rebate pursuant to the County of Chester's Active Volunteer Service Tax Rebate Program enacted pursuant to The County of Chester's Ordinance No. 2023-01. The volunteers who shall be eligible for the real property tax credit adopted by this Ordinance shall demonstrate to the Township that their name appears on the Eligibility List created by the Eligible Agency with which they are affiliated and provided to the Chief Financial Officer of Chester County no later than February 15 of each year.

§ 7. Certification of Qualifying Volunteers. Individuals who seek the real property tax credit or earned income tax credit adopted by this Ordinance shall sign and submit an application published by the Township with the Township Manager. The Manager shall review all applications submitted and confirm that the individual is listed on the Eligibility List created by the Eligible Agency with which they are affiliated and provided to the Chief Financial Officer of Chester County no later than February 15 of each year. If the individual is listed on the Eligibility List created by the Eligible Agency with which they are affiliated and provided to the Chief Financial Officer of Chester County no later than February 15 of each year, and is otherwise qualified to obtain the real estate tax credit and/or earned income tax credit, the application shall be approved. On or before March 15 of each year the Manager shall forward a list of all Qualified Volunteers, with all supporting documentation, to the Board of Supervisors. The real property tax credit may be utilized for any real estate taxes paid to the Township during or for the previous calendar year only. The earned income tax credit may be utilized for any earned income taxes paid to the Township.

§ 8. Appeals. A taxpayer may appeal the decision of the Board of Supervisors to not certify them as a Qualifying Volunteer entitled to a tax credit, by filing such appeal within 30 days of such decision, as follows:

- a) Appeals from the denial of an earned income tax credit shall be administered in accordance with the procedures of the Chester County Tax Collection Committee.

- b) Appeals from the denial of any real estate tax credit shall follow the provisions of 2 Pa.C.S. Chapter 7, Subchapter B (relating to judicial review of local agency action), also known as the "Local Agency Law."

SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2024.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Jennifer F. Baxter, Chair

Andrew P. Durkin, Vice-Chair

Sandra M. D'Amico, Member

AGREEMENT

This Agreement, made this _____ day of _____, 2024 by and between the Pennsylvania Turnpike Commission, an instrumentality of the Commonwealth of Pennsylvania, with a mailing address of P.O. Box 67676, Harrisburg, PA 17106-7676 (herein after the "Commission"), and Upper Uwchlan Township, a township formed and existing under the laws of the Commonwealth of Pennsylvania, with a mailing address of 140 Pottstown Pike, Chester Springs, PA 19425 (hereinafter the "Township").

WITNESSETH:

WHEREAS, the Commission is the owner of certain real property located in Upper Uwchlan Township, Chester County, Pennsylvania, by virtue of deed of James C. Wertz, dated August 29, 2019 and recorded on September 9, 2019 in the Chester County Recorder of Deeds Office in Deed Book Volume 9995, Page 2382, being 12.465 acres of land identified as Lot A on the Final Minor Subdivision Plan for the Wertz Farm, and being a part of Chester County Tax Parcel ID 32-3-34 (hereinafter the "Commission Property"); and

WHEREAS, the Township would like to purchase the Commission Property from the Commission in order to preserve the local historic value of the property and utilize the land and buildings for the public benefit; and

WHEREAS, the Commission has determined that the Commission Property is not needed for the operation or maintenance of the Pennsylvania Turnpike and,

WHEREAS, the Commission believes the Township's proposed use of the Commission Property is a public benefit; and

WHEREAS, the Commission, therefore, has agreed to transfer title of the Commission Property to the Township under and subject to the terms and conditions set forth hereinbelow.

NOW THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. The Commission hereby agrees to transfer ownership of the Commission Property to the Township by Special Warranty Deed for the consideration of \$150,000.00. The Commission Property is more particularly shown and identified on the plan attached hereto as Exhibit "A" and is described by metes and bounds in the legal description which is attached hereto as Exhibit 'B'.
2. The Township hereby agrees that it will use the Commission Property solely for the public's benefit. This shall be a covenant running with the land.
3. The Commission will draft the Special Warranty Deed transferring the Commission Property to the Township.
4. The Township acknowledges that the Commission will transfer the Commission Property "AS IS" and "WHERE IS" in its current condition with no warranties.
5. The Township agrees to be solely responsible for obtaining any and all approvals that may be required from the local municipality and/or county related to the transfer of the Commission Property. This shall include, but not be limited to any

and all required inspections and or repairs related to the onsite septic system and occupancy permits. The Township shall bear all costs associated with the same. The Commission agrees that it will cooperate with the Township as needed.

6. The Township shall be solely responsible for all costs associated with the transfer of the Commission Property including, but not limited to, recording fees.

Intending to be legally bound by the terms and conditions herein, the parties hereto sign this Agreement on the date first set forth above.

ATTEST:

Upper Uwchlan Township

Name:
Title:

By: _____
Name:
Title:

ATTEST:

The Pennsylvania Turnpike Commission

Ann Louise Edwards
Asst. Secretary-Treasurer

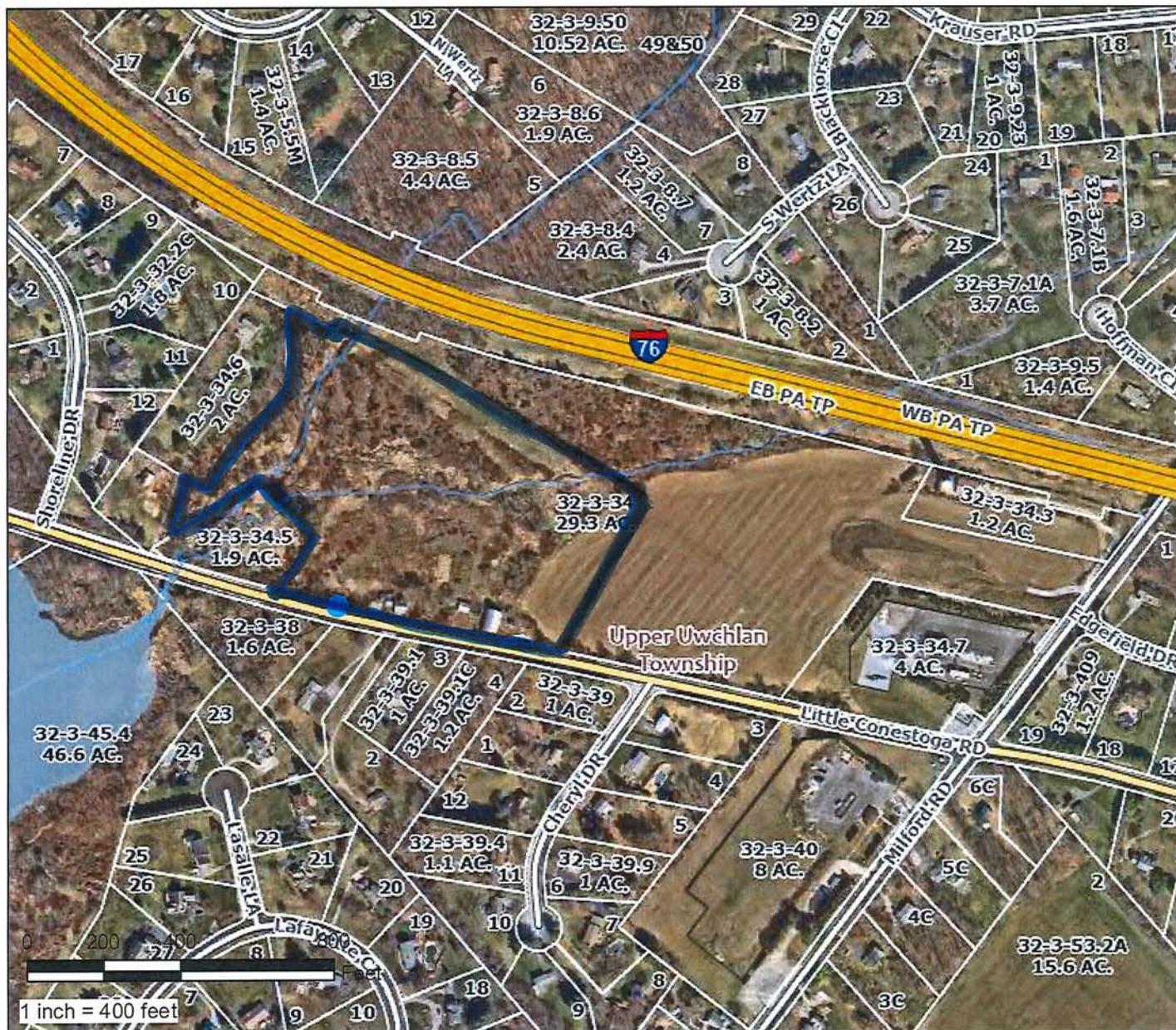
By: _____
Michael Carroll
Chair

Approved as to form and legality

Office of Chief Counsel

Office of Attorney General

640 Little Conestoga



COUNTY OF CHESTER
PENNSYLVANIA



Lot A
12.465 acres

Approximate
location

Map Created:
Thursday, November 14, 2024



County of Chester

Limitations of Liability and Use:
County of Chester, Pennsylvania makes no claim to the completeness, accuracy, or content of any data contained herein, and makes no representation of kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.



UPPER UWCHLAN TOWNSHIP

TO: Board of Supervisors
Tony Scheivert, Township Manager

FROM: Gwen Jonik, Township Secretary

RE: Increased compensation for Elected Auditors, Township Supervisors

DATE: December 6, 2024

Act 10 of 2024, signed in to law in April 2024 amends the Second Class Township Code to authorize the Board of Supervisors to increase the compensation for elected auditors by resolution from \$10/hour up to \$18/hour for performing the annual audit and other duties of the office. While Upper Uwchlan currently uses a CPA Firm and doesn't have the elected auditors perform the annual audit, if in the future we do want the elected auditors to do so, or tend to other duties of the office, their compensation would be at an updated rate.

If the Board would like to increase the elected auditors' compensation, I'll prepare a Resolution for your consideration at the December 16 meeting.

Act 94 of 2024, signed in to law October 2024, increases the allowable compensation caps for township supervisors. The new act took effect December 1, 2024, allowing each Board of Supervisors to decide whether to implement all or part of the increase or maintain current compensation rates. The current cap for Upper Uwchlan's size (population between 10,000-14,999) is \$3,250/year. The new cap is \$5,450/year.

Supervisors can choose to adjust the annual salary or keep it the same. Any increase will apply at the beginning of the next term for elected supervisors.

If the Board would like to increase the annual salary, I'll prepare an Ordinance or Resolution, as appropriate, for the Board to consider at a future meeting.