



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING
December 16, 2024
7:00 p.m.
Approved

Attending:

Board of Supervisors

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

Kristin Camp, Esq., Township Solicitor

Township Administration

Tony Scheivert, Township Manager
Lindsay Yeager, Assistant Township Manager
Gwen Jonik, Township Secretary
Rhys Lloyd, Director of Code Enforcement
Anthony Campbell, Zoning Officer
Mike Esterlis, Director of Public Works
Tom Jones, Police Chief
Dave Leh, Township Engineer

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

Mrs. Baxter called the evening to order at 7:05 p.m., led the Pledge of Allegiance, and offered a moment of silence. No one planned to record the meeting. There were 6 citizens in attendance.

Mrs. Baxter announced an Executive Session was held this evening regarding legal and personnel matters.

Approval of Minutes

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the minutes of the November 12, 2024 Board of Supervisors and Draft 2025 Budget Workshop and the November 18, 2024 Board of Supervisors Meeting. The motion carried unanimously.

Approval of Payments

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the payments to all vendors listed December 12, 2024. The motion carried unanimously.

Treasurer's Report

Tony Scheivert reported on Jill Bukata's behalf. The balance sheet remains strong, year-to-date revenues are at 103.8% of budget; year-to-date expenses are at 88.0% of budget; earned income tax revenue jumped and is now \$368,000 ahead of budget. Mr. Scheivert noted that we would be cutting checks for 2 settlements on December 23 and cashing in a CD opened with ARPA money.

Supervisor's Report

Mrs. Baxter read the published calendar and yard waste collection dates as follows: December 25, 2024 Office closed ~ Christmas Day; December 29, 2024 1:00-4:00 p.m. Farmhouse Museum open at Upland Farm Park hosted by Historical Commission; December 30, 2024 7:00 p.m. Zoning Hearing re: 545-547 Pottstown Pike; January 2, 2025 Office closed ~ New Year's Day; January 6, 2024 7:00 p.m. Board of Supervisors Annual Organization Meeting; January 14, 2025 4:00 p.m. Board of Supervisors Workshop; January 20, 2025 Office closed ~ Martin Luther King, Jr., Day; January 21, 2025 (Tuesday) 7:00 p.m. Board of Supervisors Meeting; yard waste and Christmas tree collections January 8 and January 22, 2025.

Village Design Guidelines, Village Concept Plan, Comprehensive Plan – discussion.

Mrs. Baxter noted the discussion had been postponed to today from last week's Workshop.

The Board supports a revised and focused historic resource protection plan but may not agree with how to go about it and its place in the Comprehensive Plan (compplan). The compplan is a master planning tool, aspirational, and includes tasks to work on and accomplish. The Historic Resource Protection Plan (HRPP) has been included as a Chapter in the compplan and speaks to the ordinance details. It's quite specific. The HRPP should be a separate document, posted on the Historical Commission's webpage, where it would most likely be seen more easily than in the compplan. It should be summarized in the compplan rather than in its entirety as a chapter and in the Appendix. The Chapter reads more like an ordinance and a HARB (Historic Architectural Review Board).

The Board acknowledges the amount of work it took to prepare the HRPP and they want the protections provided but not necessarily in the compplan. An historic overlay had been suggested. The Board does not favor overlays. Overlays ended up being a negative for a lot of residents. They are trying to balance all the aspects, the best outcome for the residents. The HRPP chapter is the beginnings of an ordinance. It should be something separate, somewhere where people can easily find it and not buried in the compplan. It's different from the other chapters. The Board will work with the Historical Commission to craft an historic resource protection ordinance.

Vivian McCardell, Historical Commission Chair, favors the HRPP being on the Historical Commission's webpage, with links to the compplan, not just in one place. The HRPP talks about evaluating a HARB, not implementing a HARB. There are things happening in Byers Station Historic District that don't necessarily enhance the village.

Mrs. Baxter noted they'd like the HRPP placed in the Appendix, as was done with the Active Transportation Plan (ATP). It was referenced in the Transportation chapter and the entire ATP is in the Appendix. The HRPP implementation steps haven't yet been fully talked about, explored, and they'd become the base for the ordinance.

Kristin Camp advised that the HRPP is a recommendation document that the Board has to adopt. Then it can be posted and culled into an ordinance. It's the same as the Planning Commission, a recommending body, reviewing and crafting ordinances and amendments, which go to the Board for review, editing and then adoption. The level of detail in the HRPP goes into an ordinance.

Vivian had made some suggestions that may relieve some of the Board's concerns, such as the HRPP being a standalone Article in the Codes; it will cover all zoning districts but the regulations will be in one place. Kristin Camp noted that would typically be within the Zoning Chapter, as an Article in Chapter 200.

Discussion continued regarding Vivian's revisions to the HRPP's implementation steps, trying to address the Board's concerns. The Board will review the revisions for next month. Mrs. Baxter has concerns regarding the Village Design Guidelines in the C3 Highway Commercial District. Kristin Camp noted there is language regarding denial of demolition permits and she believes the Township can't just outright deny a demolition permit. That will need further discussion.

Vivian spoke of the Historical Commission's (HC) thoughts of holding semi-annual meetings with historic property owners, to build relationships. They'd be invitations, nothing mandatory. They'd like to focus on education and communications with historic resource owners. Mrs. Baxter advised they'll address the HRPP with Ms. Camp, write a specific list of concerns to discuss with the HC, for both the HC and Board to explain their reasoning for keeping things in place or removing them.

Mrs. D'Amico asked Ms. Camp to explain the Sunshine Law for all Boards and Commissions. Ms. Camp advised that a quorum of any Board/Commission shouldn't deliberate or make decisions without that taking place at a public meeting.

Administration Reports

Township Engineer's Report

Dave Leh reported construction has begun on a 20,000 SF addition to Eagleview Lot 7, which was included in their original land development approval in 2000; DEP has provided comments regarding the Hickory Park improvements and the plans have been revised and submitted.

Building and Codes Department Report

Rhys Lloyd reported 56 building permits were issued last month, totaling \$24,215 in permit fees; 714 permits for the year, totaling \$475,890 in permit fees; 172 scheduled inspections were conducted; 12 new homes settled; there were 6 resales; 11 zoning complaints were handled; and another Eagle Scout project was completed -- 12 trail markers along Upland Farm Park and Byers Station trails.

Police Chief's Report

Chief Jones reported there were 975 calls, 8 adult arrests, 136 warnings; Officer Zmuida left for K9 training school in Erie, which will run through January; the monthly safety tip: package theft – talk with delivery drivers or neighbors as to where to leave your deliveries so they don't get stolen and report any suspicious activity to 911 immediately; speak with your mail carrier or trash hauler for the safest way to leave tips for those folks.

Public Works Department Report

Mike Esterlis reported the Department received and completed 97 work orders; hand cleared fallen trees; assisted with decorating Upland Farm for the annual tree lighting event; cleared debris at 640 Little Conestoga Road; Mrs. D'Amico commended the Department for their response to the tree that fell on Moore Road.

Land Development

Preserve at Marsh Creek Phase 3 Escrow Release #4. Gilmore & Associates reviewed Toll Brothers request for Release #4 and recommend releasing \$167,483.80. Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the release of \$167,483.80. Resident Tom Sullivan asked what the release covered. Dave Leh answered. The motion carried unanimously.

ADMINISTRATION

Traffic Signal Control Improvements. Mr. Scheivert summarized the bid results for a Contract to update our traffic signal control program. Bowman analyzed the 4 bids received and recommended awarding the Contract to Armour & Sons Electric, Inc., the lowest responsible bidder at \$224,022.50. Mr. Scheivert noted \$195,000 will be funded via grant money and \$29,000 by the Township. Mr. Durkin moved, seconded by Mrs. D'Amico, to award the traffic signal control improvement Contract to Armour & Sons Electric, Inc. at \$224,022.50. The motion carried unanimously.

Agreement of Sale 640 Little Conestoga Road. Mr. Scheivert advised this is the Wertz Farm, owned by the Turnpike Commission, recently subdivided and the Township is purchasing Lot A, @ 12 acre parcel with the farmhouse and barn. It will be used for open space or perhaps a park. Kristin Camp noted this is a standard agreement of sale with the Turnpike. The Township had paid for the subdivision plan and the Township will be purchasing the 12+ acre parcel "as is, where is". The Turnpike wants one of the parcels for their widening project and they plan to sell the other parcel to Sunoco for pipeline easement. The Township can't pay more than the appraised value (\$275,000) and we're paying \$150,000 using ARPA money, so the Agreement of Sale needs to be signed by the end of the year. Closing is scheduled for December 23, 2024.

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve executing the Agreement of Sale. The motion carried unanimously.

Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution #12-16-24-12** granting signature authority to Mr. Scheivert for documents relating to the purchase of 640 Little Conestoga Road and for 511 Byers Road (Acker) parcel. The motion carried unanimously.

Recreational Vehicles (ATV) Ordinance. Kristin Camp drafted an ordinance amendment to designate Senn Drive and Oscar Way as roads where recreational vehicles may be driven. Several businesses were using gators between their buildings, rather than using their larger vehicles, and requested the ordinance be amended to allow for that activity. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Ordinance #2024-04**, to add a new Article, to designate Oscar Way and Senn Drive as Township roads where recreational vehicles may be driven. The motion carried unanimously.

Volunteer Service Tax Credit Ordinance. Tony Scheivert introduced an Ordinance which provides for real estate and earned income tax credits for Township residents who volunteer with a fire or EMS service. Kristin Camp advised the Ordinance will follow the County's robust ordinance with criteria and eligibility. A resident who volunteers with a fire or EMS response provider can be credited up to 100% of their real estate tax and up to \$250 of their earned income tax. This is an effort to encourage membership and service in volunteer fire companies and nonprofit emergency medical service agencies. Mr. Durkin moved, seconded by Mrs. D'Amico, to advertise the Board's intent to adopt the Ordinance at their January 14, 2025 Workshop. The motion carried unanimously.

Elected Auditor Compensation Increase Resolution. Tony Scheivert explained that recent State Law allows for Townships to increase the hourly rate of elected auditors from \$10/hour up to \$18/hour. While the Township currently uses a CPA Firm to perform the annual audit, the increased rate/hour would be in place should the Township decide to use the elected auditors in the future. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution #12-16-24-13**, increasing the elected auditor's compensation to \$18.00/hour. The motion carried unanimously.

2025 Budget and Tax Millage. Mr. Scheivert presented the Resolution adopting the 2025 Budget and Tax Millage Rate as follows: General Fund \$8,554,612; Capital Reserve Fund \$857,438; Solid Waste Fund \$1,475,707; Water Resource Protection Program \$93,612; Liquid Fuels Fund \$710,013; Act 209 Traffic Impact Fund -0-; Sewer Fund \$310,653; for a total 2025 Budget \$12,002,035.00 and establishing the 2025 Tax Millage Rate at 1.034, consisting of .784 mils for general purposes and .25 mils for emergency services. The 2025 hydrant tax is established at .087 mils. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution #12-16-24-14**, establishing the 2025 Budget at \$12,002,035.00, and the Tax Millage Rate at 1.034. The motion carried unanimously.

2025 Fee Schedule. Mr. Scheivert summarized the revisions to the Fee Schedule, which include several building permit fee increases, consultants' and attorneys' rate increases, the trash and recycling collection fee increase and updating the ICC Building Valuation Data. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution #12-16-24-15** establishing the 2025 Fee Schedule. The motion carried unanimously.

2025 Pension Plan Contribution – Uniformed Employees. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution #12-16-24-16**, establishing the 2025 Pension Plan Contribution Rate for Uniformed Employees (Police) at Five Percent (5%) of Salary. The motion carried unanimously.

2025 Pension Plan Contribution -- Non-Uniformed Employees. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution #12-16-24-17**, establishing the 2025 Pension Plan Contribution Rate for Non-Uniformed Employees at Five Percent (5%) of Salary. The motion carried unanimously.

2025 Emergency Service Providers. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution # 12-16-24-18**, designating the emergency service providers for the Township in 2025. Lionville Fire Department, Ludwig's Corner Fire Department, East Brandywine Fire Department,

Glenmoore Fire Department, Uwchlan Ambulance and Minquas Ambulance are the designated emergency response agencies alongside the Township Police Department. Byron Nickerson is designated as the Township Emergency Management Coordinator. The motion carried unanimously.

Open Session

Sally Winterton thanked the Board for the Boards & Commissions Holiday Party. She commented the Historical Commission has hosted wonderful lectures this past year and the farmhouse museum is great. She hopes the volunteer service tax credit will attract new folks – perhaps a tuition incentive would be a good idea; and she's witnessed dangerous traffic patterns by folks coming from Ticonderoga Boulevard and crossing Park Road diagonally into Windsor Baptist Church's Park Road access. She commented on the County-wide problem of roadside trees falling on power lines and vehicles – we should cut down dead trees.

Adjournment

There being no further business to be brought before the Board, Mrs. Baxter adjourned the Meeting at 8:53 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary