



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING
March 16, 2015
Approved

Attending:

Board of Supervisors

Kevin C. Kerr, Chair
Guy A. Donatelli, Vice-Chair
Catherine A. Tomlinson, Member

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary
John DeMarco, Police Chief
Jill Bukata, Township Treasurer
Al Gaspari, Codes Administrator
Mike Heckman, Director of Public Works
Dave Leh, Township Engineer
Christine Kimmel, Esq. – Township Solicitor

Mr. Kerr called the meeting to order at 7:00 p.m., led the salute to the flag and offered a moment of silence.

Mr. Kerr introduced Christine Kimmel, Esq. – Buckley Brion McGuire & Morris LLP – attending on Kristin Camp's behalf. Ms. Kimmel read portions of the Board of Supervisors' Decision and Order denying the Conditional Use Application of Toll Brothers, Inc. and Orleans Homebuilders, Inc. which sought to eliminate Condition 12.1.2 of the Conditional Use Order of 2002. Condition 12.1.2 required the Applicants to construct a continuous road system within the development (Ewing) via Eagle Farms Road and Street "K" (now known as Sunderland Avenue – East) to serve both the West Vincent Township and the Upper Uwchlan Township portions of the development (Ewing).

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve the Decision and Order denying the Application seeking to eliminate Condition 12.1.2 of the 2002 Order. The Motion carried unanimously.

Mr. Kerr explained that the Board of Supervisors did not see the need to eliminate the roadway, for the safety of the residents and considering the residents' wishes. Questions were posed by residents in attendance: the Developer now has to build the road, correct? Can the 40 homes in West Vincent be built before the road is built in West Vincent? Mr. Donatelli replied that the Developers may appeal this Decision, and Upper Uwchlan Township will keep the community updated, as necessary, via our website and through the Homeowners Association; and since Sunderland Avenue exists in Upper Uwchlan Township, we cannot stop construction traffic from traveling that roadway.

A short recess was taken to accommodate the Board signing the Decision and Order.

Approval of Minutes

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve as presented the minutes of the February 10, 2015 Board of Supervisors Workshop and the February 18, 2015 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve the payments to all vendors listed, totaling \$372,539.25. Mr. Donatelli abstained from the payment to the Chester County Solid Waste Authority as it is a client of his Firm. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that year-to-date revenues are at 13.8% of the annual budget and expenses are at 12.1%; the recent snow/ice events have caused us to go over budget for materials and employee overtime however it is still less than last year's expenses.

Mrs. Tomlinson inquired of the delinquent accounts receivable status. Mrs. Bukata replied that invoices and statements have been mailed recently. Mrs. Tomlinson asked if field use is approved for the current year if anything is owed from the prior year? Al Gaspari replied that he is meeting with the various organizations to review their previous use and current field requests. The Board of Supervisors would like the Policy to include that fields will not be rented for the current year if money is owed from the previous year.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to accept the Treasurer's Report. The Motion carried unanimously.

Supervisor's Report

Mr. Kerr announced that an Executive Session was held February 18, 2015 regarding a personnel matter. Mr. Kerr read the following calendar: March 18, April 8, and April 22 – Yard Waste Collections; March 23, 2015 7:15 p.m. Chester County – Emergency Voice Radio Upgrade Conditional Use Hearing; April 3, 2015 Township Office Closed – Good Friday; April 14, 2015 4:00 p.m. Joint Boards and Commissions Workshop; April 19-22, 2015 Pennsylvania Association of Township Supervisors Annual Convention in Hershey, PA; April 27, 2015 7:00 p.m. Board of Supervisors Meeting.

Administrative Reports

Township Engineer's Report

Dave Leh reported revised land development plans were received for the Chester County Voice Radio Upgrade project. The Planning Commission has reviewed those plans and recommended Conditional Use and Land Development approval.

Building and Codes Department Report

Al Gaspari reported that 34 building permits were issued in February, totaling \$4,000 in permit fees; two Zoning Board hearings were held February 25, 2015 - a steep slope waiver was granted for American Towers and Byers Road Properties was granted approval; Dogtopia is opening in April; and the athletic fields at the Township Parks are being prepared for use.

Police Chief's Report

Chief DeMarco reported the Department had 1,244 incidents during February; all Officers received training for response to calls involving opiates and overdoses; the Chief thanked the Public Works Department for a great job clearing snow/ice during recent storms.

Public Works Department Report

Mike Heckman reported the Department has been performing preventive maintenance and inspection activities, patching potholes, and responded to 9 snow/ice control events over the past month. At this time, all potholes on Township roads are patched; the new small dump truck is coming tomorrow; the annual street sweeping proposals were received and the contract is awarded to R & S Sweeping for \$11,948.00. Street sweeping will take place throughout the Township during the month of April. The dates will be posted on the website.

Land Development

Toll Brothers submitted an escrow release request (#8) for paving in the townhome section of the Ewing Tract completed in Fall 2014. The \$357,733.20 request was reviewed by Gilmore & Associates who recommend the release. Following this release, more than \$180,000 will

remain in escrow. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve the release of \$357,733.20 to Toll Brothers for this request. The Motion carried unanimously.

ADMINISTRATION

Cary Vargo explained that the Township has been a member of the PSATS Unemployment Compensation Trust and the Trust Agreement was recently updated, requiring all members to adopt an Ordinance which authorizes the member to continue participation in this intergovernmental agreement. The updated Trust Agreement has been reviewed and no concerns were found. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Ordinance #2015-01 which authorizes Upper Uwchlan Township to continue participating in the PSATS Unemployment Compensation Trust. The Motion carried unanimously.

Cary Vargo explained that the Township's traffic capital improvement plan and traffic impact fee - a fee imposed on Developers for the Township to improve Township roads impacted by the development - must be reviewed and updated periodically. As required by Act 209, an advisory committee must be appointed for the purpose of this update. The Committee is a group of Township residents, business owners, and local Developers. The Board of Supervisors is requested to adopt a Resolution appointing Bob Schoenberger, Sally Winterton, Joe Stoyack, Bob McHugh, Dave Beideman, Neal Fisher and Jason Xu (student member) to the Traffic Impact Fee Advisory Committee (TIFAC). Natasha Manbeck and Chris Williams of McMahon Associates, and Cary Vargo will guide the TIFAC through the process. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #03-16-15-03, appointing the (7) members to the TIFAC. The Motion carried unanimously.

Cary Vargo explained that following the purchase of the recycling totes in 2010, the Township applied for and was approved to receive PaDEP Act 101 recycling grant funds. We will receive \$145,354 toward reimbursement of that purchase. The Board of Supervisors is requested to approve the execution of the Grant Agreement in order to receive the funds. Mr. Vargo commented that recycling has improved greatly since the totes have been in place, and the residents continue to decrease the quantity of trash going to the landfill. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to execute the Grant Agreement. The Motion carried unanimously.

Cary Vargo advised that the Pennsylvania Intergovernmental Risk Management Association (PIRMA) recently updated its property and liability insurance Agreement, of which we are a participant. The Board of Supervisors is requested to authorize the execution of the updated Agreement with PIRMA. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to authorize execution of the updated PIRMA Agreement. The Motion carried unanimously.

Litigation has come to an end in the disagreement of the Developers and the Township regarding the Route 100 Wastewater Treatment Plant. The Township's liability was dismissed. A Settlement Agreement and a Dedication Agreement for Phase I of the Route 100 WWTF, reviewed Township Solicitors, are presented for approval by the Board of Supervisors. The Agreements will be presented to the Municipal Authority for approval at their March meeting. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the Settlement Agreement and the Dedication Agreement, provided the date(s) are confirmed or corrected in the Dedication Agreement paragraph C. The Motion carried unanimously.

Mr. Kerr announced the following unpublished agenda item. The Board of Supervisors is requested to provide the Township Treasurer with authorization to open an account in the Township's name with the Pennsylvania School District Liquid Asset Fund. This account is in relation to the General Obligation Bond asset for the Route 100 WWTF Expansion. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to authorize Jill Bukata to open the account with PSDLAF in the Township's name. The Motion carried unanimously.

Open Session

Several residents offered comments regarding the escrow release and the Ewing Tract roadway.

A representative of the Glenmoore/Eagle Youth Association offered comments regarding the Township's field use fees. There has been a misunderstanding regarding the structure of the fee schedule which includes hourly, session and seasonal fees. Cary Vargo and Al Gaspari will meet with GEYA leadership to clarify the fee structure.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary