



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING,
CONDITIONAL USE HEARING
June 15, 2015
7:15 p.m.
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
John Good, Esq. – Township Solicitor
Mark Hagerty, Court Stenographer

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 asked John Good to conduct the Conditional Use Hearing. Mr. Good announced that the Hearing this evening is a continuation of the American Tower conditional use hearing and the Applicant was providing further testimony. Mr. Good entered into the record Exhibit A-10, proof of publication of tonight's hearing. Court Stenographer Mark Hagerty recorded the proceedings.

Richard Lemanowicz, lead counsel for American Tower, provided a brief history of the project. American Tower proposes construction of a 150' tall, monopole cell tower on the Shryock property, 780 Dorlan Mill Road. The first Conditional Use Hearing, held August 2014, included the Professional Engineer's testimony: the monopole tower is designed to withstand wind as required by Township codes, is within all setbacks from adjoining properties except with Marsh Creek State Park, which exception was granted by the Township Zoning Hearing Board in 2014. The Applicant then needed to seek, and recently was granted, a variance for construction in a steep slope district (slope exceeded 25%).

Brock Riffle, Radiofrequency Engineer, was sworn in and accepted as an expert in radiofrequency design and operations. AT&T is the intended tenant for this tower. Other carriers may be interested but nothing is being coordinated at this time. The tower adheres to the Federal Communications guidelines for electromagnetic emissions; there will not be interference with other towers, garage door openers, security systems, etc., as different frequencies are used to prevent such interferences.

Exhibits A-20 and A-21 were entered in the record: AT&T's Existing In-Vehicle Coverage Map and Proposed In-Vehicle Coverage Map. (There might be a gap in exhibit numbers.) Terrain, tree canopy, buildings, clutter the airwaves. An area along Route 282 notes unreliable coverage; the proposed tower will provide reliable service occupants and travelers in a 1.5 - 2 mile radius.

No questions were posed by the Board of Supervisors. Brett Boden, Dorlan Mill Road, asked questions regarding the radioactivity levels on and around the tower; Brent Waitneight, Lyndell

Road, asked if nearby towers could be enhanced to achieve the reliable coverage; Janice Sotack, Hopewell Road, asked if the tower could be constructed higher. Debra Lutz, Hopewell Road, asked about the radioactivity level. Brett Boden asked about the foundation supporting a higher tower and the tower's effects on wildlife; Janice Sotack asked if the FCC knows where all cell towers are located, if they test radiation levels and if the public has access to the test results. Brian Sotack, Hopewell Road, commented on co-locators positioned lower on tower. Janice Sotack inquired if the style of the pole affects the radiofrequency. Debra Lutz asked for stealth technology to be used.

Brian Seidel, Land Use Planner and Landscape Architect was sworn in and admitted as an expert witness. Mr. Seidel reviewed and explained various photographic simulations of the tower and advised all Township codes were reviewed and the tower site and design are in compliance.

No questions were posed by the Board of Supervisors. Brett Boden, Dorlan Mill Road, questioned the tower's proximity to the Struble Trail and commented on safety from falling ice; Debra Lutz questioned the diameter of the tower including the antennae array; Brent Waitneight, Lyndell Road, questioned the timing of the photo simulations; Brian Sotack and Debra Lutz questioned use of stealth technology to hide tower.

Mr. Lemanowicz submitted to Mr. Good and the Board of Supervisors an Amended Letter of Compliance.

No further testimony was offered or requested. Mr. Good asked the Board if they wanted to close the Hearing. Mr. Kerr moved, seconded by Mrs. Tomlinson, to close the Hearing. The Motion carried.

Mr. Kerr announced a 5-minute recess would be taken to allow the Applicant to leave. Mr. Kerr called the Meeting to order at 8:10 p.m.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve as presented the minutes of the May 12, 2015 Board of Supervisors Workshop, May 18, 2015 Board of Supervisors Meeting, and May 27, 2015 Conditional Use Hearing and Public Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the payments to all vendors as listed, totaling \$297,920.51. Mr. Donatelli abstained from the payment to the SPCA as he is a Board Member, and the Solid Waste Authority as it is a client of his Firm. The Motion carried unanimously.

Treasurer's Report

Jill Bukata requested the Board approve a budgeted transfer of \$609,000+ from the General Fund to the Capital Fund, to pay down the loan and for planned capital projects; and a \$175,000 transfer from the Solid Waste Fund to the Capital Fund. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the budgeted transfers. The Motion carried unanimously.

Mrs. Bukata reported the Township finances are strong, with revenue receipts at 52.8% of budget and expenses at 37.7% of budget. Most property tax revenues have been received; 47.4% of the earned income tax receipts have been received.

Supervisor's Report

Mr. Kerr read the following calendar: June 17, 2015 Yard Waste Collection; June 20, 2015 6:00 p.m. Upper Uwchlan's 7th Annual Block Party; July 3, 2015 Office Closed – Independence Day

observed; July 14, 2015 4:00 p.m. Board of Supervisors Workshop; July 15, 2015 Yard Waste Collection; July 20, 2015 7:00 p.m. Board of Supervisors Meeting.

Mr. Kerr called attention to the St. Elizabeth's trail closure and detour that will occur in the near future while Columbia Gas completes the Eastside Expansion Project. The detour will last approximately 30 days.

Administration Reports

Township Engineer's Report

Dave Leh reported that paving of the Upland Farm property trails will be scheduled once Columbia Gas has completed their pipeline expansion work on the property; late July is targeted. The Fellowship Fields Field House bid specifications will be available on-line tomorrow. We hope to award the Contract at the July Board of Supervisors meeting.

Building & Codes Department Report

Al Gaspari reported that 119 building permits were issued last month, totaling \$33,693 in permit fees. The Department has been quite active with re-roofing and Resale Use & Occupancy inspections; monitoring inadvertent releases of bentonite on Buckingham Drive that have damaged the roadway - Columbia Gas is responsible to restore the road; and preparing for this Saturday's 7th Annual Block Party, which begins at 6:00 p.m.

Police Chief's Report

Chief DeMarco reported the Department logged 1,299 incidents last month, including 10 criminal arrests. The Department held a 3-day Junior Police Academy that was attended by 34 12-15 year olds. The Officers did a great job running the Academy, visiting County emergency service facilities, fire and ambulance companies, and capping off the 'class' with a helicopter landing. Chief DeMarco commented the Department plans to hold a Citizens' Police Academy this Fall. Information will be posted on the Township website and Police Department Facebook page.

Public Works Department Report

Mike Heckman reported the Department has been busy with preventive maintenance and inspections of municipal vehicles and equipment, responding to numerous PA-1 calls, and the crew installed over 490 tons of asphalt for road base repairs, accomplished mainly by manual application.

ADMINISTRATION

2015 Milling and Paving Contract. Two bids were received for the 2015 Milling and Paving Contract; Haines & Kibblehouse and S. A. Macanga. S. A. Macanga was the low bidder at \$420,695.00 total. Mike Heckman advised that S. A. Macanga has previously done work in the Township. He recommends that the Supervisors award the Contract to S. A. Macanga, Inc. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to award the 2015 Contract to S. A. Macanga in the amount of \$420,695.00. The Motion carried unanimously.

Traffic Signal Construction Contract. Cary Vargo reported that the Township has been monitoring the intersection of Conestoga Road (Route 401) and Fellowship Road for several years, as has been reported previously. A number of safety improvements have been made over the years yet the number of collisions continues to increase. A traffic study notes that 67% of the collisions would be avoidable if a traffic signal was installed. The Township solicited bids to install a traffic light at the intersection. Four bids were received. Charles Higgins & Sons was the low bid at \$167,700.52. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to award the Contract to Charles Higgins & Sons at \$167,700.52. The Motion carried unanimously.

Route 100 Wastewater Treatment Plant – Phase II Construction. Cary Vargo reported that the construction of Phase II of the Route 100 WWTP is going well, except that leaks have been discovered during tank testing. The Contractor and Developers are working to resolve the matter. Pulte Homes has submitted a request to reduce the Performance Bond, ARRO reviewed the request and recommends a reduction in the amount of \$3,624,333.60. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the Performance Bond reduction in the amount of \$3,624,333.60. The Motion carried unanimously.

Ewing Tract – West Vincent Township Phase 2. Cary Vargo advised that Toll Brothers has submitted a request for an escrow release for sanitary sewer work completed in the Ewing Tract located in West Vincent Township. ARRO has reviewed the request and recommends Upper Uwchlan Township provide a recommendation to West Vincent Township to release \$36,914.02. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to make the recommendation to West Vincent Township to release \$36,914.02 to Toll Brothers. The Motion carried unanimously.

Grant Application Submissions. Cary Vargo advised the Township would like to submit applications for the Act 13 Watershed Restoration Program Grant (\$198,000) and a Growing Greener Grant (\$66,165 matching funds), to construct a water quality basin on Upland Farm and repair/improve 2 basins in Heather Hill. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt Resolution #06-15-15-05 authorizing the Township Manager to submit the aforementioned grant applications. The Motion carried unanimously.

Advertisement of Ordinance Amendment. Cary Vargo explained that the Township is working with property owners in the Limited Industrial (LI) District with historic resources on the property regarding permitted additional uses and economic development. A draft ordinance amendment has been prepared, amending Zoning Codes Section 200-44.B. and adding Section 200-44.M. The full text of the ordinance amendment is available at the Township Office. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to authorize the advertisement of the ordinance amendment, for discussion and potential adoption at the Board's July meeting. The Motion carried unanimously.

Open Session

Brett Boden asked if any improvements to the Shryock Property would have to seek Board approval if within 250' of the cell tower. Mr. Vargo replied not unless the cell tower is over 200' tall.

Mrs. Tomlinson presented a plaque given to the Board of Supervisors from Glen Moore Fire Company in appreciation of Upper Uwchlan's participation in their 100th Anniversary Celebration held June 13, 2015.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 8:29 p.m.

Respectfully submitted,

Gwen A. Jonik,
Township Secretary