



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING and
CONDITIONAL USE HEARING
June 16, 2014

Approved

Attending:

Board of Supervisors

Catherine A. Tomlinson, Chair
Guy A Donatelli, 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
John Good, Esq., Township Solicitor
Dave Leh, P.E. Township Engineer
Chris Williams, P.E., Township Traffic Engineer

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

Approval of Minutes

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve as presented the minutes of the May 13, 2014 Board of Supervisors Workshop and the May 19, 2014 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the payments to all vendors. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported the Township's financial position is strong. Earned income tax receipts for the month of May are nearly twice what they were May 2013, and year-to-date is \$572,000 ahead of this time last year. Total expenses are well under budget. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to accept the Treasurer's report. The Motion carried unanimously.

Supervisors Report

Mrs. Tomlinson commented that Saturday's Township Block Party was outstanding. Chief DeMarco and Mrs. Tomlinson presented the following awards: Certificate of Recognition to Bill Quinn, Glen Moore Fire Company Firefighter of the Year; Certificate of Recognition to Michael Lam, Lionville Fire Company Firefighter of the Year. Michael responded to @ 75% of the fire calls over the past year ; Certificate of Recognition to Elena Kelch for becoming an American Citizen. Mrs. Kelch assists the Township Police Department as a Translator.

Mrs. Tomlinson read the following calendar: June 18, 2014 Yard Waste Collection; June 25, 2014 7:00 p.m. Zoning Hearing Board – Applicant: American Towers, LLC; July 4, 2014 Office Closed – Independence Day; July 8, 2014 4:00 p.m. Board of Supervisors Workshop; July 16, 2014 Yard Waste Collection; July 21, 2014 7:00 p.m. Board of Supervisors Meeting.

Mr. Donatelli announced an Executive Session was held June 10, 2014, regarding a legal matter.

Administration Reports

Township Engineer's Report

Dave Leh reported that reviews have been received from PaDEP and the County Conservation District for the Upland Farm Trails. Plans will be revised accordingly. The land development plan for 450 Milford Road has been reviewed by the Consultants. No action was taken by the Planning Commission.

Building and Codes Department Report

Al Gaspari reported that there were 41 building permits issued during May, totaling \$7,073 in permit fees. The Zoning Hearing Board will hold a Hearing June 25, 2014 regarding American Tower, LLC's Application for a cell tower at 780 Dorlan Mill Road.

Police Chief's Report

Chief DeMarco reported the Department handled 1,225 complaints in May, including 18 reported crimes. An emergency response drill will be conducted this Saturday with the Pickering Valley Elementary School.

Public Works Department Report

Mike Heckman reported that personnel are finishing activities related to winter storm damage, repairing storm water inlets, completing roadway base repairs in preparation for resurfacing, which should begin August 1. A storm water pipe replacement project on West Township Line Road will occur the week of July 14, and we are conducting interviews for the Mechanic-Roadworker position.

ADMINISTRATION

Engagement of Verizon Franchise Fees Audit. Cary Vargo reported that as a matter of routine administrative processes, seven Townships are interested in a joint audit of the Verizon Franchise Fees in current Contracts, conducted by the Cohen Group, at a cost per Township of \$4,500. Upper Uwchlan Township has not conducted an audit of the franchise fees in the last five years. Mr. Vargo requested the Board approve the audit fee. Mr. Donatelli moved, seconded by Mrs. Tomlinson to approve the audit fee. Mr. Donatelli asked what happens if the audit discovers that we are owed franchise fees. Mr. Vargo advised that steps will be in place to receive those funds. The Motion carried unanimously.

Storm Water Management Program Fund. Cary Vargo explained that the increased frequency of severe weather is exposing the deterioration of aging infrastructure located on private property. The Township is designing a program to address these challenges and would like to track the expenditures from a separate Fund. Mr. Vargo requests approval to transfer \$155,000 from the General Fund to establish a Storm Water Management Program Fund. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #06-16-14-06, approving the establishment of a Storm Water Management Fund and the transfer of \$155,000 from the General Fund to the Storm Water Management Fund. The Motion carried unanimously.

Solid Waste and Recycling Contract Extension. Cary Vargo explained that the current solid waste and recycling collection contract with A. J. Blosenski, Inc., expires July 31, 2014. The initial Contract was in effect August 2010 through July 2013, and was extended for one year last year. One final one-year extension is available with the Contract, at the following costs: \$418,620 for solid waste and \$148,289 for recycling, for a total \$566,909 August 1, 2014 through July 31, 2015. Solid waste collection includes once per week residential pick-up using Township provided 96-gallon wheeled cart; once per month bulk item pick-up; seventeen leaf and yard waste collections; one dumpster, year-round, for leaf and yard waste drop-off. Recycling collection includes once per week single-stream recycling collection using Township provided 64- or 96-gallon wheeled cart. There has been no issue with the service provided by A.J. Blosenski, Inc. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the final one-year Contract extension, at the aforementioned pricing, effective August 1, 2014 through July 31, 2015. The Motion carried unanimously.

Township General Fund – Fund Balance Policy. Cary Vargo explained that one of the Township's finance goals was to establish a Fund Balance Policy for the General Fund, providing guidelines for funds to be held in reserve for emergencies. This Policy has been recommended by the Township auditor and is a Government Finance Officers Association best practice. A fund balance of 5%-15% of the General Fund Operating budget is suggested. The Board of Supervisors recently discussed targeting a 35% threshold, which the draft Policy reflects. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to establish a General Fund – Fund Balance Policy at 35% of General Fund Operating Expenditures. The Motion carried unanimously.

Wireless Communications Facilities Ordinance (WCF). Kristin Camp, Esq., worked with the Township Planning Commission and the Township Manager since the beginning of the year to update the Township's existing Wireless Communication Facility Ordinance (1999) to address the advancements in technology since that time. The Board of Supervisors has also been involved in the review process, which has followed the Pennsylvania Municipality Planning Code requirements. The Definitions have been updated to comply with current Federal and State Laws, several revisions were made to address WCF in and out of rights-of-way, and as has been the case, WCF are allowed within the LI (Limited Industrial) District through Conditional Use Approval by the Board of Supervisors. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Ordinance #2014-03, which updates the Township's Wireless Communications Facilities Ordinance. The Motion carried unanimously.

Open Session

Michael Persiano, of Canterbury Circle, commented he was pleased to hear of the storm water management remediation program and for setting aside funds to address those issues.

Mrs. Tomlinson announced a short recess would be taken at this time.

The Meeting reconvened at 7:22 p.m. for the Conditional Use Hearing. Mr. Donatelli explained the Schoolhouse occupancy is 58. It was estimated that 75 more people were outside the building. A sidebar discussion was held between the Board of Supervisors, the Township Solicitor, the Applicant's Solicitor and the Windsor Ridge Homeowners Association's Solicitor (requesting Party of Status) to determine whether to proceed with the Hearing even though everyone couldn't fit in the Schoolhouse, or continue the Hearing to another time when a larger venue could be arranged. It was determined that the Hearing would proceed this evening.

John Good, Esq., Township Solicitor, opened the Hearing at 7:30 p.m. and announced this evening's Hearing would adjourn at 8:30 p.m. A second Hearing will be scheduled at a venue adequate for a larger attendance. Court Reporter Nancy Sage recorded the proceedings. Mr. Good explained the Applicant is Nace Properties, Karen and Gary Nace, who are proposing a Children's House Montessori School and daycare center on a parcel located in Windsor Ridge, adjacent to the Windsor Ridge Community Center. Mr. Good entered the following Board of Supervisors' exhibits into the record.

- B-1 Conditional Use Application and Plan
- B-2 Proof of Publication
- B- 3 Proof of Posting of the Property
- B-4 Planning Commission May 8, 2014 Meeting Minutes
- B-5 Planning Commission's Concerns - June 12, 2014
- B-6 Windsor Ridge Conditional Use Decision & Order of 2002
- B-7 Senn-Dilibero Settlement Agreement - March 2002
- B-8 Marcus & Hoffman Letters dated June 11, 2014 and June 13, 2014
- B-9 Township Engineers' Review Letter dated June 5, 2014
- B-10 Correspondence from Brian Nagle, Esq. dated June 16, 2014

A brief summary of the Application: proposing a Children's House of Exton (Montessori School), operating 9:00-3:00, Monday-Friday, for children ages 2-6 years, maximum enrollment per session is 78. Also proposed is the potential for a complimentary daycare for up to 30 children who attend the school. Before school care is 7:30 a.m. - 9:00 am, after school care is 3:00 p.m. - 6:00 p.m. The daycare would not be available initially, rather an option for the future.

The Applicant's Solicitor, Brian Nagle of MacElree Harvey, distributed the Applicant's exhibits and questioned Mrs. Nace, who provided testimony regarding anticipated student population, general practices at the school she currently operates, student drop-off and pick-up procedures.

The Homeowners Association's Solicitor, Adam Marcus of Marcus & Hoffman, questioned Mrs. Nace regarding the classrooms, class sizes, student drop-off and pick-up procedures, parking for special school events.

Mr. Donatelli inquired if there was an external PA or bell system proposed. Mrs. Nace replied there will not be either of those systems.

Windsor Ridge residents questioned Mrs. Nace regarding the following topics:
Jordan Thompson - overflow traffic waiting on other properties to pick up students if the pick-up area is full.
Makarnad Kulkarni - do the children go outside every day.
Denise Lopez -Marjano – what is the typical school year and what are staff/student ratios.
Ying Li – would the school have its own playground.
Ahmad Patel - playground noise and responsible party for accidents in the parking lot.

Mr. Good announced the end of this evening's Hearing as it was 8:30 p.m. Mrs. Tomlinson announced the next Hearing would be scheduled, possibly for the third Monday in July, and the details would be advertised.
Mrs. Tomlinson thanked the residents for attending the Hearing.

Adjournment

There being no further business to be brought before the Board, Mrs. Tomlinson adjourned the meeting
at 8:34 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary