



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING and
CONDITIONAL USE HEARING
January 20, 2015
Approved

Attending:

Board of Supervisors

Kevin C. Kerr, 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, Public Works Director
Kristin Camp, 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.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve as presented the minutes of the December 9, 2014 Board of Supervisors Workshop and Proposed 2015 Budget Workshop, the December 15, 2014 Board of Supervisors Meeting and the January 5, 2015 Board of Supervisors Organization Meeting. The Motion carried unanimously.

Approval of Payments

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

Treasurer's Report

Jill Bukata reported the Township has a strong cash position. Year end 2014 revenues were \$118.8% of budget; expenses were 105.4% of budget. Mrs. Tomlinson inquired of several outstanding reimbursable engineering fees and field use fees. The Finance Department continues pursuing these delinquent accounts.

Supervisor's Report

Mr. Kerr read the following calendar: January 21, 2015, Christmas Tree and yard waste collection; January 28, 2015, 7:00 p.m. Conditional Use Hearing: BAPS of Upper Uwchlan; February 10, 2015, 4:00 p.m. Board of Supervisors Workshop; February 16, 2015 Office Closed – Presidents' Day; February 17**, 2015 (Tuesday) 7:00 p.m. Board of Supervisors Meeting (** subsequently postponed to February 18 –Wednesday).

Mr. Kerr announced that the Board met with Brett Hand earlier this evening to discuss his interest in serving on the Planning Commission and that he'll be a great asset to the Commission. Mrs. Tomlinson moved, seconded by Mr. Kerr, to appoint Brett to the Planning Commission. So moved.

Township Engineer's Report

No verbal report provided this evening.

Building and Codes Department Report

Al Gaspari reported that 50 building permits were issued in December. Throughout 2014, 1,125 permits were issued, totaling \$121,800 in permit fees; most of these were re-roofing permits. Mr. Gaspari reported there are several new businesses in the Township – Dogtopia, Akylas CrossFit – the Uppatinas School property might be sold, and the last lot in Waynebrook has been sold.

Police Chief's Report

Chief DeMarco reported that 1,209 calls were logged during December, including 51 traffic citations, 20 reported crimes (mostly identity theft); the Officers have completed training using a simulator for various driving and roadway conditions; the Department is receiving a \$1,200 grant from the Insurance Company which will be used for automatic defibrillators for the Officers to have with them while on patrol and one in the office.

Public Works Department Report

Mike Heckman reported the Department is performing preventive maintenance and State inspections for the vehicles, PA 1 calls, road inspections, 5 snow/ice control events, cleaning equipment, and storm water inlet cleaning. Kyle Ripka recently attained Playground Inspector Certification and he is very interested in turf management.

ADMINISTRATION

Cary Vargo provided a brief history of Chester County's Emergency Communications Voice Radio upgrade project and the location of a new radio tower within the Township to enhance the system coverage. The location is at the Route 100 Wastewater Treatment Plant and an easement was needed. The property remains under Toll Brothers ownership until the Phase II expansion is complete and the Plant and property is dedicated to the Township. An Easement Agreement between Toll Brothers and the Township was drafted and reviewed by Township Solicitors. Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve and sign the Easement Agreement between Toll and Upper Uwchlan Township. The Motion carried unanimously.

Open Session

There were no comments offered.

Adjournment

There being no further regular business to be brought before the Board, Mr. Kerr adjourned the business portion of the evening at 7:15 p.m.

A short recess was taken.

Conditional Use Hearing

Mr. Kerr called the Conditional Use Hearing to order at 7:30 p.m. Mr. Donatelli sent his apologies as he's not able to attend.

In attendance:

Kevin Kerr, Catherine Tomlinson, Kristin Camp, Esq. – Buckley Brion McGuire and Morris, Mark Hagerty – Court Stenographer, Cary Vargo, Gwen Jonik, Chief DeMarco, Al Gaspari, Chris Williams – McMahan Associates.

Alyson Zarro, Esq. – Riley Riper Hollin and Colagreco, Sam Carlo – Orleans Homebuilders, Guy DiMartino – Traffic Planning & Design, Mark Thompson – Taylor Wiseman Taylor

Twenty-four residents were in attendance. Mark Hagerty recorded the proceedings.

Kristin Camp explained that the Hearing tonight is a continuation of the January 6, 2015 Hearing of the Conditional Use Application of Toll Brothers and Orleans Homebuilders regarding amending the 2002 Conditional Use Decision and Order which required a continuous road system through both Upper Uwchlan Township and West Vincent Township. Ms. Camp called the Parties to the Proceedings and asked if anyone else wanted Party status. Mr. Ridall's presence this evening is in his capacity as the President of the Ewing/Courts Homeowners Association. Mr. Lee Stevens requested Party status, representing the Byers Station Master Homeowners Association. Ms. Zarro objected to the Byers Station Master HOA having Party status; Ms. Camp overruled the objection as the roadway traverses the Byers Station development.

Ms. Camp asked Ms. Zarro if she objected to Mr. Donatelli's reviewing tonight's transcript in order to make his decision in the future. Ms. Zarro didn't object. Ms. Camp advised that the Board of Supervisors will have 45 days after closing the Hearing to make their decision, which most likely will be February 17, 2015 at the Board of Supervisors' regular meeting. The Parties will receive a copy of the Decision.

Barb Edwards requested Party status in her capacity as President of the Mews at Byers Station Homeowners Association. Ms. Zarro objected to the representation of the Mews HOA. Mrs. Edwards was advised she could comment as an individual affected by the roadway conditions, but not in her capacity of representing the Mews HOA.

Mr. Fish and Mr. Ocilka were not present this evening. Mr. Smith and Mr. Ridall presented evidence, provided testimony and general comments regarding the Application.

Mr. Stevens, as President of the Master HOA, presented evidence which was entered into the Record as Byers HOA Exhibits 1, 2, 3 and 4.

Comments were made by the following residents (included in detail in the Transcript): Barb Edwards, Kumar Bhargava, Stuart Bran, Karen Saunders, Stephen Krauchick, Lee Stevens.

No further evidence, testimony nor comments were brought before the Board. Ms. Camp proceeded to close the Hearing at 8:15 p.m. and reiterated that the Board of Supervisors has 45 days to render a decision which will be publicly read.

Respectfully submitted,

Gwen A. Jonik,
Township Secretary