



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL MEETING
April 14, 2015
7:00 p.m.
Approved
(with revision in italics)

Location: Pickering Valley Elementary School
121 Byers Road, Chester Springs, PA 19425

In Attendance:

Kevin C. Kerr, Chairperson	Gwen A. Jonik, Township Secretary
Guy A. Donatelli, Vice Chairperson	Jill Bukata, Township Treasurer
Catherine A. Tomlinson, Supervisor	Mike Heckman, Public Works Director
Cary B. Vargo, Township Manager	John DeMarco, Township Police Chief
Christine Kimmel, Esq., Township Solicitor	

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

Conditional Use Decision & Order

Applicant: Chester County Department of Emergency Services

re: Emergency Voice Radio Upgrade Project

Mr. Kerr explained that the Conditional Use Hearing was closed March 23, 2015 and that providing the Public an opportunity to comment this evening is the last step of the conditional use approval process. Christine Kimmel provided a brief history of the progression of the process: In 2013, Buckley Brion McGuire & Morris assisted the Township to amend its Wireless Communications Facility Ordinance in order to update the text to address the advances in technology, and to permit the use of public safety towers in the Limited Industrial (LI) District through conditional use approval by the Board of Supervisors. In April 2014, the Township issued a press release to the Homeowners Associations for dissemination to their residents regarding the proposed amendments to the Wireless Communications Facility Ordinance and the intent of the County to seek approval to erect a public safety communications tower in the Township. The Ordinance amendment was publicly advertised and subsequently adopted in June 2014. Chester County Department of Emergency Services submitted a Conditional Use Application in February 2015, seeking approval to erect a public safety communications tower at 275 Fellowship Road. The conditional use hearing was publicly advertised and held March 23, 2015, 7:15 p.m., the evidentiary record was closed that evening, and the Board of Supervisors must render a Decision within 45 days. A draft Decision & Order was crafted. The floor is now open for public comment.

Sanjay Guglani, 711 Buffington Circle, commented that a petition was circulated requesting the Board reconsider the location of the tower. Emergency responders are to be applauded and he supports the goal of 97% radio coverage. The issue is the location of the tower and he doesn't believe the advertising and notification process was effective.

Mike Holmes, Assistant Chief of Lionville Fire Company, commented that the hundreds of dedicated emergency response volunteers need improved radio coverage in this specific area and throughout the County. County and Township officials are to be applauded for planning and building an upgraded radio system as saving lives is the priority.

Barbara Edwards, 74 Granite Lane, supports improved radio coverage for emergency services and the need for a tower; however the location should be reconsidered.

Raymond Erfle, 600 Churchill Road, supports a tower to provide 97% radio coverage, requests the further investigation of using existing tower sites, and believes the tower will be too close to pipelines and athletic fields for safety.

Ravi Venkatesh, 510 Benson Lane, appreciated the Board changing the time and location of this meeting, agreed a tower is needed but not at this proposed location, appreciates emergency responders, and doesn't agree with the approval process.

Steve Senn, 165 E. Township Line Road, knows that radio coverage needs to be improved, supports the tower location in order to complete the county-wide system upgrade, and encourages residents attend Supervisors' meetings to stay informed.

Spencer Levin, 2027 Garrison Drive, thanked emergency responders for their service, agrees a tower is needed but not at this proposed location, requests further investigation of using existing sites.

Jim McGowan, Police Chief - Downingtown Borough, commended County officials for their due diligence and fiscal responsibility throughout the entire project, and supports communications that will work for Upper Uwchlan residents and those in surrounding communities.

Kumar Bhargava, 2150 Ferncroft Lane, commented on lack of communication from Homeowners Associations.

Michele Dempsey, 175 Magnolia Drive, appreciates emergency responders, doesn't think notification was effective, and requests consideration of an alternate site before the Board renders their Decision.

Neeraj Kumar, 1703 Dolby Way, supports a tower in a different location.

Frank Rosati, 151 Palsgrove Way, commented on the notification process and believes the tower site is too close for safety to the athletic fields.

John Edwards, Fire Chief - East Brandywine Fire Company, commented on the County's thorough due diligence in selecting the site and that the increased safety of the Township residents and emergency service providers will outweigh the aesthetics.

Natalie Marquis, 151 Palsgrove Way, commented on whether an electromagnetic field study was conducted and the relation to health issues.

Ms. Jaya Duraiswamy, 417 Prescott Drive, commented that the tower will decrease home values.

Mark Hansen, 1520 Sheldon Court, commented on notification process, thanked emergency responders, and decrease in property values.

Cathy Rawlings, East Brandywine resident, commented the tower will increase effective emergency communications which increases the safety of everyone in Upper Uwchlan as well as surrounding communities.

Derrick Hine, 4142 Crescent Drive, West Vincent Township, appreciates emergency responders, accepts other facilities at that location but doesn't favor a tower there.

Ms. Jay Kanchana, 516 Emerson Circle, commented that the tower should be located elsewhere.

Arthur Steinberger, 147 Palsgrove Way, favors increased communications but alternate location.

Shelly Slogoff, 822 Mount Rose Road, commented on increased safety for emergency responders and the community but the location isn't safe.

Barbara Bengston, 218 Prescott Drive, appreciates emergency responders, didn't agree with notification process, and is concerned about the health effects of the tower.

Ms. Vimmi Guglani, 711 Buffington Circle, is concerned with effects on health, select an alternate location for the tower.

Erik Brecht, Sadsburyville Fire Company, commented that County officials thoroughly researched the communications systems and tower sites in order to provide the most effective county-wide emergency communications system, benefitting all County residents.

Bobby Kagel, Director of the Chester County Department of Emergency Services, commented that all of the comments provided this evening are appreciated. He also commented that technical requirements, physical criteria and public safety were the determining factors in locating the tower sites.

Kevin Kerr thanked the audience for their comments and announced a five-minute recess would be taken. *The Board of Supervisors proceeded to hold an Executive Session regarding legal matters.*

Mr. Kerr reconvened the meeting at 8:58 p.m. and announced the Board would render a Decision regarding the County's Conditional Use Application at this time.

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to grant Conditional Use Approval to the Chester County Department of Emergency Services, in a form acceptable to the Solicitor, regarding the emergency communications facility on Fellowship Road, and to grant a waiver from providing a Fiscal Impact Statement. The Motion carried unanimously.

Land Development

Kimberly Freimuth, Esq., Fox Rothschild, presented a Subdivision and Land Development Plan, dated March 9, 2015, which was submitted by the Chester County Department of Emergency Services for the development of the public safety communications tower site on Fellowship Road. The Plans were reviewed by Township's consultants and Planning Commission. The parcel is less than 1 acre, the Plan addresses storm water management, and 2 waivers were requested, the aforementioned waiver from providing a fiscal impact study as this isn't a residential development, and a waiver from the requirement that the storm water basin have a 1-foot embankment. The County will comply with all comments contained in Gilmore & Associates' March 18, 2015 review letter. The Plans have been revised (dated April 8, 2015) and the Township consultants will be requested to review those Plans for that compliance.

Mr. Donatelli asked if all Limited Industrial (LI) District bulk and area regulations are met. Ms. Freimuth replied that those regulations are met.

Answers to questions posed by the audience include: the land development plans do not address the electro-magnetic safety zone of the tower; the trail connection with Windsor Ridge and Fellowship Fields will not be impacted as the trail will follow the access road; the County targets construction to begin within a few months, following Plan and building permit approvals; the tower site is not too close to the pipeline; the site will be surrounded by 8' fencing, topped with barbed wire; and no, this property has not recently been re-zoned to Limited Industrial.

Mr. Donatelli moved to grant Preliminary/Final Land Development Approval, Mrs. Tomlinson seconded, Mr. Donatelli revised his Motion to also include granting the waiver from providing a fiscal impact study and to permit the provided 'freeboard' for the storm water management basin to be less than the 1-foot requirement. Mr. Kerr seconded, and the Motion carried unanimously.

ADMINISTRATION

Chester County Emergency Voice Radio Upgrade Project – Property Lease Agreement – Approval. Cary Vargo explained that Township and County Solicitors have worked to negotiate a Lease Agreement between the County and the Township for the County to lease from the Township the parcel for the emergency voice radio tower. The initial term is for 20 years, at \$2,000/month. The Agreement also includes an automatic renewal for 15 additional 5-year terms, 5% rental increase per additional term, 50% rent forgiveness if rent and co-location revenue to the township exceeds \$50,000, and high-angle rescue training will be provided at no cost to Township emergency service personnel. Mr. Kerr questioned whether bonding requirements and tower removal are included in the Agreement. Mr. Vargo advised that upon building permit approval, a \$100,000 bond is required to be issued to the Township, in the event the Township ever has to maintain/remove the tower. If the tower becomes obsolete the owner (County) will need to remove it. Mrs. Tomlinson questioned the life expectancy of the tower, which Mr. Kagel advised is projected at 25-30 years. Ray Erfle questioned if any further height could be added, to which Ms. Freimuth advised it cannot go higher than the 325' permitted at this time. Mr. Donatelli questioned the inclusion of indemnity provisions. Mr. Vargo advised indemnity provisions are detailed in the Agreement. A member of the audience commented that the monthly fee seemed low. Mr. Vargo advised it compares with other local property rentals for this type of tower.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the Lease Agreement as presented this evening. Mr. Donatelli questioned the commencement of the Lease payments. Mr. Vargo advised that detail is included in the Agreement, and will begin when construction begins. The Motion carried unanimously.

Fellowship Field Fieldhouse Agreement. Mr. Vargo advised that an Agreement has been drafted and revised to incorporate comments made previously by the Board, between the Marsh Creek Eagle (MCE) Football Program, the Believe and Achieve Foundation (B&A) and the Township, to design and construct a field house at Fellowship Fields, to be located at the 50-yard line of the synthetic turf field. The Township will have project management / general contractor responsibilities, will bid the professional services for the construction, will prepare the building pad, and install utilities to within 5' of the field house. The MCE and B&A will fund all other costs for the construction of the field house. The Board is requested to approve the final draft of the Agreement as presented this evening.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve and execute the Fellowship Fields Field House Agreement. The Motion carried unanimously.

Liquid Fuels Budget. Jill Bukata, Township Treasurer, reported that Liquid Fuels will be over budget by @ \$55,000 for snow/ice control materials and snow plowing personnel due to the numerous snow/ice events this past winter. There is a contingency fund built into the budget for this type of situation and the Board is requested to authorize planned paving projects to proceed although the Liquid Fuels fund will be over budget.

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to authorize road paving to be accomplished as planned. The Motion carried unanimously.

Mr. Donatelli asked how pothole repair is going. Mike Heckman advised that individual pothole repair is going well, unfortunately there are some areas where the whole road is deteriorating.

Disposition of Township Property – Vehicles. Cary Vargo advised that two public works trucks were being replaced this year and had been advertised for sale. The Board is asked to accept the high bids and approve the sale of the following vehicles:

1991 International Dump Truck with a 10' Plow – high bid \$6,250.00;

2007 Ford F-550 Dump Truck with a 9' Plow – high bid \$15,700.00;

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to accept the high bids as listed. The Motion carried unanimously.

Open Session

Michele Dempsey commented she'd like the County to provide documentation of their tower site inquiries and results.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 10:11 p.m.

Respectfully submitted,

Gwen A. Jonik,
Township Secretary