



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING, and
CONDITIONAL USE HEARING

December 21, 2015

7:00 p.m.

Approved

Attending:

Board of Supervisors

Kevin C. Kerr, Chair

Guy A. Donatelli, Vice-Chair

Catherine A. Tomlinson, Member

Supervisor-Elect Jamie Goncharoff

Kristin Camp, Esq., Township Solicitor

Mark Hagerty, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager

Gwen A. Jonik, Township Secretary

Jill Bukata, Township Treasurer

John DeMarco, Police Chief

Al Gaspari, Codes Administrator

Dave Leh, P.E., Township Engineer

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

Approval of Minutes

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve as presented the minutes of the November 10, 2015 Board of Supervisors Workshop and the November 16, 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 from all funds as listed, totaling \$764,494.38. Mr. Donatelli has a standing abstention 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 the Township's finances remain strong, with year to date revenues at 96.5% of the budget and expenses at 93.4% of the budget; earned income tax receipts through November are at 87.6% of the budget, which could indicate we'll fall short of the budget for the year; and the first principal payment on the General Obligation Bond (interest to the Bondholders) was paid during November.

Supervisor's Report

Mr. Kerr announced an Executive Session was held this evening regarding personnel.

Chief DeMarco introduced and Mr. Kerr presented a plaque to each of 5 volunteer firefighters in recognition of their recent completion of National Firefighter 1 Training, a 200-hour course attended on personal time by these volunteer firefighters, who put themselves in harm's way responding to emergencies in our Community. The Board of Supervisors thanked and congratulated David Gledhill, Benjamin Mucha, Nick Proko and Aidan Raymond of East Brandywine Fire Company, and Craig Soden of Ludwigs Corner Fire Company, in recognition of their accomplishment.

East Brandywine Fire Chief Edwards thanked the Board for the moral support, and recognition of the firefighters, and he recognized Chief DeMarco for his efforts in guiding and teaching these young trainees.

Mr. Kerr and Mr. Donatelli recognized Cathy Tomlinson on this occasion of her last meeting as Township Supervisor, stating that during Mrs. Tomlinson's 12-year tenure as Supervisor, she's brought thorough and thoughtful consideration to each decision, championed parks and emergency services, and has served the residents with sincerity and respect. Mrs. Tomlinson spoke of Upper Uwchlan Township being the best place to be, of serving with a great team of Boards, Commissions and Staff, who bring different strengths and talents to benefit of the Community.

Mrs. Tomlinson was presented with a Citation from Senator Rafferty, an encased American Flag accompanied by a Certificate of it having been flown over the State Capitol, and a cut-flower arrangement.

Mr. Kerr read the published calendar, as follows: December 25, 2015 Office Closed – Christmas Day; January 1, 2016 Office Closed – new Year's Day; January 4, 2016 7:00 p.m. Board of Supervisors Annual Organization Meeting; January 5, 2016 3:30 p.m. Elected Auditors Annual Organization Meeting; January 12, 2016 4:00 p.m. Board of Supervisors Workshop; January 19, 2016 (Tuesday) 7:00 Board of Supervisors Meeting; Christmas Tree / Yard Waste Collection Dates of January 6 and January 20.

Administration Reports

Township Engineer's Report

Dave Leh reported that building construction continues on Eagleview Corporate Center Lot 1. The proposed manufacturing use in that building requires Conditional Use approval – the Hearing will be opened later this evening. Gunner Properties has submitted a Conditional Use application proposing 44 townhomes at 270-290 Park Road. The Conditional Use Hearing is scheduled to take place January 19, 2016.

Building and Codes Department Report

Al Gaspari reported that 38 building permits were issued in November, totaling \$102,941 in permit fees; the Upland Farm house porch roof has been repaired ; the Fellowship Field Fieldhouse construction is moving right along; there is a lot of real estate re-sale activity.

Police Chief's Report

Chief DeMarco reported the Department handled 1,267 incidents, including 22 reported crimes (ID theft) and 7 criminal arrests; Corporal Gathercole is nearing the end of his 1-year probationary period; a new part-time Police Officer should begin next month; and keep an eye on your Holiday package deliveries and be mindful with how you dispose of boxes so passers-by won't know what your household has received.

Public Works Department Report

Cary Vargo reported the tasks/activities completed over the past month include preventative maintenance on vehicles and equipment, preparing vehicles and equipment for snow –related activities, wastewater treatment facility improvements, planning for the implementation of a Facilities Division next year, and researching an Accreditation process which will begin next year.

ADMINISTRATION

Darrell Drive Construction Contract. Cary Vargo explained that the Township had advertised for bids for the construction of Darrell Drive, a planned through-road between Route 100 and Little Conestoga Road, south of the Upland Farm property. Engineering and construction management costs for the roadway and trail construction were included in the 2016 Budget. A.J. Jurich, Inc. submitted the low bid of \$562,600, which includes the construction of the road, trail, and Alternate Bid Item 1. McMahon Associates checked their references and recommends the construction contract be award to A.J. Jurich, Inc. McMahon Associates has quoted the engineering and construction management services at \$37,400.00. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to award the Construction Contract to A.J. Jurich, Inc. at \$562,600.00 and the Engineering/Construction Management Services to McMahon Associates at \$37,400. The Motion carried unanimously.

Ordinances:

Cary Vargo requested the Board consider adopting an Ordinance (#2015-08) amending the definition of *Employee* within the Non-Uniformed Employee Pension Plan Ordinance to include an exclusion that those employees hired after January 1, 2016 will be participating in a Defined Contribution Pension Plan, not a Defined Benefit Pension Plan; and consider adopting an Ordinance (#2015-09) establishing a Non-Uniformed Employee Defined Contribution Pension Plan for employees hired after January 1, 2016. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt **Ordinances #2015-08 and #2015-09** as described above. The Motion carried unanimously.

Mr. Vargo advised that there have been traffic safety issues from vehicles parking on/along Fellowship Road in the vicinity of Fellowship Fields. Parking restrictions are enforced via Ordinance. Mr. Vargo requested the Board consider adopting an Ordinance (#2015-10) which adds the portion of Fellowship Road between the western Magnolia Drive and Eagle Farms Road to the No Parking Ordinance. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt **Ordinance #2015-10**, restricting parking on Fellowship Road. The Motion carried unanimously.

Resolutions:

Mr. Vargo requested the Board adopt Resolution #12-21-15-17 authorizing the submission of an application to the State Department of Transportation Multimodal Transportation Fund. The Township is seeking \$2,165,622 to improve Pennsylvania Drive and Stockton Drive through repair and reconstruction, and the installation of medians and streetscapes, which will reduce the footprint. We are working in conjunction with Uwchlan Township so the Eagleview streetscape is consistent. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt **Resolution #12-21-15-17** authorizing the grant application submission. Mr. Kerr asked when the grant might be awarded and when construction could begin if awarded. Mr. Vargo advised the aware would be in 2016, construction wouldn't start until 2017 at the earliest. The Motion carried unanimously.

Cary Vargo requested the Board adopt Resolution #12-21-15-18, accepting dedication of the remainder of Station Boulevard, between Garman Drive and the West Vincent Township Line (Eagle Farms Road), as well as the remainder of Sunderland Avenue (East) from Ferncroft Lane to the West Vincent Township Line. These portions of roadway lie within the Ewing Tract and the Upper Uwchlan portion of the Ewing Tract is fully constructed. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt **Resolution #12-21-15-18** accepting dedication of the roadways as described above. The Motion carried unanimously.

2016 Budget and Tax Millage Rate Resolution. Cary Vargo advised that the proposed 2016 Budget, totaling \$10,924,847, was reviewed and discussed at the October and November Supervisors Workshops. No tax increase is proposed – the millage rate remains 1.034. Mr. Vargo commended Jill Bukata and the Department Heads for their work developing this budget. Mr. Donatelli also commended the Staff. The total budget includes the General Operating Fund, Capital Reserve, Additional Debt Extinguishment, Solid Waste, Liquid Fuels, Storm Water Management, Act 209 Traffic Impact Fee, and Sewer Funds. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt **Resolution #12-21-15-19**, establishing the 2016 Budget at \$10,924,847, and a 1.034 real estate tax millage, plus .087 Hydrant Tax for applicable properties. The Motion carried unanimously.

Employee Pension Plan Contribution Rates. The Township is required to annually state the employees' contribution rates to the Pension Plans for the following year. For 2016, the Non-Uniformed Employees will contribute 5% of Salary; the Uniformed (Police) Employees will contribute 4% of Salary. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt **Resolutions #12-21-15-20 and #12-21-15-21**, respectively, establishing the employees' 2016 pension plan contribution rates. The Motion carried unanimously.

2016 Fee Schedule Resolution. The 2016 Fee Schedule includes a few minor increases in building permit fees, township consultants' rates, the peddling/soliciting license fees, and the addition of the Western Chester County Regional Uniform Construction Code Appeals Board fees. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt **Resolution #12-21-15-22**, establishing the 2016 Fee Schedule. The Motion carried unanimously.

2016 Emergency Services Providers. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt **Resolution #12-21-15-23**, which states the Agencies providing emergency service response to Upper Uwchlan Township: Lionville Fire Company, Ludwigs Corner Fire Company, East Brandywine Fire Company, Glenmoore Fire Company, Uwchlan Ambulance Corps, Ludwigs Corner QRS, Public Works employees, Township Police employees, East Brandywine Fire Company QRS, Glenmoore Fire Company QRS. The Motion carried unanimously.

Open Session

A gentleman asked for a brief summary of the "Gunner Properties – 270-290 Park Road" project, of which the conditional use hearing was continued from this evening to January's meeting, and questioned the allowable density. Mr. Vargo advised that the project proposes the construction of 44 townhomes on 3 currently vacant parcels on Park Road, to the east of Heather Hill Drive, within the C-1 Commercial Village District. There isn't particular zoning regulation for density; however Mrs. Camp offered to forward the zoning district information to the gentleman.

Mr. Kerr announced the adjournment of the regular business meeting at 7:40 p.m. and a 5-minute recess, prior to commencing the Conditional Use Hearing.

Conditional Use Hearing

Mr. Kerr called the Conditional Use Hearing to order at 7:45 p.m. and requested Kristin Camp, Esq., conduct the Hearing. Mark Hagerty, Court Stenographer, recorded the proceedings.

Ms. Camp stated the Conditional Use Hearing was for The Hankin Group regarding approval to allow a 20,500 SF manufacturing use within a new construction building on Lot 1 of Eagleview Corporate Center, Tax Parcel 32-3-81. Ms. Camp entered the following Board of Supervisors Exhibits into the Record:

Exhibits:

1. Conditional Use Application dated December 2, 2015
2. Final Land Development Plan for Lot 1 prepared by Chester Valley Engineers, dated April 30, 2013
3. Proof of Publication
4. Affidavit of property posting
5. Draft minutes of the December 10, 2015 Township Planning Commission meeting
6. Correspondence McMahon Associates dated December 9, 2015

Ms. Camp explained the process for anyone wishing to be of 'Party Status', someone who owns or leases property near Eagleview Corporate Center Lot 1. Steve McNaughton expressed interest in Party Status.

Mike Malloy, Esq., General Counsel for The Hankin Group, accepted Mr. McNaughton's Party Status.

Mr. Malloy briefly restated the Conditional Use request for manufacturing use in a portion of an 80,000 SF building, currently under construction. Neal Fisher, P.E., The Hankin Group, was in attendance, and advised the building is being constructed on Sierra Drive. Lot 1 totals @ 71 acres.

Mr. Malloy entered the following Applicants' Exhibits into the Record:

A-1 Conditional Use Application dated December 2, 2015

A-2 Property Deed dated January 9, 1986

A-3 Two sheets (Sheets #2, #4) from the Land Development Plan dated April 30, 2013

A-4 Memo from Ray Ott dated December 2, 2015 regarding the financial analysis shows a positive financial impact to the Township and the School District

A-5 Traffic Planning & Design letter dated December 1, 2015 regarding this use will have less traffic than proposed in the initial land development approval

A-6 McMahon Associates' letter to Dave Leh, both Township Consultants

Mark Hagerty swore in Mr. Jerry Madden, Director of Facilities and Maintenance for DSM Biomedical, the proposed tenant for the new building on Lot #1, who will provide testimony regarding the manufacturing process of contact lens material. Detailed information would be available in the transcript of this Hearing. DSM currently employs @ 300 at their existing Upper Uwchlan Township facility. The new facility would create 50-75 jobs in administration, manufacturing, research & development, and warehousing. Raw materials and finished products will be stored inside the building. Employees receive safety handling training. There will be one shift for production, one shift for cleanup and maintenance. No light, noise or noxious odors during the process. They are regulated by the FDA. There have been no accidents at their facility in Berkeley, California, which is being relocated here as there is no growth potential at the California site and it sits on a fault line. If something would go wrong, it'd just be product wasted. Lionville Fire Company is very familiar with DSM and their existing facilities.

Questions by the Board of Supervisors and Ms. Camp focused on the type, safety and storage of the materials involved in the manufacturing and cleaning processes; the type, location, and safety of the vessels used in the manufacturing and cleaning processes; fire or incident containment features within the building; amount and type of truck traffic; State or Federal Agency regulations/compliance. There were questions regarding township codes and allowable outside storage, requiring further research outside this Hearing.

The Township Planning Commission had reviewed the request and at their December 10, 2015 meeting, recommended 3 conditions for the Supervisors' consideration. Mr. Malloy advised the Applicant would comply with the Commission's conditions.

Attendees Russ Grasso, Jamie Goncharoff, Steve McNaughton and Rhys Williams posed questions regarding materials, tank size and location, distance from residences and public trail, safety features of storage tanks and manufacturing space.

Ms. Camp advised that the Board of Supervisors would like to continue the Record to January 19, 2016, at or after 7:00 p.m., which will be followed by a Conditional Use Hearing for the Gunner Properties Application. Ms. Camp noted that while Mrs. Tomlinson is leaving the Office of Supervisor December 31, her successor Jamie Goncharoff was in attendance tonight, preparing him for his consideration of this Application.

Mr. Kerr moved to continue the Hearing/Record to January 19, 2016, seconded by Mrs. Tomlinson and following a unanimous approval, the evening was adjourned at 9:15 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary