



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
CONDITIONAL USE HEARING,  
REGULAR MEETING  
December 17, 2012  
7:00 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  
Jill Bukata, C.P.A., Township Treasurer  
Mike Heckman, Director of Public Works  
Al Gaspari, Codes Administrator  
Dave Leh, P.E., Gilmore & Associates

John Good, Esq., Township Solicitor  
Sheila Fleming, Brandywine Conservancy  
Matt Brown, ARRO

Mark Hagerty, Court Stenographer  
Chris Williams, McMahon Associates  
Bob Wise, Wise Preservation Planning

Mr. Kerr called the meeting to order at 7:01 p.m., led the salute to the flag, and offered a moment of silence. Mr. Kerr announced the regular meeting will be conducted until the arrival of Mr. Good.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve as presented the minutes of the Board of Supervisors November 13, 2012 Workshop and the November 19, 2012 Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Kerr announced the payments from the General Fund total \$141,739.72; Solid Waste Fund \$56,933.74; Liquid Fuels \$43,628.75; Act 209 \$59,551.25; and Capital Fund \$106,759.89. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to pay all vendors as listed. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported the Balance Sheet is strong, several operating transfers have paid capital expenditures and reduced our debt by \$1.7M, Earned Income Tax revenue continues to exceed budget, and Act 904 Recycling Grant monies have been received.

Mrs. Tomlinson asked the status of collecting outstanding park/athletic field fees. Jill advised several payments have been received recently.

Conditional Use Hearing – Applicant: Toll PA IV

Mr. Kerr requested Mr. Good proceed to conduct the Conditional Use Hearing for Toll PA IV's application for developing the Frame Property on Little Conestoga Road. Court Stenographer Mark Hagerty recorded the Hearing.

Mr. Good advised that no Hearings had been held since September, the following documents were entered as Board exhibits, the Hearing would be open until 8:15 or so this evening and if necessary, be continued to Tuesday, January 22, 2013.

Riley Riper Hollin & Colagreco letter submitting "Alternative A Conditional Use Plan" dated November 21, 2012

Fiscal Impact Analysis prepared by David C. Babbitt dated November 19, 2012

Transportation Impact Study Supplement prepared by Traffic Planning and Design, Dated November 19, 2012

Gilmore & Associates Review Letter dated December 11, 2012

Township Planning Commission comment letter dated December 17, 2012

Alyson Zarro, representing Toll, presented the "Alternative A Plan", which addresses some of the comments of the Planning Commission and Consultants over the past months and distributed a packet of Exhibits A-28 through A-38. Paul Boettinger, David Babbitt, Guy DiMartino, and Mike Downs provided testimony this evening.

The main differences provided in the "Alternative A Plan" are the reduction in the number of proposed homes (55); added left turn lane on eastbound Little Conestoga; extended westbound deceleration lane; widened road for entryway; one large tot lot instead of 2 small; trail link and crosswalk from north to south side of Little Conestoga; on Green Valley Road, open space access would include 18 parking spaces and a boardwalk stream crossing; relocate sewer pump station; disturbance of prohibitive and precautionary slopes needing Zoning relief;

Ms. Zarro requested Applicant Exhibits A-28 through A-38 be entered into evidence, Mr. Good announced the Hearing is continued to January 22, at which time the Township Consultants will provide testimony.

Mr. Kerr announced a 5-minute recess would be taken. The meeting reconvened at 8:02 p.m.

#### Supervisors' Reports

Mr. Kerr read the Emergency Service Providers' reports for November and the published calendar. Ludwigs Corner Fire Company – 7 fire calls, 8 QRS calls; Lionville Fire Company, East Brandywine Fire Company and Glenmoore Fire Company reports were not received; Uwchlan Ambulance Corps – 26 calls; Teenaid – 2 calls.

Calendar: December 25, 2012 Office Closed; January 1, 2013 Office Closed; January 2, 2013 Christmas Tree / Yard Waste Collection; January 7, 2013 7:00 p.m. Board of Supervisors Annual Organization Meeting and Joint Boards & Commission Workshop; January 16, 2013 Christmas Tree / Yard Waste Collection; January 22, 2013 (Tuesday) 7:00 p.m. Board of Supervisors Meeting.

#### Administration Reports

##### Township Engineers Report

Dave Leh reported he's been working on the base plan and wetland survey for the trails and park facility at Upland Farm, which Toll Brothers will install as a Condition of their Byers Station/Ewing Tract Conditional Use Approval.

##### Building and Codes Department Report

Al Gaspari reported that there were 22 building permits issued in November, totaling \$10,887.00 in fees, and the number of permits issued in 2012 has exceeded projections. Mr. Gaspari also reported that Car Sense has completed an addition to their service bays, which should be open later this week; ViroPharma has submitted a permit application for their expansion in Eagleview;

Fellowship Fields turf field has been rented for the winter; Hickory Park has been winterized with the Public Works Department's help; an Eagle Scout is constructing and installing 2 bulletin boards at Fellowship Fields; diesel pumps are being installed at the Wawa.

Steve McNaughton commented on earth-moving activity on Lot 11 in Eagleview.

#### Police Chief's Report

Cary Vargo reported on the Chief's behalf that 24 crimes were reported in November, and be mindful of what you put out in your trash over the holidays so you don't attract attention to your belongings.

#### Public Works Department Report

Mike Heckman reported there is a tear in the new salt shed roof, which will be replaced, not repaired, and the adaptive traffic control system started another test cycle today.

#### ADMINISTRATION

2013 Budget. Cary Vargo commended Jill Bukata and the Department Leaders for their efforts drafting the 2013 Budget. All Funds total \$8,115,724.00. The Township tax millage rate remains 1.034 mills. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #12-17-12-14 establishing the 2013 Budget and Tax Millage Rate. The Motion carried unanimously.

The Township is required to annually state the employees' contribution rates to the Pension Plans. The Uniformed (Police) Employees will contribute 3% of Salary, the Non-Uniformed Employees will contribute 4%. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt Resolutions #12-17-12-15 and #12-17-12-16 establishing the employee's contribution rates for 2013, respectively. The Motion carried unanimously.

2013 Fee Schedule. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #12-17-12-17 establishing the building permit, trash/sewer account certifications, park/athletic field use fees, etc. for 2013. The Motion carried unanimously.

Don Carlson suggested the establishment of fines for the miscellaneous signs along the roadsides, especially on weekends. Mr. Kerr advised this could be discussed at a future Workshop, providing time to research violation consequences within existing Ordinances.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #12-17-12-18 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.

Brandywine Creek Greenway (BCG) Concept Plan Endorsement. Sheila Fleming of the Brandywine Conservancy summarized the development of the BCG Concept Plan. Sixteen Municipalities along the Brandywine Creek have met over the last 2 years to develop the concept of a 30-mile long conservation corridor along the Creek, from Chadds Ford to Honey Brook, which would provide for recreational opportunities along and on the water, preserving and enhancing water quality, preserving open space and viewsheds, etc. The Concept Plan Draft was finalized June 2012. Eight more Municipalities, along the western branch, are beginning to participate in the Planning process. In January 2013, Phase II - strategic action

planning - will begin. Brandywine Conservancy asks for the Board's endorsement of the Concept Plan, which brings a higher level of recognition to the Project when considered for State funding. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to adopt Resolution #12-17-12-19, stating Upper Uwchlan Township's endorsement of the Brandywine Creek Greenway Concept Plan dated June 2012. The Motion carried unanimously.

Ordinance Amendment. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Ordinance #2012-06, adding Old West Township Line Road to the Township's Vehicle and Traffic Ordinance Section 176-6 "No Stopping, Standing, or Parking". The Motion carried unanimously.

#### Open Session

Steve McNaughton commented that regarding the Frame Property conditional use plan, the roadways should be 32' wide in the event the Fetters property behind it is developed in the future and the road becomes a through-way.

#### Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Gwen A. Jonik,  
Township Secretary