



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

November 17, 2014

Minutes

Approved

Attending:

Board of Supervisors

Catherine A. Tomlinson, Chair  
Kevin C. Kerr, Vice-Chair  
Guy 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  
Dave Leh, P.E. Township Engineer  
John E. Good, Esq., Township Solicitor

Call To Order

Mrs. Tomlinson called the meeting to order at 7:05 p.m., led the salute and offered a moment of silence.

Mrs. Tomlinson advised the attendees that the order of the meeting would be changed from the published agenda in that we would start with the Treasurer's Report, followed by Administration item A. and then proceed with the Conditional Use Hearing.

Treasurer's Report

Jill Bukata requested approval to transfer funds from the Solid Waste and General Funds to the Capital Fund, as approved in the 2014 Budget. Mr. Donatelli moved, seconded by Mr. Kerr, to approve the transfers and the Motion carried unanimously.

Jill Bukata reported the financial position remains strong. Earned Income Tax revenue is \$500,000 ahead of this time last year but this won't recur next year; some past-due receivables were received from Toll. Mr. Kerr moved, seconded by Mr. Donatelli, to accept the Treasurer's Report as presented. The Motion carried unanimously.

Administration – Item A.

The proposed 2015 Budget, totaling \$7,997,919, is prepared for advertisement. The General Fund is 2.4% higher than the 2014 Budget. No tax increase is necessary. Mr. Donatelli moved, seconded by Mr. Kerr, to authorize advertisement of the proposed 2015 Budget. The Motion carried unanimously. Mr. Donatelli thanked Mrs. Bukata and all of the Departments for the hard work and efforts to keep the budget in line and produce another award-winning budget document.

Conditional Use Hearing: Applicant Akylas LLC / Scott Shellhamer

Mrs. Tomlinson turned the meeting over to John Good, Esq., to conduct a Conditional Use Hearing for Akylas, LLC / Scott Shellhamer: Court Stenographer, William Handy, recorded the proceedings. Mr. Good summarized the Application: Mr. Shellhamer requests approval to operate a CrossFit gym at 50 Senn Drive in the Eagle Industrial Park, located in the Limited Industrial District. This use is permitted in the Limited Industrial District by Conditional Use Approval of the Board of Supervisors.

Mr. Good entered into the Record the following Board of Supervisors Exhibits:

- B-1 Conditional Use Application
- B-2 Proof of Publication
- B-3 Posting of the Property
- B-4 Draft minutes of the October 9, 2014 Planning Commission Meeting

Mr. Good read the project narrative provided by Mr. Shellhamer. Mr. Shellhamer was sworn in by the Court Stenographer, and he provided additional details: there is plenty of parking; there are restrooms but no locker room facilities; a small area will be reserved for babysitting, which isn't typical; they hope to start a kids' CrossFit program in the future, which would be scaled down exercises/games to get the kids active and having fun; the temperature in the building is kept near 60° in fall and winter, no air conditioning; pre-packaged fitness foods might be offered for sale. The Board favored the Use and welcomed Mr. Shellhamer to the business community.

Mr. Donatelli moved, seconded by Mr. Kerr, to approve the Conditional Use Application in accordance with tonight's testimony. The Motion carried unanimously.

#### Approval of Minutes

Mr. Kerr moved, seconded by Mr. Donatelli, to approve as presented the minutes of the October 14, 2014 Board of Supervisors Workshop and the October 20, 2014 Board of Supervisors Meeting. The Motion carried unanimously.

#### Approval of Payments

Mr. Donatelli moved, seconded by Mr. Kerr, to approve all payments as listed November 14, 2014. Mr. Donatelli abstained from the payment to the Chester County Solid Waste Authority as it is a client of his Firm. The Motion carried unanimously.

#### Supervisor's Report

Mrs. Tomlinson announced Executive Sessions had been held November 11 and earlier this evening regarding personnel and legal matters.

#### Administration Reports

##### Township Engineer's Report

Dave Leh reported that 60% of the Upland Farm trail earthwork is done and they'll continue as weather permits; the roadways in Waynebrook have been paved for winter and the trails will be completed shortly; Toll's Frame Property Final Land Development Plan is to be reviewed by the Planning Commission this week.

##### Building and Codes Department Report

Al Gaspari reported that 216 building permits were issued last month, totaling \$17,112 in fees; most were re-roofing permits. The Marsh Creek Eagles finished their season this past weekend prompting the closure of the grass fields at Fellowship Fields. Mr. Gaspari met with Columbia Gas Representatives who hope to begin the pipeline expansion work next February/March. They asked about work hours and noise levels, etc. Mr. Donatelli questioned whether or not Columbia has received FERC approval (Federal Environmental Resource Commission) and it isn't believed to be so, nor their environmental approval. Some of the drilling will be 100' below surface.

##### Police Chief's Report

Chief DeMarco reported 1,283 complaints were logged in October, including 3 criminal arrests. Mr. Donatelli thanked the Chief for the Department's cooperation in working with Mrs. Egnaczyk and Representative Corbin to install a medications drop-off box in the Township Office lobby, providing a secure location for residents to dispose of expired or unused medications at no charge.

### Public Works Department Report

Mike Heckman report the Department continues with fall maintenance projects and finished line striping. Salt spreaders are already on the trucks, ready and waiting.

### ADMINISTRATION

B. Distribution of Firefighters Relief Funds. Cary Vargo explained Firefighters Relief Funds in the amount of \$105,968.74 have been received from the State and will be distributed to the four Firefighters' Relief Funds. This funding comes from a tax on premiums for casualty and fire insurances sold in Pennsylvania by out of state insurance companies. Mr. Donatelli moved, seconded by Mr. Kerr, to distribute the funds as follows based on the response rate, population, and assessed values of property within each fire company's territory: Ludwigs Corner 48.3%, Lionville 44.4%, East Brandywine 4.8% and Glenmoore 2.5%. The Motion carried unanimously.

C. Police Officer Disability Separation Agreement. Mr. Donatelli moved, seconded by Mr. Kerr, to approve a severance agreement for Sgt. Bright, who was injured on the job. The Motion carried unanimously.

D. Little Conestoga Road Pump Station Four-Party Agreement. Mr. Donatelli moved, seconded by Mr. Kerr, to approve a four-party agreement to share proportionate costs of the construction of the Little Conestoga Road Pump Station, a part of the Route 100 WWTF Phase II Sewer Expansion. The Motion carried unanimously.

### Open Session

Kevin Kerr commented that we should move forward with ordering the new Public Works trucks in hopes they'll be available to handle any early 2015 snow/ice events. Mike Heckman and Cary Vargo will investigate the lead times. Mike Heckman explained to the attendees that we need to replace a few trucks any way and since we're short of plow trucks, if we can get 1 ordered prior to 2015, we might have it before the first significant snowfall.

### Adjournment

There being no further business to be brought before the Board, Mrs. Tomlinson adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Gwen A. Jonik,  
Township Secretary