

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING FOR APRIL 2009
APRIL 13, 2009 / APRIL 27, 2009

The meeting was called to order at 7:31 p.m. by Chairman Joseph E. Toner and the Pledge of Allegiance was recited.

Present: Supervisors: Joseph E. Toner, Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Secretary Lynda Phiel; Fire Marshal Mike Holmes and Chief Pontarelli.

Absent: Township Treasurer Sue Bernhard.

Mr. Toner welcomed two Boy Scouts from Troop #105, which meets at St. Phillips & James Church.

Minutes: Mr. Gaines made a motion to approve the minutes of March 9, 2009 and Mr. Bozarth seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

BUSINESS:

REPORTS:

Police: Chief Pontarelli reported that there were 339 traffic citations, 19 criminal arrests and 39 traffic accidents during the month of March.

Treasurer: Ms. Bernhard has submitted her report for the month of March. The following is a list of revenues and expenses.

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$ 631,730.52	\$ 525,647.67
Hydrant	11,394.48	7,974.00
State Liquid Fuel	13.27	39,888.03
Sewer	77,132.02	104,775.91

Mr. Hanley reported that for the month of March the Township has collected approximately 22% of its budgeted revenues and spent about 19% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of March the Road Department repaired and replaced signs; repaired mailboxes and lawns damaged during snow removal; performed State inspections; salted roadways three times and plowed once; cleaned and stored snow removal equipment; completed sweeping of streets; and performed equipment maintenance.

Sanitation Department: Mr. Hanley reported that for the month of March:

Daily Average Flow	
Downingtown	1.44gpd

There were no sewer connections at either plant.

The Township has received 1.5 inches of precipitation during the month of March. Year-to-date, there is a deficit of 5 inches.

Fire Marshal: Mr. Holmes reported that he answered 24 fire calls during the month of March, 11 of which were during work hours; spent 2 hours of work time handling Fire Department activity; assisted the Road Department with salting; assisted in a fire investigation for a fire that occurred at 931 Evan Dr.; conducted fire inspections of commercial buildings totaling 1.1 million s.f.; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 46 alarms during the month of March, 31 of which were in Uwchlan Township. Also, the fire at 931 Evan Dr. looks suspicious in nature, but the investigation has not been completed.

Uwchlan Ambulance Corps: No one was present. However, totals e-mailed to the Township show that the Ambulance Corps responded to 255 calls during the month of March, 82 of which were in Uwchlan Township.

Mr. Gaines made a motion to accept the Reports as submitted and Mr. Bozarth seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

Announcement of Vehicle Bids: No Bids

The Township has received no bids for the 3 vehicles that were advertised for sale. However, the Christiana Borough has indicated an interest in purchasing one of the police vehicles but for a number less than the minimum purchase price. Mr. Hanley asked the Board if they would agree to allow Christiana Borough to purchase one of the vehicles and rebid the remaining two with no minimum bid required.

The Board members agreed.

Resolution No. 2009-15: Amending the Open Records Policy to Include Provisions for Destroying the Tapes Used to Tape Township Meetings

The Township adopted an Open Records Policy at the beginning of the year. Since that time, the Pennsylvania Office of Open Records has given a subsequent advisory opinion on recordings of local agency meetings and their retention. Based on that recommendation, this Resolution allows the Township Secretary to destroy any and all taped recordings upon acceptance of the minutes transcribed from same tapes.

Mr. Gaines made a motion to adopt Resolution No. 2009-15 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Resolution No. 2009-16: Approving an Inter-Municipal Government Agreement between the Township and the County

Since the County is eligible to apply for Grants under the Federal Recovery Act and the Township qualifies for funding under this grant offering, this Resolution would allow the Board of Supervisors to enter into an Inter-Municipal Agreement with Chester County. The Police Department would like to use the grant money to update their camera security system.

Mr. Gaines made a motion to adopt Resolution No. 2009-16 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Requests:

1. Spring Dance: Tent Sales April 17-25, June 4-8 and August 28-31

Dan Sine, from Spring Dance, requested the above dates to hold their seasonal tent sales. He proposes to use a 20 x 20 tent placed in the grass area in front of his store located in the Lion Share Shopping Center. He stated that the Owner of the property is "OK" with the tent sales as long as the Township is in agreement.

When asked if there have been any problems in the past with these sales, Mr. Cooke noted that in recent past, Spring Dance has held special sales, which were not permitted and when told about it, the Township was ignored. They have also displayed signs and large plastic ducks that were not approved.

Mr. Gaines expressed his concern that the location in the grass area may interfere with the PennDOT right-of-way.

Mr. Bozarth noted that the Township tries to be fair with special requests and sometimes the Board needs to place conditions on the approvals. In this case, if approved, conditions would include getting a letter of approval from the property owner and assurance that the location does not interfere with PennDOT right-of-way. Mr. Sine will then have to convey all this information to the Township. Also, if Spring Dance does not comply with the conditions set forth, their requests may not be approved in the future.

Mr. Toner told Mr. Sine that there will be no flags, no ducks, and no banners.

Mr. Bozarth made a motion to approve the request contingent on it being determined that the location does not interfere with PennDOT right-of-way and receipt of a letter from the Owner of the property indicating his approval for the tent sales. Mr. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

2. Brubacher Construction: Work Evenings

Since Township Ordinance prohibits construction companies from working in the evening, Brubacher Construction has requested permission to work during night hours while they widen the intersection of Rt. 113/Eagleview Blvd./Crump Rd. The proposed work will be on May 14th & 15th from 8:00 p.m. until 6:00 a.m. and will cut back on interference with daily rush hour traffic.

The Hankin Group, Owners of Severgn Apartments, have asked that the request not be approved since it will create too much noise for its residents. Brubacher, in turn, asked to proceed with the request and they will discuss any ramifications with the Hankin Group.

The Board members agreed that it would be advantageous for the work to be done during evening hours. Chief Pontarelli noted that the arrangement will be much safer.

Mr. Gaines made a motion to approve Brubacher's request and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

3. Natural Lands Trust: Letter Allowing the State to Acquire Portion of Shryock in Uwchlan for State Park Purposes

The Township has received a letter requesting the transfer of the Shryock acreage located within Uwchlan Township to the State Park system. After a brief discussion, the Board decided to approve the transfer of the land contingent on it remaining "as is" with no further improvements.

4. Pickering Feed: Request to Sell Flowers and Plants until July 31, 2009

The Township has received a letter from Mr. Cracas requesting his yearly flower/plant sale from his parking lot until July 31, 2009.

Mr. Gaines made a motion to grant the request contingent on the sale ending on July 31, 2009 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Vanguard: Discussion - Restrictive Covenants

Mr. Hanley reported that the Township has received another letter from Ms. Yarnoff, Attorney for Vanguard, granting an extension through May 12, 2009 to allow additional time for the restrictive covenants to be finalized. He asked that the Board authorize Mr. Cooke and himself to sit down with Ms. Yarnoff to facilitate the completion of these covenants.

The Board members agreed.

2009 Road Program:

Mr. Hanley explained that the 2009 road project will cost approximately \$331,000 and is based on a wearing surface price of \$43/ton, which is good for the month of April. He requested permission to add \$60,000 more to the budget in order to repair more roads by taking advantage of this price.

Mr. Gaines made a motion to approve the Spring road program and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

A letter will be sent to residents of all the roadways being milled and paved beginning next week.

Board of Supervisors Liaison Appointments:

Mr. Toner announced the following liaison appointments for 2009, which follow PEMA guidelines:

Public Works: Includes facilities, roads and sanitation as well as Parks and Sewer Departments and their buildings - Mr. Toner

Public Safety: Includes Police, Fire and Rescue and their buildings - Mr. Gaines

Public Health: Includes EMS and transportation as well as Township Administration, Zoning and their buildings - Mr. Bozarth

Mr. Toner asked if anyone had any comment. Mr. Bozarth said he had nothing more to add. The appointments stand as shown above.

ANNOUNCEMENTS:

1. 04/27- Board of Supervisors - 7:30 p.m. - Conditional Use Hearing - 114 Andover Drive - Request for solar panel installations
2. 04/27 - Board of Supervisors
3. 05/04 - Park & Recreation - 7:30 p.m.
4. 05/06 - Planning Commission - 7:30 p.m.
5. 05/11 - Board of Supervisors - 7:30 p.m.
6. 05/14 - Historical Commission @ Cadwalader House - 7:30 p.m.

Mr. Toner also announced that LYA will hold their opening ceremonies this Saturday at 9:00 a.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

There being no other business, Mr. Gaines made a motion to adjourn the meeting at 8:09 p.m. Mr. Bozarth seconded and the motion was carried.

Respectfully submitted,

Lynda Phiel
Township Secretary

/jc

MINUTES FOR APRIL 27, 2009

The meeting was called to order at 7:30 p.m. by Chairman Joseph E. Toner and the Pledge of Allegiance was recited.

Present: Supervisors: Joseph E. Toner, Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley, Building/Zoning Officer Tom Cooke and Solicitor Bob McClintock.

Minutes: *Mr. Gaines made a motion to approve the minutes of April 13, 2009 and Mr. Bozarth seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.*

Conditional Use Hearing: 114 Andover Dr. - Request for Solar Panel Installations

The Conditional Use Hearing for this item was transcribed by a Court Reporter.

Upon completion of the Hearing at 8:22 p.m., the following business items were discussed:

BUSINESS:

Vanguard: Discussion - Restrictive Covenants

Mr. Hanley reported that the Township has received two documents from Vanguard. One is an Agreement between the Township and Vanguard regarding the construction of certain improvements at the intersection of Rt. 113/Eagleview Blvd./Crump Rd., which would require a payment from Vanguard that was agreed upon in the Conditional Use Decision from 2000. The second document is the First Amendment to the Declaration of Covenants that were completed in 2002.

These amendments are the result of the plan that was submitted to the Board back on September 8, 2008. Changes to the plan included the addition of a terraced parking facility, the improvements to the above-noted intersection, and completion of the ring road after the first two office buildings are built. Both documents have been reviewed and are recommended for approval by Vanguard's Attorney, Denise Yarnoff and Township Solicitor Guy Donatelli.

Mr. Gaines made a motion to approve the two documents as outlined above and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Proposed Ordinance: Defining Fireworks, Permitting the Use of Sparklers and Violation and Enforcement Provisions

This Ordinance is the result of several requests from vendors to put up tents and sell various fireworks, and outlines what is permitted in the Township.

The Board members gave permission to advertise for adoption at the May 11th meeting.

ANNOUNCEMENTS:

1. 05/04 - Park & Recreation - 7:30 p.m.
2. 05/06 - Planning Commission - 7:30 p.m.
3. 05/11 - Board of Supervisors - 7:30 p.m.
4. 05/14 - Historical Commission @ Cadwalader House - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Kalemjian reported that there is a sight distance problem at the intersection of Glendale Rd. and S. Village Ave. The homeowner will be contacted and asked to trim a tree.

Immediately following the meeting, the Board entered into an Executive Session to discuss a legal matter.

There being no other business, Mr. Gaines made a motion to adjourn at 8:38 p.m. Mr. Bozarth seconded and the motion was carried.

Respectfully submitted,

Doug Hanley
Township Manager

/jc