

**UWCHLAN TOWNSHIP BOARD OF SUPERVISORS**  
**MINUTES OF REGULAR MEETING**  
**AUGUST 11, 2008**

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The meeting was called to order at 7:30 p.m. by Chairman Frederick W. Gaines and the Pledge of Allegiance was recited.

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

Minutes: *The minutes of July 14, 2008 were approved by a motion made by Mr. Toner and seconded by Mr. Bozarth. Mr. Gaines asked for public comment. There being none, the motion was carried.*

**BUSINESS:**

**REPORTS:**

Police: Chief Pontarelli reported that there were 214 traffic citations, 28 criminal arrests and 24 auto accidents during the month of July.

Treasurer: Mr. Hanley reported that the Township has collected 65% of its budgeted revenues and spent 68% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of July the Road Department repaired catch basins on Charles Dr. and Cypress Ct; cut brush and tree limbs along various roadways; repaired potholes; prepared Wm. Salesbury and Cypress Ct. for future paving; performed state inspections; and serviced and repaired various equipment.

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

Daily Average Flow	
Downingtown	1.39 million gpd

There were no sewer connections at either Plant during the month of July.

The Township received 5.61 inches of precipitation during the month of July. Year-to-date, there is a deficit of 1.23 inches.

Fire Marshal: Mr. Holmes reported that he answered 22 fire calls during the month of July, 7 of which were during work hours; spent 30 hours of work time handling Fire Department activity; visited the factory where the new fire truck is being manufactured; reviewed plans for commercial buildings and inspected those under construction.

Mr. Toner asked for an update on a fire siren complaint. A resident requested that the siren located at the Fire Co. on S. Village Ave. not be activated as often as it is disruptive. Mr. Holmes stated that they are currently investigating alternatives which will limit the times the siren rings as well as the duration of the ring.

Mr. Gaines noted that this is a sensitive issue. Although the siren may not need to be sounded as often or as long as it is currently, the Township does not want to limit it to a point that it is detrimental to the responders.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 62 alarms during the month of July, 33 of which were in Uwchlan Township. Also, the yearly Clam Bake is scheduled for August 31, 2008.

Uwchlan Ambulance Corps: Mr. Toolan reported the Ambulance Corps responded to 230 calls during the month of July, 72 of which were in Uwchlan Township. There is a Municipal Relations meeting scheduled for Wednesday, September 24<sup>th</sup> at 7:00 p.m.

Mr. Toolan introduced Scott Welker, their new Executive Director.

Mr. Hanley announced that the Township advertised for bids for anyone interested in purchasing the Hoffecker House and moving it to a different location. No bids were received. The Township will now proceed forward with removal of the porches and searching the basement area to see if there is anything of historical significance.

#### Resolution No. 2008-18 - Westmoreland Council of Government: Joint Purchasing Agreement

This resolution provides for the direct purchase from vendors or suppliers of goods, materials, and/or equipment without compliance with existing and otherwise applicable statutory requirements governing competitive bidding.

*Mr. Toner made a motion to adopt Resolution No. 2008-18 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

#### Hankin - Eagleview - Lot #51: Final Subdivision (Resolution No. 2008-19)

Neal Fisher presented the Final Subdivision Plan for approximately 45.9 acres fronting on both Rt. 100 and Eagleview Blvd., behind the Hankin office building. One of the lots, Lot #57, already has a 5-story office building on it. The remainder of the property will be divided into three other lots. There is no Land Development approval requested at this time although the plan shows typical buildings and parking as shown on the original Master Plan for that area. Full scale plans will be prepared and submitted with development of each of the lots.

The Applicant has received a clean review letter from E.B. Walsh dated July 24, 2008. There are no outstanding items requiring attention at this time.

Mr. Gaines asked if they are still planning to conserve the ruins on the property. Mr. Fisher answered that they are committed to stabilizing the historic tannery on the property.

*Mr. Toner made a motion to approve the Final Subdivision plan (Resolution No. 2008-19) contingent on the E.B. Walsh review letter of July 24, 2008, and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

#### Hankin - Eagleview Crossing: Final Land Development (Resolution No. 2008-20)

Neal Fisher presented the Final Land Development plan to develop a 38.2 acre tract of land located on the East side of Route 100 adjacent to the Pennsylvania Turnpike and Eagleview Blvd. The proposal shows a 5-story, 135 room hotel with an 80 seat restaurant, and a stand-alone restaurant with seating for 260 people.

The Applicant has received review letters from E.B. Walsh dated July 24, 2008; Gannett Fleming dated July 29, 2008; Stanley Stubbe dated July 28, 2008; Orth-Rodgers dated August 1, 2008; Township Police dated July 22, 2008 and Fire Marshal dated August 5, 2008; and has agreed to address all of the comments.

Applicant is still awaiting approval from PennDOT for the right-in, right-out access onto Route 100 in Upper Uwchlan Township, but does not anticipate any problems.

Mr. Bozarth voiced concern that occupancy of the buildings does not occur before both entrances to the property are open. Mr. Fisher noted that there is a statement on the plan regarding Upper Uwchlan's Conditional Use Decision and the access in that Township, which will not be made functional until January 2, 2010. PennDOT has verbally concurred with that date. If, for some reason, access is not ready by that time and Applicant is ready for occupancy, Township staff will revisit the issue.

Mr. Gaines commented that we have no control over what Upper Uwchlan Township decides and that Uwchlan Township needs to rely on what PennDOT says.

*Mr. Toner made a motion to approve the Eagleview Crossing Final Land Development, Resolution No. 2008-20, as presented. Mr. Bozarth asked that the motion be amended to include the requirements listed in the review letters or be contingent on the Planning Commission's motion. Mr. Toner said the resolution stands on its own.*

When asked for his opinion, Mr. Donatelli stated that if the Resolution contains the Conditions required for the application to be granted, then the Resolution can stand on its own.

Mr. Toner said he made the motion and was looking for a second. Mr. Bozarth reiterated that the motion needs to be contingent on the requirements listed in the Planning Commission's recommendation to approve. Mr. Toner stated that this document, the Resolution, stands on its own.

*Mr. Gaines seconded the motion and the motion was carried with two votes. Mr. Bozarth opposed the motion.*

#### Woodview Dr.: Block Party Request

The Township received a letter from Brian Foley, Woodview Dr. resident, requesting permission to hold their 4<sup>th</sup> Annual Block Party on September 13<sup>th</sup> from 4:00 p.m.- 10:00 p.m. The Police Department have no objections.

Mr. Toner requested that even though the party is supposed to end at 9:00 p.m., all activities related to the party must end at that time, including clean-up and dismantling of tables, etc. Mr. Foley agreed.

Mr. Foley asked if someone from the Police Department and Fire Company could attend. Chief Pontarelli acknowledged that the Police will send a representative.

*Mr. Toner made a motion to approve the Block Party as presented and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

#### Aladin Grocery Store: Outside Seating Request

No one was present.

#### Vanguard: Time Extension

Mr. Hanley reported that the Township has received a letter from Denise Yarnoff, Attorney, granting an extension through September 23, 2008 for the Vanguard plan.

No motion was required.

## PennDOT: Winter Service Agreement

The Township has received PennDOT's Winter Service Agreement wherein the roads serviced by us, but owned by PennDOT, are listed.

Mr. Gaines asked if the Township accepts liability related to issues on these particular roadways. Mr. Hanley said, "Yes".

*Mr. Toner made a motion to approve the PennDOT Winter Service Agreement and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

## ANNOUNCEMENTS:

1. 08/14 - Historical Commission - Cadwalder House - 7:30 p.m. Cancelled
2. 08/19 - Zoning Hearing Board - Lasorda Decision, Variance - Gottlieb, 30 North Village Avenue & Hankin, Lot 51 - 7:00 p.m.
3. 09/03 - Planning Commission - 7:30 p.m.
4. 09/08 - Board of Supervisors - 7:30 p.m.
5. 09/08 - Park & Recreation Board - 7:30 p.m. - Small Conference Room

## OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Toner announced that the Parks Department will be replacing some older equipment, the largest being a tractor with cab and front end loader/mower. Various other equipment will be purchased under State Contract with total cost being approximately \$84,000.

*Mr. Toner made a motion to approve the replacement of the equipment with a price cap of \$80,000 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

Nancy Kane, 210 Allen Dr., complained that there is a single family home in her neighborhood that is for sale and is advertised as having an apartment/office. She questioned why this was not against the Township's Zoning Ordinance and therefore not permitted.

Mr. Cooke explained that originally the property was approved for an in-law suite and later, during the 1970's, the owner requested the space be used as an apartment or office. The Zoning Hearing Board granted the request. This property is therefore grandfathered and the use is allowed to convey to subsequent owners.

Mr. Hanley announced that in reviewing Resolution No. 2008-20 for Eagleview Crossing, there is no mention of the Conditions of approval and the Board must make their motion contingent on the Conditions listed in the Planning Commission minutes of August 6, 2008.

*Mr. Toner made a motion to amend the motion for Eagleview Crossing to include that approval is granted contingent on the Planning Commission's recommendation of August 6, 2008. Mr. Bozarth seconded the motion, which was carried.*

Steve Swymer, 200 Reber Cr., asked the Board to write a letter of support to State Senator Dinniman to ban the use of cell phones while driving. He also apologized for implying during a recent meeting that the roads in Uwchlan Township are not safe and he commended the Police Department.

Mr. Swymer is, however, still concerned with the number of people who speed and asked that a committee be formed to study creative ways of handling speeding.

Peg McCorry, 901 Welsh Ayres Way, asked for an update to her request to re-open old Milford Rd. to thru traffic. Mr. Hanley said the Township Traffic Engineer has been authorized to study the proposal, but no report has been received.

She again asked that the "One Way" sign be replaced at the bridge near Filman Rd. The Owner at 1215 Dowlin Forge Rd. keeps removing it. The Police will look at the situation and make a recommendation.

*There being no other business, Mr. Toner made a motion to adjourn the meeting at 8:20 p.m. Mr. Bozarth seconded and the motion was carried.*

Respectfully submitted,

Lynda Phiel  
Township Secretary

/jc