

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR & SPECIAL MEETINGS
DECEMBER 8, 2008 / DECEMBER 22, 2008

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 Treasurer Sue Bernhard; Fire Marshal Mike Holmes; Township Solicitor Guy Donatelli and Chief Pontarelli.

Minutes: *Mr. Toner requested that the following minor changes be made to the minutes of November 10, 2008:*

Page 2, under Lionville Fire Co., "tank truck has been given" changed to "tank truck has been sold" and "old tank truck was originally" be changed to "old auto car tank truck was originally".

Mr. Toner made a motion to approve the minutes of November 10, 2008 with these changes and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

BUSINESS:

REPORTS:

Police: Chief Pontarelli reported that there were 254 traffic citations, 44 criminal arrests and 68 traffic accidents during the month of November.

Mr. Toner noted that a letter was received from the Boy Scouts thanking Sergeant Balban for a tour of the Police Department given the Scouts. The Scouts were impressed with the Sergeant and see him as a positive role model.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$842,767.29	\$570,995.38
Hydrant	194.20	7,974.00
Sewer	214,512.15	156,077.53

Ms. Bernhard reported that the Township has slightly exceeded its budgeted revenues and spent 95% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of November the Road Department blacktopped an area on Norwood Rd. as well as at the sewer plant; helped install a waste tank at the sewer plant; cleaned the intersection of Northwood Dr. & Route 113; helped the Parks Department with assemblage of playground equipment; cleaned catch basins; repaired and replaced signs; salted roadways one time; and serviced and repaired various equipment.

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

Daily Average Flow	
Downingtown	1.31 million gpd

There were no sewer connections at either plant for the month of November.

The Township has received approximately 3 inches of precipitation during the month of November. Year-to-date, there is a deficit of 2.75 inches.

Fire Marshal: Mr. Holmes reported that he answered 21 fire calls during the month of November, 6 of which were during working hours; spent 27 hours of work time handling Fire Department activity, which included final inspection of newly purchased fire truck; assisted Road Department with salting of roads; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 38 alarms during the month of November, 19 of which were in Uwchlan Township.

The new fire truck has been delivered and is currently being equipped with radios and other apparatus. It will be in service sometime in January.

Uwchlan Ambulance Corps: No one was present.

The Board accepted the reports as submitted.

Conditional Use Decision: J. Loew & Associates for a Walgreens and Fast-Food Restaurant Pad on the Corner of Dowlin Forge Rd. and Eagleview Blvd.

Mr. Donatelli has drafted the Conditional Use Decision necessary to construct a fast food restaurant and a Walgreens Pharmacy of over 10,000 s.f. at 201 Dowlin Forge Rd., Tax Parcel #33-4G-367. Some of the Conditions are listed below but are not limited to:

1. Although the Board is prepared to treat the instant application as one project, the Board considers the fast food restaurant and the Walgreens Pharmacy as two distinct projects on two distinct lots which have been assembled into a single application to address the circulation component of the development and the Fiscal Impact.
2. A cross-easement agreement between the Owners of the Genuardi Center, the fast food restaurant, the Walgreens and the Calvary Chapel Church must be submitted and approved by the Township.
3. Approval is conditioned upon Applicant's ability to receive the necessary side yard variance from the Uwchlan Township Zoning Hearing Board or entering into a mutual agreement with and between the Owners of Calvary Chapel, Walgreens, restaurant and Genuardi Center.
4. In lieu of the Fiscal Impact Study, Applicant will contribute \$1,250.00 per lot to the Public Safety Fund and \$5,000 per lot to the Park Fund.
5. Except as expressly modified by the Conditions of this Decision and Order, or during the Land Development approval, the Applicant will comply with all of the Conditions of the Uwchlan Township Planning Commission's recommendations set forth in their minutes of November 5, 2008.
6. Applicant shall comply with all comments and recommendations set forth in correspondence of Gannett Fleming dated October 28, 2008; Orth-Rodgers dated November 6, 2008; E.B. Walsh & Associates dated November 4, 2008; Fire Marshal dated November 4, 2008; and Police Department dated November 5, 2008.

Mr. Toner made a motion to approve the Conditional Use Decision for Tax Parcel #33-4G-367, 201 Dowlin Forge Rd. as discussed and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Ordinance No. 2008-05: Amending the Sewer Use Ordinance #2007-02, to Update Local Discharge Limits as Required by State and Federal Regulations

Adoption of this Ordinance is recommended by Tom Brown of Gannett Fleming.

Mr. Toner made a motion to adopt Ordinance No. 2008-05 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Resolutions:

1. No. 2008-28: UTIDA Request for Tax-exempt Financing on Behalf of the Episcopal Academy for a \$4.5 Million Loan

This resolution approves the issuance of a tax-exempt note in the amount of up to \$4,500,000 for the purpose of financing the construction project for the Episcopal Academy.

Mr. Toner made a motion to adopt Resolution No. 2008-28 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

2. No. 2008-29: Adoption of the 2009 Budget

The following changes have been made to the 2009 Budget since it was tentatively adopted in November:

- A. Reduced real estate transfer tax revenues
- B. Reduced franchise fees from cable
- C. Decreased highway wages in General Fund. Moved to State Liquid Fuel Fund
- D. Reduced State Liquid Fuel allocation and decreased expenditures to offset this

Mr. Toner made a motion to adopt Resolution No. 2008-29 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Mr. Bozarth expressed his gratitude to Township staff for a great job in preparing the Budget.

3. No. 2008-30: Establishing 2009 Tax Rate

The 2009 Tax Rate will remain the same, 0.12 mills.

Mr. Toner made a motion to adopt Resolution No. 2008-30 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Moser/Rossi Property:

1. Final Land Development Plan: 25 Residential Lots
2. Resolution No. 2008-31

Dave Renschler of Commonwealth Engineers presented the Subdivision & Land Development Plan for the rear residential portion of the Rossi property, which shows 25 lots for single family homes accessible through the Windham Dr. cul-de-sac. In the future, there may be an extension of Windham Dr. through the Rossi commercial property to W. Devon Dr., which is shown on this plan as a cul-de-sac extended only to the commercial zoning line/lot line of the Rossi property.

The Applicant has received review letters from E.B. Walsh dated November 24, 2008; Gannett Fleming dated November 25, 2008; Police Department dated November 25, 2008; Fire Marshal dated November 24, 2008 and an e-mail correspondence from Dean Kaiser of Orth-Rodgers dated December 1, 2008. Applicant has no problem complying with any of the items and has agreed to all Impact Fees associated with this development.

The Applicant has also agreed to the following recommendations requested by the Planning Commission at their meeting on December 3, 2008:

1. Trees placed along the border where property meets with the commercial zoned Rossi property.
2. Types of trees to be placed on individual lots as street trees to be outlined on the plan.
3. There is a contradiction on the plan where it says trees will be placed in right-of-way. This needs to be corrected to read, "outside of right-of-way".
4. Individual light posts and mailboxes to be placed in front of each house near the driveway outside of right-of-way.
5. Curb and sidewalk to end at beginning of cul-de-sac bulb.
6. Reflective devices to be installed at end of cul-de-sac to be agreed upon in field.

Mr. Bozarth expressed his concern that homeowners be made well aware that the cul-de-sac bulb will go through to W. Devon Dr. at some point. Mr. Renschler stated that the Developer will place a note in each deed as well as place a sign in the Sales trailer that clearly explains this.

Mr. Bozarth asked if curbing and sidewalk end at the beginning of the cul-de-sac, who is responsible for continuing these when the adjoining property is developed? Mr. Cooke answered that the Developer of the adjoining property would be required to complete the curbing and sidewalk.

Mr. Toner asked the Applicant's cooperation in informing subsequent owners of these properties that the connection to W. Devon will occur. Mr. Renschler agreed to cooperate. Also, prospective owners need to be made aware that the adjoining property is zoned commercial.

Mr. Toner made a motion to approve the Final Land Development Plan for the 25 residential lots contingent on all the items noted in the review letters listed above and in accordance with the items discussed and recommended for approval in the Planning Commission's minutes of December 3, 2008.

The motion also included adoption of Resolution No. 2008-31, which authorizes the Manager to release an executed copy of the Resolution to which a copy of the Minutes of the meeting of the Board of Supervisors are attached at which a contingent approval of this Application as above described was granted so that improvement agreement and/or financial security agreement may be obtained by the Applicant.

Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

Appointing Administration Open Records Officer and a Deputy and Appointing Police Records Officer and Deputy:

Pursuant to the State Right-to-know Act, which will become new law on January 1, 2009, Lynda Phiel was appointed as Administrative Open Records Officer and Tara Caputo as Deputy. For the Police Department, Susan Benson was appointed as Open Records Officer and Chief Pontarelli as Deputy.

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

Resolution No. 2008-32: Amending Open Records Policy to Conform with New Law

Lamb McErlane, the Township's Solicitor, has revised the Township's current Open Records Request Policy in accordance with the new law that will be in effect beginning January 1, 2009, and Mr. Donatelli has recommended its adoption.

Mr. Toner made a motion to adopt Resolution No. 2008-32. Mr. Bozarth seconded the motion, making it contingent on Guy's favorable review. Mr. Gaines asked for public comment. There being none, the motion was carried.

Vanguard: Request for 65-Day Extension - 2/12/09

The Township has received a letter from Denise Yarnoff, Vanguard's Attorney, requesting a 65-day extension for the Vanguard plan.

No motion was required.

ANNOUNCEMENTS: Regular and Reorganization Meetings:

1. 12/22 - Board of Supervisors - No meeting
2. 01/05 - Board of Supervisors - 4:00 p.m.
3. 01/06 - Board of Auditors - 4 p.m.
4. 01/07 - Municipal Authority - 7:15 p.m. - may be held earlier but will be advertised
5. 01/07 - Planning Commission - 7:30 p.m.
6. 01/08 - Historical Commission - 7:30 p.m.@Cadwalader House
7. 01/12 - Park & Recreation Commission 7:30 p.m.
8. 01/12 - Board of Supervisors Meeting - 7:30 pm

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

HEARING AFTER THE MEETING:

AT&T - Request to amend Conditional Use Decision

Immediately following the Hearing - Executive Session to discuss a Legal issue.

There being no other business, Mr. Toner made a motion to adjourn at 8:05 p.m. Mr. Bozarth seconded and the motion was carried.

Respectfully submitted,

Lynda Phiel
Township Secretary

/jc

MINUTES OF SPECIAL MEETING

DECEMBER 22, 2008

The meeting was called to order at 8:00 a.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.

BUSINESS:

Police: Uniform Maintenance Issue

The Police officers receive a uniform allowance annually, which is to be used for dry cleaning of their uniforms and purchases of accessories used during performance of their job. At the end of the year, any money that is left over may be used by them at their discretion for job related items. Recently, as a result of the faltering economy, Mr. Gaines, in his role as Liaison, has engaged in discussions with the Bargaining Unit and Chief Pontarelli to arrive at an alternative.

As a result of the discussions, all parties have agreed that by Christmas each officer, on a voluntary basis, may elect to forego the balance in their account at year's end and in exchange for doing so will receive 50% of that remaining account balance in cash payable in the first week of the following year.

Mr. Bozarth had a concern that the officers may choose to use less of their allowance during the year so as to have more money left over at year's end. In doing this, he felt that the officers' appearance might suffer. Chief Pontarelli assured him that the Department closely monitors the officers' appearance, and does not perceive that there will be a problem.

Mr. Toner made a motion to approve the Memo of Understanding dated December 16, 2008 that was agreed to by the Chairman of the Bargaining Unit as well as the Board's liaison with the Police Department, Mr. Gaines, and seconded by Mr. Bozarth. Mr. Gaines asked for public comment. There being none, the motion was carried.

Mr. Donatelli asked the amount given to the officers. Each officer is given \$1,200/year. Amount changes when the Police Contract is negotiated.

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

Respectfully submitted,

Lynda Phiel
Township Secretary

/jc