

**UWCHLAN TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF REGULAR MEETING  
DECEMBER 14, 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; Township Secretary Lynda Phiel; Fire Marshal Mike Holmes; Township Treasurer Sue Bernhard; Township Solicitor Guy Donatelli; Township Engineer Ted Gacomis and Police Chief Pontarelli.

Minutes: Mr. Gaines made a motion to approve the minutes of November 9, 2009. 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 188 traffic citations issued, 28 criminal arrests and 34 automobile accidents during the month of November.

Mr. Toner announced that Detective Owen received a letter of commendation from Harry Curley, a retired Philadelphia detective, for his detective work on a scam.

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	\$807,239.06	\$612,350.43
Hydrant	348.45	7,974.00
Sewer	226,043.65	165,008.48

Ms. Bernhard reported that for the month of November the Township has collected approximately 95% of its budgeted revenues and spent about 87% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of November the Road Department marked a new cross walk on Rice Blvd. and installed crosswalk signs; installed a fence at the Target park; prepared snow plow/cinder trucks for the winter; participated in a Limerick drill; cleaned catch basins; and performed State inspections and vehicle maintenance.

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

Daily Average Flow	
Downingtown	1.65 million gpd

There were no new sewer connections at either plant.

The Township has received 1.63 inches of precipitation during the month of November. Year-to-date, there is a surplus of approximately 6 inches.

Fire Marshal: Mr. Holmes reported that he answered 13 fire calls during the month of November, 6 of which were during work hours; spent 10 hours of work time handling Fire Department activity; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 31 alarms during the month of November, 17 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Toolan reported that the Ambulance Corps responded to 252 calls during the month of November, 75 of which were in Uwchlan Township.

He also announced that they held elections in November and there will be a new Board beginning in January.

Mr. Toner noted that the Township has been researching options as to who will provide ambulance services to Uwchlan. Municipalities may hire or use volunteer services as they choose.

*Mr. Gaines made a motion to keep Uwchlan Ambulance Corps on a month to month basis until a firm decision is made as to who will be the Township's provider of ambulance services. Mr. Toner seconded the motion and asked for public comment. There being none, a vote was taken and motion was passed. Mr. Bozarth opposed.*

*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.*

Conditional Use Decision: Calvary Chapel of Chester Springs

Mr. Donatelli has drafted the Conditional Use Decision to deny the proposed amendment to the Conditional Use approval originally granted on September 12, 2005. The amendment requested would allow the conversion of the remaining un-built portion of their building to two levels and install a second level in portions of the existing building.

Based on testimony, Mr. Donatelli recommends that the amendment be denied based on the following:

1. Inadequate parking
2. Unknown impact upon public roads
3. Absence of Fiscal Impact Study
4. Unknown availability of sewer and water

*Mr. Bozarth made a motion to deny the Conditional Use amendment as discussed above and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Ordinance No. 2009-09: Traffic Impact Fee Amendment

A Court Reporter was present during discussion of this Ordinance. For full account, see Transcript.

*Mr. Bozarth made a motion to adopt Ordinance No. 2009-09 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Resolution No. 2009-34: Adopting 2010 Budget

Mr. Hanley reported that the Township staff have been very careful with spending money during 2009 and the Budget will be a balanced budget at the end of the year. As noted at the last meeting, there will be no increase in Township taxes. The only increase being passed through to the residents is a trash/recycling increase from \$62/Quarter to \$65/Quarter due to a hike in recycling rates from the King of Prussia recycling plant and an increase in the County tipping fee.

The Board members thanked Mr. Hanley and his staff for a job well done.

*Mr. Bozarth made a motion to adopt the 2010 Budget (Resolution No. 2009-34) as discussed and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Resolution No. 2009-35: Establishing 2010 Tax Rate

This is a resolution adopted each year which establishes the tax rate for the following year.

*Mr. Gaines made a motion to adopt Resolution No. 2009-35 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Resolution No. 2009-36: Downingtown/East Caln - Request For All of Kardon Park Sewer Flows to Go Through Borough of Downingtown Allocation

This has been passed by DARA.

*Mr. Bozarth made a motion to adopt Resolution No. 2009-36 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Resolution No. 2009-37: Requiring the Registration and Licensing of Various Contractors Dealing with Plumbing, Heating, Air Conditioning, Electrical, Regrading and Construction of Retaining Walls as Well as General Contractors

This Resolution requires Contractors to pay a \$75 yearly registration fee with General Contractors meeting the definition of "Home Improvement Contractors" paying \$40 per year service fee to offset the Township's cost of tracking the State and Township required Liability and Worker's Comp insurance.

*Mr. Gaines made a motion to adopt Resolution No. 2009-37 as discussed and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Morphotek: 213, 215, 217 Welsh Pool Rd. - Final Land Development Plan (Resolution No. 2009-38)

Brendan Burke, Attorney for the Applicant, requested Final Land Development approval to construct a one-story 60,000 s.f. pilot plant on the site after the demolition of the existing 3 buildings. The Applicant has not been able to agree with the adjoining property owner, Freedom Medical, with regards to having an access easement extinguished. Consequently, the Applicant has shown a separate driveway for ingress and egress for the new building.

The Applicant has received review letters from E.B. Walsh dated November 23, 2009; Tom Brown dated November 23, 2009; Stanley Stubbe dated November 16, 2009; Police Department dated November 25, 2009 and Fire Marshal dated November 30, 2009 and has no problem complying with any of the items.

Mr. Jarvis, Attorney for Freedom Medical, presented the Board members with a packet of information and had Mr. Bryant from Pennoni & Associates give testimony which Freedom Medical feels disputes the scope of the easement referred to by Mr. Burke.

Mr. Donatelli stated that although the Board will "hear" Mr. Jarvis, the Board cannot make any determination with regards to private property rights, and suggested Mr. Jarvis and Mr. Burke make their claims in the Court of Common Pleas.

Also, since this dispute first surfaced in August, the Board had hoped that there would be a mutual resolution by now. The Board members cannot enter into legal mediation.

*Mr. Bozarth made a motion to approve the Final Land Development Plan and Resolution No. 2009-38) contingent on compliance with the above review letters and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Request: Mommy's Light - 5 K Run/Walk and 1 Mile Fun Walk - April 24, 2010

This will be the sixth year for this event. In the past, there have been no negative incidents.

*Mr. Gaines made a motion to approve the Mommy's Light Run/Walk and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

On another matter, Mr. Toner noted that there is currently an ex-officio opening on the Planning Commission. Alice Johnson, a former member of the Commission, has requested the appointment to serve.

*Mr. Toner made a motion to appoint Alice Johnson as ex-officio member of the Planning Commission and Mr. Bozarth seconded. He asked for public comment. There being none, the motion was carried.*

ANNOUNCEMENTS:

1. 01/04 - Board of Supervisors - Reorganization Meeting - 4 p.m.
2. 01/11 - Board of Supervisors - Regular Meeting - 7:30 p.m.

Reorganization and Regular Meetings:

1. 01/04 - Park & Recreation Board - 7:30 p.m.
2. 01/05 - Board of Auditors - 4 p.m.
3. 01/06 - Planning Commission - 7:30 p.m.
4. 01/14 - UTMA - 4 p.m.
5. 01/14 - Historical Commission - 7:30 p.m. @Cadwalader House
6. 01/15 - UTIDA - 8:30 a.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Peg McCorry, 901 Welsh Ayres Way, asked the status of consideration for the re-opening of Milford Rd. to two-way traffic.

Mr. Bozarth explained that it would cost approximately \$150,000 to re-open the road in one direction. If made safe enough to allow for emergency vehicles, it would cost about \$500,000 and if opened to 2-way traffic, it would cost more than \$1 million. He stated that he did not feel the cost is justified.

Mr. Toner noted that Mrs. McCorry has been persistent regarding this issue as she has been following this process for the last 9 yrs. The Board members have not thoroughly discussed all the repercussions and/or benefits of the change, but will be reviewing all the data collected.

A member in the audience asked what the process was for applying for appointment to one of the Boards or Commissions. He was told to send in a resume and if there are openings, he may be interviewed.

Mr. Hanley stated that he has a concern that Aqua PA is planning on replacing a water line on Devon, Biddle and Louis Drives in January 2010. He would much rather see the work done during warmer months. Mr. Donatelli noted that other municipalities are also concerned, but Aqua has not responded to those concerns.

*There being no other business, Mr. Gaines made a motion to adjourn the meeting at 8:34 p.m. Mr. Bozarth seconded and the motion was carried.*

Respectfully submitted,

Lynda Phiel  
Township Secretary

/jc