

# UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

## MINUTES OF REGULAR MEETING

### JULY 13, 2009

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

**Present:** Supervisors: Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Treasurer Sue Bernhard; Fire Marshal Mike Holmes; Township Solicitor Guy Donatelli and Officer Scott Alexander.

**Absent:** Supervisor Joseph E. Toner.

**Minutes:** *Mr. Bozarth made a motion to approve the minutes of June 8, 2009 and Mr. Gaines seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.*

**BUSINESS:**

**REPORTS:**

**Police:** Officer Alexander reported that there were 439 traffic citations, 26 criminal arrests and 28 traffic accidents during the month of June.

Mr. Gaines commended the Police on their efforts to keep unsafe trucks off the road through their truck detail along Route 100.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$372,093.86	\$522,214.86
Hydrant	776.07	7,974.00
State Liquid Fuel	95.88	582.83
Sewer	30,715.19	449,149.07

Ms. Bernhard reported that for the month of June the Township has collected approximately 55% of its budgeted revenues and spent about 42% of its budgeted expenditures.

**Road Department:**

Mr. Hanley reported that for the month of June the Road Department performed blacktop repair on Lionville Station Rd. and Eagleview Blvd.; repaired sink holes in the Williamsburg development; cut brush along roadways; repaired catch basins on Bassatt Dr. and Birch Dr.; repaired and replaced various road signs; cleaned out detention pond on Filman Rd.; installed a swale on Ashland Dr.; performed State inspections and equipment maintenance.

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

Daily Average Flow	
Downingtown	1.68 million gpd

There was one new sewer connection at the DARA plant and none at the Eagleview plant.

The Township has received 7.02 inches of precipitation during the month of June. Year-to-date, there is a deficit of about 1/3 inch.

Fire Marshal: Mr. Holmes reported that he answered 16 fire calls during the month of June, 9 of which were during work hours; spent 15 hours of work time handling Fire Department activity; conducted fire inspections of commercial buildings totaling approximately 202,000 s.f.; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 50 alarms during the month of June, 27 of which were in Uwchlan Township.

He also announced that the yearly Clam Bake will be held on September 6<sup>th</sup> and cost \$25/person.

Uwchlan Ambulance Corps: Mark Toolan reported that the Ambulance Corps responded to 242 calls during the month of June, 81 of which were in Uwchlan Township.

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

Mr. Bozarth commented on the success of Uwchlan's Community Day on July 11<sup>th</sup> and thanked all those involved.

#### Conditional Use Decisions:

1. 400 Gordon Dr.: Solar Panel Installation

Mr. Donatelli has drafted the Conditional Use Decision that would allow All-Star Pediatrics to install solar panels on the roof of their office building at 400 N. Gordon Dr., St. 701. The Conditions are listed below but are not limited to:

- A. Prior to issuance of any permits necessary for installation, the Applicant shall secure a letter from the Property's condominium association approving the installation.
- B. Applicant is required to secure all necessary building and electrical permits, supported by engineering documents and opinion confirming Building Code compliance for roof dead loading and wind loading.
- C. Any exterior wiring or electrical boxes shall be adequately secured to prevent bodily harm.
- D. If the rooftop solar array(s) are damaged, become inoperable or use is halted because of damage or abandonment of use, the solar array(s) shall be removed within 6 months of such damage or inactivity.

*Mr. Bozarth stated that approval for this application was given the night of the Conditional Use Hearing. He made a motion to adopt the written order as presented by Mr. Donatelli and Mr. Gaines seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.*

2. 120 Gordon Dr.: Cell Tower Extension from 120 ft. to 132 ft.

Mr. Donatelli has drafted the Conditional Use Decision that would allow Metro PCS Pennsylvania LLC to extend the existing cell tower located at 120 Gordon Dr. from 120 ft. to 132 ft. The Conditions are listed below but are not limited to:

- A. Applicant shall submit applications for and be required to secure a building permit and electrical permit with applications and provide all pertinent information required by Section 507.5 of the Uwchlan Township Zoning Ordinance.
- B. The tower extension shall be in compliance with Uwchlan Township Ordinance #99-04, which constitutes the Township Tower Ordinance as amended in Section 507.5 of the Uwchlan Township Zoning Ordinance.

- C. The tower extension shall be in compliance with prior Conditional Use Orders dated May 11, 1998 and August 10, 1998 and Zoning Hearing Board Order dated May 4, 1998.

*Mr. Bozarth stated that approval for this application was given the night of the Conditional Use Hearing. He made a motion to adopt the written order as presented by Mr. Donatelli and Mr. Gaines seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.*

Schedule Conditional Use Hearings:

1. Morphotek: 213, 215 & 217 Welsh Pool Rd.

Morphotek would like to build a one-story 61,200 s.f. building on these three properties, which are located across the street from their current building after demolition of the 3 existing buildings. None of the buildings are of historic significance.

The Conditional Use Hearing is required since the building is over 40,000 s.f.. It was scheduled for August 10, 2009 immediately following the regular meeting.

2. Hankin Group: Elderly Housing

The Hankin Group's plan shows a three-story, 50 unit senior/low income apartment dwelling and a four-story building with 160 market rate units to be located on the property adjacent to the existing Potter building.

The Conditional Use Hearing was scheduled for August 10, 2009 immediately following the regular meeting.

Downing Hills Church: Plan Submission

Mr. Cooke explained that the Church has formally submitted an as-of-right plan to build a 5,000 s.f. building for their congregation on approximately 4 acres located at 505 W. Uwchlan Ave.

Mr. Gaines asked what will happen if the Church needs to expand. Mr. Miller, a member of the Church, stated that they will be in the building for a while, at least 5-10 years. They currently have 65 members, and their Constitution only allows 200-250 Church members before they have to split.

No motion was needed. The plan will be distributed for review.

Resolutions:

1. No. 2009-21: Correcting Uwchlan Trail II County Grant Exhibit "A" of the Declaration of Covenants, Conditions and Restrictions, Deed Bood 6066, Page 1035

*Mr. Bozarth made a motion to adopt Resolution No. 2009-21 and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

2. No. 2009-22: Eliminating Abandoned Properties Trash/Recycling Exemptions

This Resolution eliminates exemptions from payment of trash/recycling except for those property owners who have a combined gross household income which does not require filing of a Federal Income Tax return. It will be effective January 1, 2010.

*Mr. Bozarth made a motion to adopt Resolution No. 2009-22 and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

3. No. 2009-23: Solar Energy Program Grant for Solar Panels on Township's Buildings

*Mr. Bozarth reluctantly made a motion to adopt Resolution No. 2009-23 and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

4. No. 2009-24: Energy Grant for LED Traffic Signals - \$13,680

*Mr. Bozarth made a motion to adopt Resolution No. 2009-24 and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

5. No. 2009-25: Energy Grant for Solar Lighting at the Township Parking Lots

*Mr. Bozarth made a motion to adopt Resolution No. 2009-25 and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

On another matter, Mr. Bozarth asked if with the expansion of Route 100, will the Township be erecting a bus stop shelter on the southbound side of Route 100 at Marchwood Rd. There seems to be a lot of people who wait for the bus at that location. Mr. Hanley explained that the Township does have money set aside for a shelter. Cost is estimated to be between \$8,500 and \$10,000.

There was a brief discussion regarding the installation process - the Board would like the bus shelter to be portable so it can be moved, if necessary, once the widening is completed. Mr. Hanley stated that optimally the location will be shown on the yet to be approved PennDOT Route 100 widening plan. Also, they do not want any advertisements on the shelter. If there are no advertisements, the sole responsibility of the shelter lies with the Township.

*Mr. Bozarth made a motion to authorize the Township to proceed with the plan to erect a bus stop shelter on the southbound side with no advertisements on the structure. Mr. Gaines asked again about the cost, stating that he does not want it to exceed \$10,000. Mr. Bozarth amended his motion to include not to exceed \$10,000. Mr. Gaines seconded the motion as long as the cost leans toward the \$8,500. Mr. Gaines asked for public comment. There being none, the motion was carried.*

Mr. Kalemjian, 83 Glendale Rd., asked if a northbound bus shelter would be needed as well. Mr. Hanley answered that there currently is not a need for one but once the widening of Route 100 is started, there is one planned on the northbound side.

#### Proposed Ordinances:

1. Alternative Energy:

A draft Ordinance has been given to the Planning Commission for their review. The Ordinance outlines the specifics related to the construction of alternative energy systems within the Township, i.e. windmills, solar panels, etc.

This item was tabled until August when all comments are expected from the Commission.

2. Adopting Codification of Township Ordinances:

Mr. Donatelli stated that he, along with other staff members, have gone over the codification to ensure that all Ordinances and provisions the Township has are included.

This Ordinance will be up for adoption at the August meeting.

3. No Parking on Braceland Dr. at Andrew Alley:

Due to a site distance problem at this intersection, this Ordinance prevents parking of vehicles on Braceland Dr.

Mr. Bozarth asked that since we have done this a number of times, isn't there a way to pass one Ordinance that would take care of any similar site distance problems at future intersections? Mr. Gaines stated that Township Engineers would still need to look at the suspect intersections. Mr. Bozarth agreed but felt that individual Ordinances would not be required.

If this was done, Mr. Donatelli stated that enforcement from the Police Department would be difficult. An Ordinance is required for each specific intersection.

This Ordinance will be up for adoption at the August meeting.

Discussion:

1. Growing Greener: Shamona Creek Valley Study

Mr. Hanley requested authorization to apply for a grant of \$70,000 from the State to study stormwater management in the area of Shamona Creek.

Mr. Bozarth asked if this was a stimulus program. Mr. Hanley explained that it is not a stimulus program but a Bond issue with an 85%-15% match.

*Mr. Bozarth made a motion to authorize application to the State DEP for a \$70,000 grant for the study and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

2. Route 100/Sheree Blvd.: Trail Crossing

Mr. Hanley requested permission to proceed with engineering and environmental work for the Uwchlan trail, which is to be built on Sheree Blvd. from Eagleview Blvd. to the CVS Pharmacy. This portion was originally part of the Vanguard approval, but since Vanguard is not moving forward with that plan, the Township intends to make use of a \$1.5 million grant from the government that was approved for the walkway over Route 100.

Mr. Bozarth noted that since people cross in this area, it is a good idea to make it a little safer for them.

*Mr. Bozarth made a motion to authorize proceeding with engineering and environmental work related to this portion of the trail and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

3. Eagleview Boulevard and Deep Willow Drive: Reconstruction

Mr. Hanley requested permission to move forward in seeking bids for the road reconstruction necessary for Eagleview Blvd. from Sheree Blvd. to Wharton Blvd. and Deep Willow Dr. The road has deteriorated due to heavy truck traffic.

Bid specs are expected to be complete by the end of August with bids received in time for consideration at the September meeting.

*Mr. Bozarth made a motion to allow the development of specs and bid advertisement for this road project and Mr. Gaines seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.*

Requests:

1. Spring Dance Hot Tub:

Dan Sine from Spring Dance requested permission to amend the dates that were approved for his tent sales at his location in the Lion Share shopping center, as well as permission for a tractor trailer sale. He noted that the Owner of the diner and the Owner of the property are OK with the request.

The Board members briefly discussed why Mr. Sine wanted the change and whether tractor trailer sales are permitted in the Township. Mr. Sine stated that due to the economy, he did not have the sales on the dates previously approved. Also, the truck would draw attention to the sale.

Mr. Cooke reported that Mr. Sine has conducted prior trailer sales without Township permission, and they are not a permitted use.

Mr. Gaines said he is not willing to start tractor trailer sales but is willing to allow the change of dates.

Mr. Sine requested sale dates of July 17-20, August 28-Sept. 7 and October 9-12.

*Mr. Bozarth made a motion to not allow the tractor trailer sales but allow the change of dates as long as all other requirements previously agreed upon are met. Mr. Gaines seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.*

ANNOUNCEMENTS:

1. 08/05 - Planning Commission - 7:30 p.m.
2. 08/10 - Board of Supervisors - 7:30 p.m.
3. 08/13 - Historical Commission @ Cadwalader House - 7:30 p.m. - CANCELLED

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Gaines announced that the Township is seeking volunteers to form a committee to establish a calendar of events commemorating the Township's Tricentennial in 2012. Anyone interested should call the Township office.

*There being no other business, Mr. Bozarth made a motion to adjourn the meeting at 8:28 p.m. Mr. Gaines seconded and the motion was carried.*

Respectfully submitted,

Lynda Phiel  
Township Secretary

/jc