

# UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

## MINUTES OF REGULAR MEETING

### JUNE 8, 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 Treasurer Sue Bernhard; Fire Marshal Mike Holmes; Township Solicitor Guy Donatelli and Chief Pontarelli.

Arriving Late: Township Secretary Lynda Phiel

Minutes: Mr. Gaines made a motion to approve the minutes of May 11, 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 399 traffic citations, 20 criminal arrests and 33 traffic accidents during the month of May.

Mr. Toner announced that the Police Department received a Certificate of Achievement from MADD recognizing their efforts in DUI enforcement. Also, the following Officers were recently recognized for other achievements:

1. Diane Ahern received a letter of commendation from Angel Allen recognizing her help in providing a list of local resources that Ms. Allen could utilize relevant to her situation.
2. Steve Benson received a letter of commendation from a citizen that he helped during an accident.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$1,356,837.87	\$ 545,589.01
Hydrant	2,554.39	7,974.00
State Liquid Fuel	208.12	294,756.84
Sewer	307,565.27	179,875.74

Ms. Bernhard reported that for the month of May the Township has collected approximately 50% of its budgeted revenues and spent about 36% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of May the Road Department performed blacktop repair on Deep Willow Dr., Eagleview Blvd. and Sheree Blvd.; hauled millings from the Township Building and Shamona Creek Park; cut areas for repair on Birch Dr., Lionville Station Rd.; and Taylor Rd.; replaced driveway crossings on newly paved streets; removed a tree that fell across Whitford Hills Rd.; and performed equipment maintenance.

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

Daily Average Flow	
Downingtown	1.57 million gpd

There were no new sewer connections at either plant.

The Township has received 5.38 inches of precipitation during the month of May. Year-to-date, there is a deficit of about 2 inches.

Mr. Hanley also reported that instead of purchasing a new sewer flusher truck, repairs will be done to the old one. Estimated cost for an outside entity to perform repairs is approximately \$10,000. Road Department personnel believe they can do the same repairs for about \$7000-\$8,000.

Mr. Gaines asked if there is any grant money available to be used toward replacement of the truck. Mr. Hanley said the Township will know within the week whether there is money out there. He asked permission to start repairs "in house" with repairs to commence in approximately one month. If grant money is available, the repairs may not be done.

*Mr. Gaines made a motion to approve repairs being made to the truck by Township personnel with cost no higher than \$8000 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Fire Marshal: Mr. Holmes reported that he answered 22 fire calls during the month of May, 9 of which were during work hours; spent 6 hours of work time handling Fire Department activity; conducted fire inspections of commercial buildings totaling 657,000 s.f.; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 39 alarms during the month of May, 24 of which were in Uwchlan Township.

Also, an announcement was made that the David Good Memorial Run will be held on Saturday, July 11<sup>th</sup> beginning at 9:00 a.m. at the Lionville Fire House.

Uwchlan Ambulance Corps: Val White reported that the Ambulance Corps responded to 239 calls during the month of May, 83 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.*

Miscellaneous:

Mr. Toner asked whether the Township had received a written copy of procedures for individuals who want to participate in the Information tent during Community Day. During the last meeting, there was a lengthy discussion as to what should be done in order to prevent "groups with agendas" demanding space at the last minute. The Community Day Committee was then directed to document procedures and requirements. Mr. Donatelli said he received a copy last week, made some modifications and returned it to Mr. Fagan for completion.

Mr. Fagan, who came to the meeting a little later, was asked when the Board could expect to see the final product. Mr. Fagan answered that the Board and certain staff members should have a copy by tomorrow, June 9<sup>th</sup>.

Spiezle Group: Presentation - Solar Panels on Township's Buildings

Steve Krug and Jack Moody, of the Spiezle Group, discussed the possibility of the Township implementing photovoltaic (PV) panels as a way to reduce operating costs by offsetting electric use on the Township campus and/or at other Township owned facilities, i.e. Cadwalader House and the Schoolhouse. They pointed out the benefits of a PV system and noted that there are at least 8 programs available to help fund such a project.

Mr. Krug and Mr. Moody looked at the Township's Sanitation Dept. property, the Cadwalader House, Schoolhouse and Township campus and displayed color photos of what type and how many PV panels could be implemented. Due to both economical and environmental benefits, they recommended that the buildings on the Township campus be retrofitted with a roof system. Their projections show that within 10 yrs. the Township would get the money back that was initially paid out for the systems.

The following questions were asked:

1. Is hail an issue? No, and there is enough rain in this area to clean the dust off of the panels.
2. What is the warranty on the panels? There is a 25 yr. warranty on the system. The inverter has a 15 yr. warranty.
3. Does the project need to be publicly bid? Yes
4. How much sun is needed each day in order for the panels to work properly? They need an average of 3 hrs./day. Most of the power is produced during the summer months.

Mr. Hanley stated that he feels the Township should consider the PV system for the Township campus buildings only. Mr. Bozarth agreed that the Cadwalader House and Schoolhouse should not be considered due to their historic nature, but questioned whether the grant money made available is really free money since it actually comes from the taxpayers. He said he does not feel comfortable moving forward with such a project, stating that it is not economical and it never pays for itself.

Mr. Gaines countered that he believes installation of the system is cost effective especially in light of the fact that the cost of electric will be going up in the near future. The grant money that is made available is there and why shouldn't the Township take advantage of it. If Uwchlan doesn't, some other entity will.

Mr. Toner stated that he feels it is a good thing to move away from dependency on Mid-Eastern oil. This is an example of government exercising the right to change direction.

Mr. Krug said that Downingtown School District and the West Chester Borough are currently considering a PV system. State grant money is available in Pennsylvania with the next round ending August 1<sup>st</sup>. The Spiegle Group would complete all the paperwork required for submission to the State for consideration for grant money. Cost of this is approximately \$5,000 and would be for the Township campus buildings only.

A gentleman in the audience asked Mr. Krug what was their success rate of grant approval? Mr. Krug answered 100% in NJ. The Company has no experience in Pennsylvania since grant money just became available.

Mr. Hanley noted that the Township was looking for a motion that would allow the Spiegle Group to prepare the paperwork necessary to apply for the grant money. The actual work involved with the transition to PV panels would go out for bid if and when the application for grant money is approved.

*Mr. Gaines made a motion to authorize that a Resolution be prepared which authorizes the Spiegle Group to complete any paperwork associated with completion of the grant application as discussed above for a cost of \$5,000, and Mr. Toner seconded. Mr. Toner asked for public comment. There being none, a motion was taken and passed. Mr. Bozarth voted no.*

#### Eagleview HOA: Live Work Units - Trash Dumpsters

The Township has received a letter from Eagleview homeowners who border the Live Work Units requesting that the Township reconsider allowing trash dumpster enclosures to be built behind the Live Work units. They cited excessive numbers of trash receptacles that create an eyesore and detract from the attractiveness of the neighborhood.

Many residents of the Live Work units were present, but since there was no one representing those requesting the change, the issue was tabled. Jill Gizzio, 634 Wharton Blvd., said she hopes that the issue can be resolved by the neighbors talking to each other.

*The Board agreed to table the discussion until a later time after the parties have had time to discuss the situation amongst themselves.*

Resolutions:

1. 2009-17: Intent to Follow Municipal Records Manual for Disposition of Records
2. 2009-18: Authorizing the Disposition of Routine Correspondence When No Longer of Administrative Value

*Mr. Gaines made a motion to adopt Resolution Nos. 2009-17 and 2009-18 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

3. 2009-19: UTIDA Request for Tax-Exempt Financing on Behalf of the Delaware Co. Christian School Society for an \$8 Million Loan

*Mr. Gaines made a motion to adopt Resolution No. 2009-19 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Appointments:

1. Delegate for Act 32: Consolidation of EIT Collections - Resolution 2009-20

Mr. Hanley will be the designated Delegate for Act 32, Mr. Bozarth, the Alternate and Ms. Bernhard, the 2<sup>nd</sup> Alternate.

*Mr. Gaines made a motion to approve the Delegate appointments shown above and adopt Resolution No. 2009-20, which lists these names. Mr. Bozarth seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.*

2. Traffic Impact Committee:

- A. Vacancy - Reappoint Tom Oeste
- B. Resigned - Robert Hankin - Appoint Neal Fisher

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

3. Zoning Hearing Board: Michael Ryan to Replace Paul Holton as a Voting Member

*Mr. Gaines made a motion to approve Mr. Ryan to replace Mr. Holton on the Zoning Hearing Board and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Mr. Toner announced that, prior to the meeting, the Board interviewed MaryLou Buchenauer to fill a vacant position on the Historical Commission. Based on the interview, he requested a motion to appoint Ms. Buchenauer as a member of the Commission.

*Mr. Gaines made a motion to appoint MaryLou Buchenauer to the Historical Commission and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Discussion:

1. Abandoned Properties with Trash/Recycling Exemptions:

Since 2001, the Township has permitted residents of vacant properties to apply for exemption from payment of trash since the service is not being used. Initially, the exemption was only allowed for a short period of time, but in 2005, this was changed. Currently, any vacant property, may be exempt from trash payment as long as the resident fills out the application and confirms that no one is living on the premises. Also, the Township allows residents who have financial hardships to pay a reduced amount based on their income.

Recently, the Township has received complaints from residents who feel owners on vacation should not be allowed to be exempt from payment for trash. Township staff researched and found that there currently are 13 properties exempt due to the owners on vacation, 7 on long term vacancy, and 3 due to financial hardship.

After a brief discussion as to who should be eligible for exemption, the Board members agreed that the resolution and ordinance that covers exemptions should be amended to allow exemption to financial hardship cases only. All others will be required to pay for trash whether the property is occupied or not.

A draft resolution will be prepared and discussed at the next meeting.

2. Political Signs:

During the recent Primary Elections, the Township dealt with political signs being placed in the right-of-way, which is not permitted by Township Ordinance. The question as to whether the Ordinance is constitutional or not came up so Mr. Donatelli researched the law and determined that although the Township has jurisdiction over signs placed in the right-of-way, they do not have jurisdiction over signs placed on private property unless placement is determined to be a safety issue.

After a brief discussion, it was determined that the Township Ordinance governing placement of political signs is sufficient as it stands.

3. Proposed Solar Ordinance:

Mr. Cooke stated that he has drafted a Solar Ordinance, which will be discussed at the next Planning Commission.

4. Authorizing Suzy Brody to Write the History of Uwchlan Township for the 2012 Tricentennial:

The Township has received a letter from Mrs. Brody in which she proposes to write the History of Uwchlan for \$1500.

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

Requests:

1. Jesse Hamilton Strong Kids & Families 5K Run: Eagleview - 8/1/09, 8-10 a.m.

*Mr. Gaines made a motion approve the 5K Run and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

2. Matthew Macking: One Time Use of 1.4G Consumer Fireworks Permit - 7/18/09, 9:30-10:00 p.m.

Matthew Macking, the Minister of Lionville Methodist Church requested permission to allow fireworks as part of a family get together. He explained that he would be the person in charge of the fireworks, and has taken into consideration that the church is located near houses. He has done this in the past with another church and feels confident that the fireworks planned for the display will not cause any problems for the neighboring properties.

Mr. Donatelli explained to Mr. Macking that in order to have fireworks in the Township, the following things must be in place:

- A. A competent operator
- B. Event will not be a hazard to people or property
- C. Bond posted - \$1 million

The Board members agreed that the location for the event is too close to other properties. There are no guarantees that sparks will not be a problem and therefore poses a safety hazard, and fireworks' displays should be left to the professionals. With this in mind, Mr. Bozarth suggested Mr Macking invite his members to the Township's Community Day fireworks.

*Mr. Bozarth made a motion to deny the request and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

ANNOUNCEMENTS:

1. 06/11 - Historical Commission @ Cadwalader House - 7:30 p.m.
2. 07/01 - Planning Commission - 7:30 p.m.
3. 07/09 - Historical Commission @ Cadwalader House - 7:30 p.m.
4. 07/11 - David Good Memorial Run - Lionville Fire Company - 9 a.m.
5. 07/11 - Community Day - Lionville Park - 4 p.m.
6. 07/13 - Board of Supervisors - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

CONDITIONAL USE HEARINGS AFTER THE MEETING:

1. 400 Gordon Dr. - Solar Panel Installation
2. 120 Gordon Dr. - Cell Tower Extension from 120 ft. to 132 ft.

Mr. Toner announced that the Board will have an Executive Session to discuss litigation immediately following the Hearing.

*There being no other business, Mr. Gaines made a motion to adjourn the meeting at 9:03 p.m. Mr. Bozarth seconded and the motion was carried.*

Respectfully submitted,

Lynda Phiel  
Township Secretary

/jc