

# UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

## MINUTES OF REGULAR MEETING

### MAY 11, 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 Secretary Tara Caputo; Township Secretary Lynda Phiel; Township Treasurer Sue Bernhard; Fire Marshal Mike Holmes; Township Solicitor Guy Donatelli and Chief Pontarelli.

Absent: Building/Zoning Officer Tom Cooke

Minutes: Mr. Gaines made a motion to approve the minutes of April 27, 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 314 traffic citations, 25 criminal arrests and 39 traffic accidents during the month of April.

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

| Fund              | Revenues     | Expenses     |
|-------------------|--------------|--------------|
| General           | \$965,642.38 | \$843,935.62 |
| Hydrant           | 31,728.74    | 7,974.00     |
| State Liquid Fuel | 407,579.92   | -0-          |
| Sewer             | 422,417.84   | 129,486.55   |

Ms. Bernhard reported that for the month of April the Township has collected approximately 34% of its budgeted revenues and spent about 30% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of April the Road Department completed street sweeping; repaired catch basins; paved Robin Rd, Arianna Ln., Longwood Dr., Woodview Dr., Edgewood Dr., Balderston Dr., Westfield Dr., Oakland Dr., Pinewood Dr., Northwood Dr., Westwood Dr., Bolton Ln., and portions of Spring Run Ln.; removed curb and sidewalk and installed new ADA walk and curb at Spring Run Ln. & Bolton Ln. and at Trowbridge Ln. & Bolton Ln.; and performed equipment maintenance.

Mr. Hanley noted that the paving project cost \$25,000 less than what was budgeted.

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

|                    |                  |
|--------------------|------------------|
| Daily Average Flow |                  |
| Downingtown        | 1.49 million gpd |

There was one new sewer connection to DARA and no new connections at the Eagleview Plant.

The Township has received 4.19 inches of precipitation during the month of April. Year-to-date, there is a deficit of about 4 inches.

Mr. Hanley requested permission to acquire a replacement pump for the Overlook Pump Station as recommended by Mr. Brown of Gannett Fleming. The cost for the pump is \$13,500.

*Mr. Gaines made a motion to approve the purchase of a spare pump 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 18 fire calls during the month of April, 7 of which were during work hours; spent 3 hours of work time handling Fire Department activity; assisted in a fire investigation; conducted fire inspections of commercial buildings totaling 1.5 million s.f.; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 44 alarms during the month of April, 20 of which were in Uwchlan Township.

He also requested that the Township consider being named as the Fire Company's Open Records Officer. This is because the Fire Company is manned by volunteers who are not always readily available to retrieve the information requested. If the Township provided the Open Records Officer, requests for information would come to Township staff. They would then inform the Fire Company of the request and the Company would have 30 days to respond, instead of the normally required 5 days.

The Supervisors agreed to discuss and take under advisement this request.

Uwchlan Ambulance Corps: Mr. Toolan reported that the Ambulance Corps responded to 230 calls during the month of April, 90 of which were in Uwchlan Township. He also reported encountering some problems with collection of fees related to service, but noted that this is probably due to the economic status evident throughout the Country.

*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: Hubler, 114 Andover Dr. - Request for Solar Panels

Mr. Donatelli has drafted the Conditional Use Decision necessary to construct two pole mounted solar panels for the purpose of supplying electricity to the dwelling. Some of the Conditions are listed below but are not limited to:

1. The system shall be installed in the location shown on the plot plan and shall not be higher than 15 feet above finish grade. At a minimum, the setbacks shall be 35 feet for the southern side yard, 29 feet for the northern side yard and 35 feet for the rear yard.
2. Nothing contained in the Decision & Order shall be construed to abrogate or limit the obligation of the Applicant to comply with the applicable requirements of the Township's Building and Electrical Codes. Applicant shall obtain the building and electrical permits required for the installation of the System.
3. Applicant shall place all exterior above ground wiring for the System within a hard wall conduit.
4. All exterior switches/boxes that service the System shall be enclosed within a secured box.
5. Applicant shall take all reasonable measures possible to maintain healthy vegetation under the System, including but not limited to the use of fertilizer or the planting of light tolerant grass or plants. Any new plantings shall be in such color, style, and texture to blend seamlessly into the surrounding landscaping or lawn.
6. Applicant shall replace any cracked or broken panels on the System within 30 days of its discovery.

7. Prior to the issuance of any building or electrical permits, Applicant shall complete and submit to the Township, the required contract with PECO for the operation of the System. Any obligations of the Applicant under the PECO contract shall be made a condition of this Decision & Order.
8. Applicant is limited to the installation of the type, size, and amount of solar panels as presented in the record, unless permitted by a re-hearing before the Board.
9. Applicant shall take all necessary steps to prevent any off-site noise or glare on the neighboring properties.
10. Failure of the System to produce energy for consumption by the dwelling for a six month period, except if such failure is weather related, shall be an abandonment of the use of the System. Abandonment shall require the Applicant to disconnect and remove the System and all related equipment, wiring, etc. from the property within 1 month of the abandonment; failure to disconnect and remove shall be deemed a nuisance pursuant to the Township's Nuisance Ordinance. Any use of the System or installation and use of a new solar panel array shall require a new Conditional Use application and approval by the Board.
11. Any use of the property inconsistent with this Decision and the above Conditions shall require re-application to the appropriate Township Board or Commission to request approval of any proposed change. Any Condition of this Decision may be enforced as a Zoning Ordinance violation in accordance with the applicable provisions of the Township Zoning Ordinance and PA Municipalities Planning Code; or may be enforced by any other legal or equitable remedy.

*Mr. Gaines made a motion to approve the Conditional Use Order and Decision as outlined above and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Announcement of Vehicle Bids:

Mr. Hanley announced the following highest bids were received and opened:

1996 Yukon - M. Perfidio - \$2,211  
2003 Ford Explorer - M. Grasso - \$4,760

The Ford Explorer may be used as an emergency vehicle so all of the police equipment may not need to be removed. The Police Department is handling this.

*Mr. Gaines made a motion to accept the vehicle bids as shown above and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Ordinance No. 2009-01: Fireworks

This Ordinance amends the Zoning Ordinance of 1994 to add a definition for fireworks, to permit the use of sparklers in the Township and to specify violation and enforcement provisions. The sale of certain fireworks would be limited to permanent locations. No tents or tables could be set up.

*Mr. Gaines made a motion to adopt Ordinance No. 2009-01 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Hankin: Report on Marketing Progress of Condominiums in Eagleview Town Center

Mr. Guarini explained that approximately 1 year ago, when the real estate market started going soft, the Wellington Condos were offered as rental and/or leased properties. At that time, the Board members requested an annual report as to how many units were occupied/sold/rented.

Mr. Guarini reported that of the 48 units, 5 have been sold, 4 are being leased, and 4 others are occupied as a lease/purchase.

Mr. Toner asked if Mr. Guarini felt the market was improving. Mr. Guarini expects it to get better by Summer or Fall.

Community Day Update:

Bill Fagan, Scott Darling and Betty Randzin discussed their desire to continue having a Community tent at the Community Day event on July 11<sup>th</sup>. The tent features local community resources/activities/information provided by a variety of applicants, who are selected based on available table space. They also must be non-profit and not be involved in campaigning or for-sale pitches. Last year, due to a breakdown in procedure, a "political" group demanded table space on the day of the event only to be told that there was no space available.

As a result of last year's problem, the Board members have questioned whether or not to allow a Community tent. If there is one, they agreed that certain criteria must be in place in order for the operation to run smoothly. For example, what is the procedure for obtaining space, what are the number of stalls/areas available and if there is a similar occurrence as last year, what is the procedure for enforcement of the criteria? At what point do the Police get involved? Mr. Toner asked that the guidelines for acceptance of participants be determined, be in written form, and include the following:

1. No political or religious organizations permitted
2. All must be non-profit
3. There is a definitive cut-off date for participants

Mr. Donatelli noted that it is important to have written procedures in place in case another unfortunate occurrence takes place. That way there will be a clear cut way of dealing with the problem.

Mr. Bozarth noted that he feels the Community tent is an important aspect of the Community Day event and that 10 years of good things should not be outweighed by last year's unfortunate occurrence.

Mr. Gaines acknowledged that the event has been successful in the past and wanted the Committee to know that this discussion is not intended as criticism. The Board just would like to see written procedures before this year's event. He also asked if the event has been scaled back due to the Country's economic problems. Mr. Darling said they have cut out some things since they have a lower budget this year.

Lastly, Mr. Gaines noted that in the past he has heard comments from residents that their tax dollars are used to support an event for people outside the Township. Mr. Darling said that the event is not advertised

outside of the Township, but he is aware that residents bring relatives and friends since it is such a popular event. Uwchlan's Community Day is well-known to have the best fireworks around.

The Committee will develop written procedures and then provide these to Mr. Hanley who will disseminate them to the Board and Solicitor.

Appoint Robert Smiley as the Consultant to Update Township's Comprehensive Plan:

Mr. Hanley reported that it has been 10 years since the Comprehensive Plan has been updated. A Committee has been formed to discuss the update and to select consultants to work on the actual plan. They have recommended the following:

1. Robert Smiley - General Plan Update - \$30,000
2. Dean Kaiser - Traffic Plan Update - \$4,700
3. Ted Gacomis - Engineering Consultant - \$5,000

The Township will be applying for Grant money from the County for up to 75% of the total cost.

*Mr. Gaines made a motion to appoint the above people to update the Township's Comprehensive Plan, and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.*

Schedule Conditional Use Hearings: A Solar Panel Installation for 400 Gordon Dr. and a Cell Tower Extension for 120 Gordon Dr. from 120 ft. to 132 ft.

These Hearings were scheduled for June 8, 2009 immediately following the regular meeting.

ANNOUNCEMENTS:

1. 05/25 - Board of Supervisors - Cancel Regular Meeting
2. 05/27 - Chat Night with Vice-Chairman Fred Gaines - 7 p.m.
3. 06/03 - Planning Commission - 7:30 p.m.
4. 06/08 - Board of Supervisors - 7:30 p.m.
5. 06/11 - Historical Commission @ Cadwalader House - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Toner addressed the Community Day Committee in order to make sure they know exactly the information the Board members are expecting to see in the written procedures list. These include a cut-off date; a printed list of participants; methods and procedures for participation in the tent - copies to the Police Dept., Township staff, Supervisors, Tom Cooke; elected officials may be there but no politics; no Churches; only non-profit organizations; define the number of spaces and tables available; and provide a list of the assigned spaces.

Regarding another matter, Mr. Toner said the Board interviewed Vicki Jameson prior to the meeting to fill a vacant position on the Historical Commission.

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

Mr. Gill, 513 Woodview Dr., thanked the Road Department for paving his street but noted that he had the following concerns:

1. Puddle in part of the road at the intersection of Whitford Rd. and Longwood Dr. - Road Dept. is aware of this and will be repairing it tomorrow.
2. Time of work, too early in the morning. He would have liked to have known before hand that the crew was starting so early.
3. There was no one available on site, ie. Supervisor, to ask questions.
4. Tree on property next to his was too low for paving truck to fit under so the workers cut off a portion of the tree. He said he thought the owner of the property should have been notified prior to the cutting.

Mr. Gill also questioned if it is illegal to park against traffic or on bends/curves in the roadway. Chief Pontarelli told him that parking against traffic is illegal, and if in their opinion, cars parked on curves in roadway interfere with safety, the drivers may be cited. The road in question is Longwood. Chief Pontarelli agreed to send a patrol to take a look at the situation.

*There being no other business, Mr. Gaines made a motion to adjourn the meeting at 8:40 p.m. Mr. Bozarth seconded and the motion was carried.*

Respectfully submitted,

Lynda Phiel  
Township Secretary

/jc