

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

MINUTES OF REGULAR MEETING

NOVEMBER 10, 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: *The minutes of October 14, 2008 were approved by a motion made by Mr. Toner and seconded by Mr. Gaines. Mr. Gaines asked for public comment. There being none, the motion was carried.*

BUSINESS:

REPORTS:

Police: Chief Pontarelli reported that there were 246 traffic citations, 55 criminal arrests and 33 traffic accidents during the month of October.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$473,457.15	\$1,141,242.43
Hydrant	49,443.57	7,974.00
Capital Improvement	150,080.05	150,080.05
Sewer	373,338.24	204,546.42

Ms. Bernhard reported that the Township has collected a little over 90% of its budgeted revenues and spent 88% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of October the Road Department installed a geo-grid system on Westwood Dr.; assisted the Sanitation Department in the repair of a sewer line on Conreys Way; repaired sinkholes on Woodland Dr. and Northwood Dr.; painted various crosswalks; cleaned catch basins; repaired and replaced signs; and serviced and repaired various equipment.

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

Daily Average Flow	
Downingtown	1.29 million gpd

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

The Township received 2.43 inches of precipitation during the month of October. Year-to-date, there is a deficit of 1.78 inches.

Fire Marshal: Mr. Holmes reported that he answered 25 fire calls during the month of October, 12 of which were during working hours; spent 7 hours of work time handling Fire Department activity; completed the Fire Prevention program in pre-schools and nursery schools; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 53 alarms during the month of October, 29 of which were in Uwchlan Township.

Also, members of the Fire Co. traveled to Wisconsin to inspect their newly purchased fire truck, which is expected to be delivered sometime this week. The 1977 tank truck has been sold to a museum where it will be displayed.

Mr. Toner noted that the old auto car tank truck was originally made in Exton and is a great piece of history.

Uwchlan Ambulance Corps: Mr. Toolan reported the Ambulance Corps responded to 258 calls during the month of October, 75 of which were in Uwchlan Township.

The Board accepted the reports as submitted.

Request: Uwchlan Special Fire Police Unit

Barb Yagle could not make the meeting so this item was tabled.

Hankin - Haywood Dr.- Lot #3 39,900 s.f. Flex Building: Sketch Plan

Neal Fisher presented the sketch plan for a 39,900 s.f. warehouse/office building on Lot #3 Haywood Dr. Parking for employees will be located in the front of the building and stormwater management and loading docks on the East side. Three other lots on Haywood Dr. have previously been developed and are occupied.

Mr. Fisher explained that originally this lot was to be serviced by the Eagleview treatment plant through a force main to be constructed under the Turnpike. However, the Hankin Group does not want to construct the new main and proposed a change to the 537 Plan to allow the lot(s) to go back to on-site. Since the 537 Plan approval will take up to a year, Mr. Fisher asked permission to occupy the building with a holding tank if the on-site system is not yet approved and built. The 537 Plan revision will include the total square footage possible for this lot since there is an area that will be left open that could be developed as future expansion.

The Board members voiced concern that the holding tank may end up being there indefinitely, much like the one on the Ice Rink property, which was approved for 1 year back in 2001 and has still not been removed. They also questioned the amount of sewer that will be pumped from this property. Mr. Fisher answered that there will be less than 600 gallons/day and said the Hankin Group is willing to post bond if DEP approval is not received in a timely fashion but will discuss continuing occupancy if not done in time.

Another concern is the possibility of residential property wells located behind Lot #3 being contaminated. Mr. Guarini noted that the underground water plume on Lot #3 flows away from these properties.

Mr. Kalemjian, member of the Planning Commission, asked if the proposed sewer line connection for the hotel/restaurant on the opposite side of the Turnpike will be eliminated? Mr. Hanley said that it appears that it will be eliminated at least temporarily. Mr. Guarini added that the connection is still a possibility.

No motion was required although the Board members did say that they are not thrilled with the idea of a temporary holding tank and want assurances that it will work and will be removed in a timely manner.

Arby's - Eagleview Blvd./Dowlin Forge Rd.:

1. Final Land Development:

Mr. Townes presented the revised Land Development Plan for the Arby's fast food restaurant with 54 parking spaces on the pad site in front of Target that was originally going to be a Panera restaurant. The revisions are as follows:

1. Additional stacking area for cars waiting at the drive-thru window
2. An "escape" lane from the drive-thru
3. Additional signage at the exit/one-way driveway of the drive-thru to discourage cars from entering the wrong way
4. Dumpster moved

There will also be a sidewalk that will connect to the Township trail system and Target store parking lot to allow for easy access for walkers.

The Applicant has received review letters from E.B. Walsh dated November 4, 2008; Gannett Fleming dated October 15, 2008; Stanley Stubbe dated October 6, 2008; Fire Marshal dated October 7, 2008; Orth-Rodgers dated August 8, 2008 and November 6, 2008 and Chester County Planning Commission letter of November 3, 2008; and has no problem complying with any of the items.

Mr. Toner made a motion to approve the Arby's Final Land Development contingent on all comments in the review letters listed above as well as the Draft Minutes from the Planning Commission dated November 5, 2008 and agreement by Applicant to pay the related Impact fees; and Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

2. Resolution No. 2008-25:

Mr. Toner made a motion to adopt Resolution No. 2008-25, 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 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, and Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

Resolution No. 2008-26: Eliminates Employee Contributions to Police Pension Fund

Mr. Toner made a motion to adopt Resolution No. 2008-26 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Resolution No. 2008-27: Payment of Administration Expenses from the Police Pension Fund

Mr. Toner made a motion to adopt Resolution No. 2008-27 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Aqua: Request to Increase Fees for Operations and Maintenance of Eagleview WWTP

Mr. Hanley reported that Aqua, which has run the operations at the Eagleview Wastewater Treatment Plant in past years and will continue to operate it now that the Township has accepted ownership of the Plant, has requested the Township allow them to increase their operations and maintenance fees. The increase will be from \$3,950/mo. to \$4,088/mo.

Mr. Toner made a motion to grant the increase in fees and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Proposed 2009 Budget:

Mr. Hanley announced that for the 23rd year in a row, the Township will not be raising real estate taxes even though the number of real estate transfers have gone down as well as the number of building permits. The proposed Budget reflects a 1% decrease in expenses.

Mr. Hanley also reported that the Township completed 2 years worth of paving projects this year in anticipation of rising costs for paving materials in 2009. Additionally, due to the rising cost of salt, the Road Department will be using less salt during storms.

The Board members commended Township staff for a job well done. Mr. Toner further noted that both parties at the National level as well as the area School Districts need to look at doing more with less.

Mr. Toner made a motion to tentatively adopt and advertise the 2009 Proposed Budget, which will be on public display at the Township. Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

Discussion: Political Signs

Mr. Donatelli announced that he has started to look into if and how the Township can regulate the placement of political signs. He has not completed his research, but so far he is not finding support allowing Township's to regulate political signs.

Mr. Toner emphasized why regulation is needed, especially the number of signs permitted on ones' property and the time frame they are permitted to be posted. Under current Ordinance, residents are limited to one sign on the yard. Several people who posted signs incorrectly during the recent election and were contacted by the Township, were more than happy to comply with the Township's request.

Mr. Donatelli will return at a later date with his recommendation.

Resignation: Harry Shreiner - Park & Recreation Member for 36 years

The Township has received a letter of resignation from Mr. Shreiner due to the fact he is relocating. He has been a member of the Park & Recreation Board for approximately 36 years.

ANNOUNCEMENTS:

1. 11/13 - Historical Commission - Cadwalader House - 7:30 pm
2. 11/19 - Zoning Hearing Board - Decison: Woodford, 100 Blue Ribbon Drive - Side yard setback variance - 7 pm
3. 11/24 - Board of Supervisors Meeting - 7:30 pm - CANCELLED
4. 12/01 - Park & Recreation Board - 7:30 pm - CANCELLED
5. 12/08 - Board of Supervisors Meeting - 7:30 pm

Mr. Gaines announced that the Board will be having an Executive Session to discuss a legal matter immediately following the Hearings.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Cooke announced that the Township has received a request from AT & T to schedule a Conditional Use Hearing to allow an equipment shelter on property located at 321 W. Uwchlan Ave. The Hearing was scheduled for December 8, 2008.

HEARINGS AFTER THE MEETING:

1. Ordinance No. 2008-03: Amending UTZO by adding sign regulations applicable in the PCID Zoning District
2. Ordinance No. 2008-04: Amending Section 612.3 of UTZO by adding Section 612.3.A(4) dealing with the classification of Historic Resources
3. Hoffecker House - Request to change Historical Classification from Class II to Class I
4. Conditional Use Hearing - J. Loew & Associates for a Walgreens and Fast-Food Restaurant Pad on the northeast corner of Dowlin Forge Road and Eagleview Boulevard

There being no other business, Mr. Toner made a motion to adjourn the meeting at 8:29 p.m. Mr. Bozarth seconded and the motion was carried.

Respectfully submitted,

Lynda Phiel
Township Secretary