

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF REGULAR MEETING  
April 11, 2016

The meeting was called to order at 7:30 pm. 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 Inspector/Zoning Officer Tom Cooke; Assistant Zoning Officer Tara Caputo; Township Secretary Katie Churchill; Treasurer Susan Bernhard; Fire Marshal Mike Holmes; Police Chief Joe Pontarelli and Police Detective Tom Fortmann.

Minutes: Mr. Gaines made a motion to approve the minutes of March 14, 2016 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

REPORTS:

Police: Chief Pontarelli reported that there were 236 traffic citations issued, 13 traffic citation warnings, 18 criminal arrests, 36 traffic accident investigations and 1,103 calls for service during the month of March.

Treasurer: Ms. Bernhard reported that for the month of March the general fund has collected just under 25% of its budgeted revenues and spent just under 25% of its budgeted expenditures.

Public Works: Mr. Hanley reported that for the month of March the Public Works Department cleaned catch basins; flushed and ran a camera in the sanitary lines in known problem spots; repaired a sinkhole on Dover Court Place; installed 25 MPH signs on N. Milford; blacktop repair on some small areas; did GPS mapping of traffic signals and street lighting; cleaned out the outflow in the Filman Rd. detention pond and the swale in the Brainerd Pl. detention pond; repaired washouts along Williamsburg culvert, Filman Rd., Shelmire Rd., and Peck Rd.; repaired creek erosion behind the Norwood meter pit building; hauled diamond tex for Parks Dept.; built a wash area for equipment in accordance with MS4 standards; replaced the broken underground electric junction box between the lower garages; swept all Township streets; installed blacktop walking trail area on Sheree Blvd.; salted roads on March 3<sup>rd</sup> ; did daily pump station checks; weekly sewer meter checks; PA1 call mark outs; vehicle maintenance repair and state inspections.

He also reported that for the month of March the daily average flow to Downingtown was approximately 1.72 million gpd and there was one new sewer connection to DARA.

The Township has received 2.03 inches of rain for March with a year-to-date total of 11.76 inches.

Fire Marshal: Mr. Holmes reported that for the month of March he has responded to 10 fire calls

during working hours; 1 fire investigation; 29 fire inspections; approximately 15 hours this month of regular work time was spent handling fire department alarms and activities; reviewed plans for commercial buildings and inspected those under construction and scheduled fire inspections.

Lionville Fire Co.: Mr. Holmes reported the Fire Company answered 43 alarms for the month of March, 27 in Uwchlan, 4 in Upper Uwchlan, 3 in West Pikeland and 9 in other Townships.

Uwchlan Ambulance Corps.: Mr. Baxter reported that the Ambulance Corps responded to 269 calls during the month of March, 89 of which were in Uwchlan Township.

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

#### BUSINESS:

##### Appointment of Officer in Charge:

Mr. Toner stated that since Chief Pontarelli will be retiring July 1<sup>st</sup>, a change will be needed. Sergeant Alexander will be the officer in charge starting May 15<sup>th</sup> to work along side the chief to ensure a smooth transition. Sergeant Alexander has 16 years experience and has done a good job.

Mr. Gaines made a motion to appoint Sergeant Alexander as the officer in charge and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion carried unanimously.

##### Resolution 2016-08:

Mr. Toner stated that this resolution will amend the Uwchlan Township Police Policy Manual. Resolution 2016-08 will delete section 3.11, "Promotion to Sergeant", and replace it with the following: "At their discretion the Board of Supervisors will establish their own procedure for any promotion to Sergeant."

Mr. Gaines made a motion to approve Resolution 2016-08 and Mr. Bozarth seconded. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

##### Awarding of Bids for the Imperial Property:

Mr. Cooke stated there was a mandatory pre-bid meeting on April 5<sup>th</sup> with a dead line of Friday, April 8<sup>th</sup> at 9 am for submission of bids. There were 7 contractors at the pre-bid meeting, however there were only 2 bids submitted. On April 8<sup>th</sup>, Revena Brothers submitted a bid of \$95,600 and BRB Contractors bid \$39,500. Mr. Cooke suggested with this big of a discrepancy, we should go back to our solicitor and go through the specifications and clear them up. Mr. Bozarth asked Mr. Cooke if he was proposing to reject both bids, get our specifications revised and then re-advertise. Mr. Cooke responded yes. He will contact all 7 contractors once the document is ready and will have new bids for next months meeting.

Mr. Toner read a letter from the solicitor, Mark Thompson, who could not attend the meeting. Mark Thompson's letter in part read: "Having reviewed the two bids received by the Township in response to the Notice for Bids for demolition of the abandoned dwelling on the Imperial property, located at 392 Dowlin Forge Road, and given the wide discrepancy in amounts between the two bids, neither of which can be recommended by Township staff as the lowest responsible bidder, I make a motion to reject all the bids received as being in the best interest of the Township."

Mr. Bozarth made a motion to modify specifications and re advertise for next meeting. Mr. Gaines seconded the motion. Mt. Toner asked the public for comment. There being none, the motion carried unanimously.

3 - BOS April 11 2016

Hankin Planned Life Facility - Conditional Use Decision:

Ms. Caputo stated that there are 23 conditions to the Order.

### **Conditions of Approval**

The Board grants conditional use approval for the Facility and the related conditional uses, subject to strict compliance with the conditions of this Decision and Order. The following conditions are imposed and attached pursuant to the authority of the MPC §603(c) and Zoning Ordinance § 806.5. The following specific conditions shall not modify the requirement that the Facility comply with the testimony, plans and other exhibits presented by the Township (Board exhibits) and the Applicant and admitted into the record; or the requirement that the Facility comply with all applicable ordinances, standards, specifications, and regulations of the Township and of all other agencies with jurisdiction over the Facility.

1. The site design and layout of the Facility shall be substantially as depicted in Exhibits A-4 and A-6.
2. The architectural elevations for the Facility buildings shall be substantially as depicted in Exhibit A-5.
3. The Applicant shall draft and submit to the Township Zoning Officer for review and approval Restrictive Covenants which will be applicable specifically to the Facility and the Property. These covenants shall include the conditions of approval of this Decision and Order, including but not limited to Conditions 4 through 7 herein below. To the extent necessary, any Restrictive Covenants currently applicable to the Property shall be amended to permit the Facility. Applicant shall determine the existing restrictions applicable to the Property and present a summary and proposed amendments to the Township Zoning Officer for review and approval. The new Restrictive Covenant and amended Covenants shall be recorded in the chain of title for the Property with the final land development plan.
4. The Facility shall have a maximum of 288 units comprised of a minimum of 200 independent living units and 88 assisted living units (including memory care units).
5. Each independent living unit and each assisted living unit, including memory care, shall be occupied as a residence by a maximum of two persons, both of whom shall be 62 years of age or older.

6. Other than the residents, no other individuals shall reside in or occupy the units, except guests and invitees of the residents for a period not to exceed a maximum cumulative total of fourteen (14) days per unit per calendar year for all guests and invitees.
7. The entirety of the Facility shall be owned by a single individual or entity; the Facility shall also be operated by a single individual or entity, which need not be the same as the owner.
8. The development of the Facility shall comply with the comments, requirements and recommendation of correspondence of Edward B. Walsh & Associates, Township Engineer, dated January 29, 2016 (Exhibit A-9).

4 - BOS April 11 2016

9. The development of the Facility shall comply with the comments, requirements and recommendation of correspondence of Burns Engineering, Inc., Township Traffic Engineer, dated February 2, 2016 (Exhibit A-10). Without limiting the foregoing, the northbound Wharton Boulevard lanes shall be re-striped to provide a separate left turn lane and a shared through/right turn lane. Additionally, after the occupancy of the first 200 units of the Facility and thereafter at intervals determined by the Township, Applicant shall conduct a traffic signal warrant analysis at the Stockton Drive/Rice Boulevard intersection. When a warrant is satisfied, Applicant expeditiously shall design, obtain permits, construct and install the traffic signal and all required road improvements and pavement markings at its sole cost and expense.
10. Pedestrian cross walks shall be installed across Rice Boulevard at the intersection of Wharton Boulevard and the Facility driveway; and at the intersection of Rice Boulevard and Stockton Drive. The design of the cross walks shall be determined during land development review.
11. Any improvements proposed for Stockton Drive depicted in the 2016 Hearing exhibits or described in the testimony are not approved by this Decision and Order. Stockton Drive improvements may be included in the preliminary land development plan submission for review and decision by the Board.
12. The development of the Facility shall comply with the comments, requirements and recommendations of memorandums of Thomas Brown, Township Sewer System Engineer, dated January 18, 2016 and February 2, 2016 (Exhibits A-11 and A-12.)
13. The development of the Facility shall comply with the comments, requirements and recommendation of correspondence of Stubbe Consulting LLC, Township Lighting Consultant, dated January 5, 2016 (Exhibit A-13).
14. The Facility shall be constructed as a single construction project. The independent living units, assisted living units and all common facilities shall be constructed simultaneously.
15. No portion or unit of the Facility shall be occupied until the entirety of the Facility is constructed and completed. Notwithstanding the foregoing, the Township Zoning Officer may permit occupancy of some of the units by issuance of a temporary occupancy permit before the completion of all construction if the Applicant can demonstrate to the satisfaction of the Township Zoning Officer, at his sole

discretion, that the units can be occupied without endangering the health, safety and welfare of the contractors, occupants, staff and visitors of the Facility. The Zoning Officer may impose conditions on any temporary occupancy permit to ensure the health, safety and welfare of the contractors, occupants, staff and visitors of the Facility.

16. The driveway connecting Rice Boulevard and Stockton Drive behind the Facility shall be designed to discourage use as a vehicular shortcut to avoid the Rice Boulevard/Stockton Drive intersection.
17. The independent living units shall be a minimum of 750 square feet of gross floor area.
18. The dining facilities, fitness area and all other common areas designed for use by the occupants shall not be open to the general public and shall be restricted to use by the occupants and their guests.

5 - BOS April 11 2016

19. A minimum of 492 parking spaces shall be provided. At least one surface parking space shall be marked reserved by pavement markings or signage for each of the 200 independent living units. 103 spaces shall be located under Building A. 40 spaces shall be located under Building B. 92 of the 492 spaces may be held in reserve and not constructed initially. A plan shall be submitted for Township review and approval with the land development plan designating the location of the reserved parking spaces. All or some of the reserved parking spaces shall be constructed if determined to be necessary by the Township or Applicant.
20. The maximum height of the buildings shall be 63 feet; maximum impervious coverage shall be 59.4%; the maximum building coverage shall be 30.1%. Detailed plans demonstrating compliance with the foregoing limitations shall be submitted with the preliminary land development plan for Township review and approval.
21. The maximum building length for Building A shall be 345 feet.
22. Applicant shall obtain and keep in force all licenses and permits required by the Commonwealth of Pennsylvania and any other jurisdiction to operate the Facility.
23. Applicant shall contribute to the Township a fee in lieu of completing a Fiscal Impact Study in accordance with Zoning Ordinance Section 806.4.f. The amount and timing of payment shall be determined by the Township.

The Board extends the time for completion of construction of the Facility from the 12-months required by Zoning Ordinance Section 806.4.l to 24 months from the date of final land development approval of the Facility. The Applicant may request additional time from the Board if necessary.

Mr. Gaines made a motion to approve, contingent upon the conditions listed. Mr. Bozarth seconded the motion. Mt. Toner asked the public for comment. There being none, the motion carried unanimously.

Hankin- Eagleview Crossing - Request for Conditional Use Hearing:

Ms. Caputo stated she had a request for conditional use from Hankin for a 127 room hotel at Eagleview

Crossing which is adjacent to Hilton Gardens. The hearing is scheduled for May 9, 2016.

Spring Dance Hot Tubs - Tent Sale:

Mr. Sine from Spring Dance Hot Tubs was present. He stated that they are remodeling their showroom with new carpet and paint in May. Therefore, they will have to remove all the spas inside and put them outside in a tent that week. The dates would be May 9<sup>th</sup>- 13<sup>th</sup>. The tent sale dates are: June 2<sup>nd</sup> - June 7<sup>th</sup>; August 4<sup>th</sup> - August 9<sup>th</sup>; September 29<sup>th</sup> - October 4<sup>th</sup>.

Mr. Gaines made a motion to approve Mr. Sine's requested dates for Spring Dance Hot Tubs. Mr. Bozarth seconded the motion. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

Pickering Valley Feed & Farm - Annual Flower & Plant Sale:

Mr. Toner was in receipt of a letter submitted from Mr. Cracas at Pickering Valley Feed & Farm Store. They are requesting to sell flowers and plants in 12 parking spaces of the upper parking lot in the Lionville Business Center. The racks will be removed on or before July 31, 2016. Mr. Toner stated he did not see any issue with the request. Mr. Cooke said there were no issues last year.

6 - BOS April 11 2016

Mr. Gaines made a motion to approve the request for the annual flower and plant sale at Pickering Valley Feed and Farm Store. Mr. Bozarth seconded the motion. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

Appointment of 2016 Fire Police Officers:

Mr. Toner proposed the following members as Special Fire Police Officers: Linda Gramling, Bruce Vessey, Charles Lobb, Pam Lobb, Denise Todd, Richard Ruth, Barb Yagle, John Sledeski and Joel Gramling.

Mr. Gaines made a motion to approve the 2016 Fire Police Officers. Mr. Bozarth seconded the motion. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

Acceptance of Non-Uniform Pension Plan with John Hancock:

Ms. Bernhard reported that effective May 1<sup>st</sup> the non-uniform pension plan will now be with John Hancock since Prudential would not lower their fees.

Mr. Gaines made a motion to approve the move to John Hancock for the non-uniform pension plan. Mr. Bozarth seconded the motion. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

Knauer - Lionville Self Storage - Gordon Dr. - Conditional Use Acceptance Letter:

Ms. Caputo stated she received the letter dated March 21, 2016 from Mr. Knauer accepting the Decision and Order.

Discussion - Noise Ordinance:

Mr. Hanley stated that he would like to have solicitor Tom Oeste look over our current noise ordinance and make some changes. The ability to work certain hours on Sundays. This would not be ready until the June meeting most likely.

Linskens - 495 Taylor Rd. - 3 Lot Preliminary/Final Subdivision Plan per Subdivision Ord. 304.1:

Mr. Cooke said he was in receipt of a plan submission from Patrick Linskens at 495 Taylor Rd. to allow for the development of 3 lots on part of the old McConnell property that was previously subdivided. The Board may permit the combined plan submission since our ordinance was amended to permit simple plans to be done in 2 steps. Board accepted plan to be sent out to reviewing agencies.

Resolution 2016-07 - Winter Storm Jonas:

Ms. Bernhard stated that this resolution would appoint her as agent for Uwchlan Township to work directly with FEMA for the purpose of obtaining financial reimbursement for costs from the winter storm.

Mr. Gaines made a motion to approve Ms. Bernhard as the FEMA agent for Uwchlan Township. Mr. Bozarth seconded the motion. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

Mr. Toner stated that the Board would like to recognize Detective Fortmann for the service he has provided. Mr. Gaines stated that he receives positive feedback from those who work with Detective Fortmann. The Board thanked him for his hard work and dedication.

7 - BOS April 11 2016

Mr. Toner made a motion to promote Detective Fortmann to the rank of Sergeant effective tomorrow. Mr. Bozarth seconded the motion. Mr. Toner asked the public for comment. There being none, the motion carried unanimously.

ANNOUNCEMENTS:

1. 04/14 - Historical Commission - 7:30 pm. - Cadwalader House
2. 04/20 - Zoning Hearing Board - 7 pm. - Advanced Auto Sign
2. 04/22 - UTIDA - 8:30 am.
3. 05/02 - Park & Recreation - 7:30 pm.
4. 05/04 - Planning Commission - 7:30 pm.
5. 05/09 - Board of Supervisors - 7:30 pm.

OPEN TO THE PUBLIC FOR QUESTIONS AND CONCERNS

1. Bill MacLaughlin, 491 Lionville Station Rd, asked if the change in the noise ordinance was going to be more or less restrictive?

Mr. Hanley replied that it would be more restrictive.

2. Bill MacLaughlin, 491 Lionville Station Rd., asked whose responsibility it was for the Wawa intersection across from the middle school because it is in very bad shape.

Mr. Cooke responded that Mr. Spaeder is responsible to repair the entrance / exit near Wawa and Rite Aid. Mr. Bozarth also commented that people are going in and out the wrong way there.

3. Bill MacLaughlin, 491 Lionville Station Rd., asked if the repaving on Sheree Blvd from Rt.113 to Rt. 100 was out of escrow or out of Township funds.

Mr. Hanley responded that it came from Township funds. The sidewalks were through a grant from the state.

4. Douglas Dunghe, 613 Ship Rd., stated that since the stop signs were placed at Ship Rd. and Llandoverly Dr. there have been more speeders and there was an accident there last Saturday. He asked for police presence there. He also suggested speed bumps.

Mr. Toner responded that speed bumps are something that we do not like to do. Mr. Pontarelli said he would get police presence there.

5. Douglas Dunghe, 613 Ship Rd., stated that he has \$35,000 in liens for trash bills at 502 W. Uwchlan Ave that have not been paid. He said he does not live there and when he tried to refinance he realized there were liens on the property. He said he tried to contact our solicitor's office but could not get a response.

8 - BOS April 11 2016

Mr. Toner said that there has never been a problem getting a response from Mr. Lamb's office. Ms. Bernhard said she would get his information and look into it.

There being no other business, Mr. Gaines made a motion to adjourn at 8:07 pm. Mr. Bozarth seconded and the motion was carried unanimously.

Respectfully submitted,

Katie Churchill

9 - BOS April 11 2016