

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
SEPTEMBER 12, 2016

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 and Milton H. Bozarth; Township Manager Doug Hanley; Building Inspector/Zoning Officer Tom Cooke; Assistant Zoning Officer Tara Caputo; Township Secretary Katie Churchill; Township Treasurer Susan Bernhard; Officer-in-Charge Scott Alexander and Sergeant Tom Fortmann.

Mr. Toner mentioned that the Board of Supervisors had an executive session on September 1, 2016 regarding personnel items.

Minutes: Mr. Bozarth made a motion to approve the minutes of August 8, 2016 and Mr. Toner seconded. Mr. Toner asked for public comment. There being none, the motion carried unanimously.

Board of Supervisors Vacancy: Mr. Toner said that this has been a very difficult time for the Board of Supervisors and the entire Uwchlan family with the passing of Vice Chair Mr. Gaines. State law requires that the Board of Supervisors name a replacement for the unexpired term as permitted by law. Mr. Toner recommended that the person be Mrs. Pat Gaines to fill the unexpired term as permitted by law. Mr. Toner mentioned that Mrs. Gaines is the current Chair of the Historical Commission, Secretary of the IDA, a Republican committee woman, very active in our community and a former school teacher.

Mr. Toner made the motion to have Pat Gaines fill the unexpired term as permitted by law and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion carried unanimously.

Mrs. Gaines was sworn as Supervisor by Mrs. Churchill. Mr. Toner asked her if she would like to continue with the medical plan that the Township offers. Mrs. Gaines replied yes.

REPORTS:

Police: Officer-in-Charge, Scott Alexander, reported that there were 297 traffic citations issued and 32 traffic accidents during the month of August.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$1,439,597.81	\$1,050,508.86
State Liquid Fuel	\$178.32	\$112,485.75
Sewer	\$454,383.80	\$224,541.98

To date, the Township has collected approximately 73% of its budgeted revenues and

spent about 65% of its budgeted expenditures.

Fire Marshal: No report.

Lionville Fire Co.: Mrs. Churchill reported that the Fire Company had 62 incidents in August, with a year to date 408 incidents. In the month of August, there were 30 incidents in Uwchlan Township.

Uwchlan Ambulance: Mr. Baxter reported that the Uwchlan Ambulance Corps responded to 290 calls during the month of August, 100 of which were in Uwchlan Township.

Public Works: Mr. Hanley reported that for the month of August the Public Works Department repaired and cleaned out culverts on W. Sheree; rock-lined a wash out in the creek at 403 Howell; cut back tree limbs on numerous streets to get ready for snow; put in a stone seepage pit in the cu-de-sac area on Bridle Lane; repaired catch basins on Scott, Tesia, Wharton, Biddle, Norwood, and Caermarthen. There are many more to go and we are keeping track to report to the state DEP for storm water management requirements.

He also reported that for the month of August the daily average flow to Downingtown was approximately 1.36 million gpd and there were no new sewer connections to DARA or the Eagleview Plant.

The Township has received 3.90 inches of rain for August with a year-to-date deficit of 1.9. Also repairs are being done to the interceptor along Marsh Creek with the hopes to be finished this week. Also, the sand filters at the Eagleview Treatment Plant will hopefully be completed this week as well.

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

BUSINESS:

Personnel Action: Mr. Bozarth stated that earlier this year, Uwchlan Township Police Chief Joe Pontarelli announced his retirement. The Board of Supervisors assigned Sergeant Scott Alexander to serve as Officer-in-Charge to assure a smooth transition for the Uwchlan Township Police Department. Scott worked alongside Chief Pontarelli in May and June and took command as Officer-in-Charge at the Chief's retirement on July 1st. Mr. Bozarth continued to say that the Board has been very pleased with the results so far. So, now is the appropriate time to take the next incremental step.

Mr. Bozarth made the motion to promote Scott Alexander to the rank of Lieutenant and change Lieutenant Alexander's title to Acting Uwchlan Township Chief of Police, effective now. Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

Trash Bids: Mr. Hanley stated that the current contract with Mascaro expires at the end of this year. Mr. Oeste has been working on the bid specs. The Township will be receiving bids October 6th at 9 a.m. and bid awarded on October 11th at 7:30 p.m.

Currently, there are 4 companies interested.

Request - 108 Conrey's Way - Block Party - October 8, 2016: Mr. Toner stated this event has been done in the past with no issues. The police department has no issues with the event. Mr. Bozarth said there were conditions with noise and making sure that emergency vehicles would have access if needed.

Mr. Bozarth made a motion to approve the block party on Conrey's Way and Mr. Toner seconded. Mr. Toner asked for public comment. There being none, the motion carried unanimously.

Hankin Acceptance of Conditional Use Order for Tower at 405 Eagleview Blvd.: Ms. Caputo is in receipt of the letter dated August 17, 2016 and all the conditions are agreed upon.

Tru Hotel - Conditional Use Decision: Mr. Oeste stated that there are 18 conditions to the Order.

Conditions of Approval

The Board grants Conditional Use approval for the Project, subject to strict compliance with the conditions of this Decision and Order. The following conditions are imposed and attached pursuant to the authority of MPC §603(c) and Zoning Ordinance § 806.5. The following specific conditions shall not modify the requirement that the Project 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 Project comply with all applicable ordinances, standards, specifications, and regulations of the Township and of all other agencies with jurisdiction over the Project.

1. The site design and layout of the Project shall be substantially as depicted in Exhibit A-3. The proposed Hotel shall have a maximum of 98 guest rooms.
2. The architectural elevations for the Hotel building shall be substantially as depicted on Exhibits A-9 E, A-9 W, A-9 S and A-9 N. The final elevations shall be reviewed and approved by the Board during land development review.
3. The Hotel shall be, at a minimum, a midscale product with an average nightly room cost of approximately \$120.00 as described by the Applicant; no economy hotel shall be permitted on the Property.
4. At least one "desk" employee shall be present on the Hotel property at all times to handle guest issues and emergency situations.
5. No restaurant or kitchen facilities shall be constructed or used in the Hotel and no "from scratch" food preparation shall be conducted on the Hotel premises. Food service shall be restricted to Hotel guests only and shall be limited to self-service of items such as coffee, tea, juices, sodas, muffins, bagels, chips, pretzels, candy; items that require minimal preparation (e.g., waffles, cereals); and pre-cooked and packaged items prepared off-site that require heating (e.g., breakfast meats). No outside dining or food/drink

- consumption shall be permitted in conjunction with the Hotel use.
6. The maximum height of the Hotel building shall be 50 feet; the maximum building coverage of the Property shall be 10.18%; and the maximum impervious coverage of the Property shall be 66.10%. Detailed plans demonstrating compliance with the foregoing limitations shall be submitted with the preliminary land development plan for Township review and approval.
 7. The building shall be fully-spinklered and include fire department standpipes in compliance with the Township building and fire codes.
 8. The development of the Project shall comply with the comments, requirements and recommendations of correspondence of Edward B. Walsh & Associates, Township Engineer, dated June 26, 2016 (Exhibit B-5).
 9. The development of the Project shall comply with the comments, requirements and recommendations of correspondence of Burns Engineering, Inc., Township Traffic Engineer, dated June 26, 2016 (Exhibit B-6). Without limiting the foregoing, the Applicant shall modify and improve the entrance/exit to the parking lot to and from Route 100 as generally depicted on the Plan.
 10. Pedestrian sidewalks and paths shall be designed and constructed to facilitate pedestrian movement between the Hampton Inn and the Tru Hotel and between the Hampton Inn/Tru Hotel and nearby properties, including but not limited to a pedestrian sidewalk to the Uwchlan Avenue vehicular entrance/exit to the Property.
 11. The land development plan shall comply with the comments, requirements and recommendations of Thomas Brown, Township Sewer System Engineer and Michael J. Holmes, Township Fire Marshall, raised in the Conditional Use review.
 12. A minimum of 238 parking spaces shall be provided on the Property for the Hampton Inn and Tru Hotel. Provided however, the Board grants the Applicant's request to hold in reserve and not pave the two (2) parallel parking spaces depicted on the Plan adjacent to the existing Hampton Inn flagpole area. The spaces shall be paved and striped by the Applicant if the Township Zoning Officer determines the spaces are necessary to provide adequate parking for the Project or the Hampton Inn.
 13. No signs are approved by this Decision and Order. The Applicant shall submit a signage plan for the Project with the land development plan which shall be satisfactory to the Township in all respects. The signage shall be aesthetically compatible with the Hampton Inn signage and compliant with Zoning Ordinance Sections 606 and 615.
 14. The proposed landscaping plan and lighting plan marked as Exhibit A-5 are not approved by this Decision and Order. A landscaping plan and lighting

plan shall be submitted with the land development plan and be satisfactory to the Township in all respects. The lighting plan shall include the placement, at the Village Avenue vehicular entrance/exit to and from the Property, of two (2) "Greater Lionville" street lights.

15. 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 fee shall be a total of Thirty-Five Thousand Dollars (\$35,000) and shall be paid to the Township prior to the recordation of the final land development plan for the Project. The fee shall be used by the Township to offset the cost of grass mowing of the property

owned by the Pennsylvania Department of Transportation on the northwest corner of Routes 100 and 113 which is adjacent to the Applicant's Property.

16. No outside storage of materials and no outside storage units/trailers shall be permitted on the Property.
17. The Applicant shall submit to the Township for review and approval, any amendments to the Restrictive Covenants and Declarations applicable to the Property which are necessary to authorize the Project. At a minimum, the following documents must be amended:
 - a. Amendment to Restrictive Covenants dated January 26, 1987 recorded at Chester County Recorder of Deeds Book 3147, page 383 (which amended Restrictive Covenants dated October 23, 1985 recorded at Chester County Book 187, page 398) limiting the floor area of all buildings on UPI Nos. 33-4-24, 33-4-25 and 33-4-26.1A to a total of 150,000 square feet. This Restrictive Covenant must be further amended to permit a total building floor area on all three parcels of 180,000 square feet.
 - b. Declaration dated April 30, 1993, recorded at Chester County Book 3555, page 1968, which confirms certain conditions of approval of a Township land development plan recorded as Chester County Plan 12054. This Declaration limits the height of a building in the proposed location of the Tru Hotel to 26 feet above the existing first floor top of slab elevation. This Declaration must be amended to increase the height limit to 50 feet. The Township agrees to execute the necessary amendatory documents if and when the Applicant obtains final land development approval for the Project and records the final plan. The amendatory documents shall be recorded with the final land development plan.

18. The Applicant shall, by recorded instrument in form and substance

satisfactory to the Township Solicitor, hold the Township harmless and indemnify the Township against all claims and demands of any nature whatsoever, including the cost of defense thereof, resulting from alleged damage to persons or property on account of the erosion and sedimentation and storm water management facilities constructed or improved in connection with the Project.

The Board extends the time for completion of construction of the Project from the 12-months required by Zoning Ordinance Section 806.4.I to 36 months from the date of this Decision and Order (September 12, 2019). The Applicant may request additional time from the Board if necessary.

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

Sketch / Final Subdivision Plan - 392 Dowlin Forge Rd: Mr. Cooke stated that the 2 subdivided lots will have access to public water and sewer available off of Fairweather Drive and Dowlin Forge Road. The plan shows legal building envelope size. Zoning requires 1 acre per lot and being requested is 22,000 square feet plus or minus for each of these lots. Lot width is 150 feet minimum and 123 feet is provided. The order from the Zoning Hearing Board will be out on Wednesday, September 21st. Mr. Cooke added that there is a positive recommendation from our Planning Commission as well as the County Planning Commission.

Mr. Bozarth made a motion to approve this final subdivision plan and further approve the resolution that will convey that decision, subject to approval of 2 variances by Zoning Hearing Board. Mr. Toner seconded. Mr. Toner asked for public comment. There being none, the motion carried unanimously.

Sanitary Sewer System Pipe Report: Mr. Hanley said the past 5 years the Township has been working on the sanitary sewer system mostly in Marchwood which is the oldest section. This section contains transite pipe, which has caused problems across the county regarding age and the limits that are being put on that pipe. In the case here there is pipe that has been in the ground 50 plus years and there is wear, cracking, infiltration from groundwater. The Township has a program with Gannett Fleming and Tom Brown where we have gone through and televised sections of the Township and mapped various sections that need to be repaired. The repairs that are the most problematic will come first. The program will run about 10 years and we will be paying about \$300,000 - \$400,000 a year. At the end of that time period we should have a pretty good system.

Resolution #2016-12 - Minimum Municipal Obligations for 2017: Mr. Hanley stated this resolution is required each year. For the coming year the minimum municipal obligation for the Police Pension plan is \$383,728.00 and for the non uniform it is \$180,450.00.

Mr. Bozarth made a motion to approve resolution #2016-12 Minimum Municipal Obligations for 2017 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

Mr. Toner stated there were two things he would like to add to the agenda: First, Mr. Toner said he was in receipt of a letter from Lee Wisdom who is interested in joining the Historical Commission. She will interviewed by the Board of Supervisors.

Second, Mr. Toner stated that the Board of Supervisors is without a Vice Chair since Mr. Gaines has passed away.

Mr. Toner made a motion to nominate Mr. Bozarth as the Vice Chair of the Board of Supervisors and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

ANNOUNCEMENTS:

1. 10/05 - Planning Commission - 7:30 pm.
2. 10/11 - Board of Supervisors - 7:30 pm.
3. 10/13 - Historical Commission - 7:30 pm. - Cadwalader House
4. 10/21 - UTIDA - 8:30 am.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Bozarth stated he was delighted to have Mrs. Gaines join us as Supervisor.

There being no other business, Mr. Toner made a motion to adjourn the meeting at 7:55 p.m. Mr. Bozarth seconded and the motion carried unanimously.

Respectfully Submitted,

Katie Churchill
Township Secretary