

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
OCTOBER 11, 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 and Patricia D. Gaines; Township Manager Doug Hanley; Building Inspector/Zoning Officer Tom Cooke; Assistant Zoning Officer Tara Caputo; Township Secretary Katie Churchill; Township Treasurer Susan Bernhard; Fire Marshal Mike Holmes; Lieutenant Scott Alexander; Sergeant Tom Fortmann and Special Counsel Tom Oeste.

Mr. Toner noted that prior to the meeting, the Board members met to discuss personnel issues.

Minutes: *Mr. Bozarth made a motion to approve the minutes of September 12, 2016 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

REPORTS:

Police: Lieutenant Alexander reported that there were 267 traffic citations issued, 15 criminal arrests and 46 traffic accidents during the month of September. He also stated that since the new weigh station has been opened, the Department has conducted 19 details with 5,118 trucks weighed. Sixty-four of them had violations.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
General	\$709,117.31	\$1,006,750.95
State Liquid Fuel	126.69	22,860.90
Sewer	113,635.76	240,608.32

To date, the Township has collected approximately 81% of its budgeted revenues and spent about 76% of its budgeted expenditures.

Public Works: Mr. Hanley reported that for the month of September the Public Works Department removed trees in right-of-way at the Williamsburg baseball field; milled and paved Susan Dr. and Bridle Ln.; installed a new catch basin at 90 Peck Rd.; performed site work at site of the Veteran's Memorial; repaired various street signs; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that for the month of September the daily average flow to Downingtown was approximately 1.3 million gpd and there were no new sewer connections to DARA or the Eagleview Plant.

The Township has received 5.9 inches of rain for September with a year-to-date deficit of .08 inches.

Fire Marshal: Mr. Holmes reported that for the month of September he responded to 9 fire calls during working hours; spent 15 hours of work time handling Fire Department activity; and reviewed plans for commercial buildings and inspected those under construction. He is currently conducting fire prevention programs at the schools.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 46 alarms during the month of September, 24 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: No one was in attendance. The report received by e-mail showed that the Ambulance Corps responded to 260 calls during the month of September, 93 of which were in Uwchlan Township.

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

BUSINESS:

Mr. Toner noted that prior to the meeting, the Board members interviewed 2 residents interested in volunteer position openings on two Township commissions – Lee Wisdom for the Historical Commission and Joe Laird for the Park & Recreation Board.

Mr. Bozarth made a motion to appoint Lee Wisdom to the Historical Commission and Joe Laird to the Park & Recreation Board. Mrs. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

Award of Trash Bill:

Mr. Hanley explained that the following bids were received and opened on October 6, 2016 for the awarding of the Township trash/recycling contract for the next 3 years with a 2 yr. option:

HAULER	OPTION 1	OPTION 2	OPTION 3
AJ Blosenski	1-\$839,991.60 2-\$839,991.60 3-\$839,991.60 4-\$907,190.93 5-\$979,766.20	1-\$898,884.00 2-\$898,884.00 3-\$898,884.00 4-\$970,794.72 5-\$1,048,458.30	No Additional Charge
Eagle Disposal	1-\$742,044.00 2-\$750,103.00 3-\$765,600.00 4-\$812,095.00 5-\$836,892.00	1-\$760,640.00 2-\$768,600.00 3-\$784,200.00 4-\$830,692.00 5-\$855,490.00	No Additional Charge
JP Mascaro	1-\$815,496.00 2-\$822,240.00 3-\$829,680.00 4-\$850,056.00 5-\$872,220.00	1-\$866,688.00 2-\$874,464.00 3-\$883,200.00 4-\$904,908.00 5-\$928,704.00	No Additional Charge
Republic	NO BID	NO BID	NO BID

Township staff and Counsel have reviewed the bids and recommend that Eagle Disposal be awarded the bid as they are the lowest responsible bidder.

Mr. Bozarth made a motion to award the Trash/Recycling Contract to Eagle Disposal for 3 years with an additional 2 year option. Mrs. Gaines seconded the motion. Mr. Toner asked for public comment.

Al DiGenaro, Attorney for JP Mascaro, stated that he has reviewed the bid specifications and the bid material and has found an issue with Eagle Disposal's Bid Bond. Therefore, he feels Eagle Disposal's bid is defective.

Sam Augustine, Director of Sales for JP Mascaro, stated that Eagle does not have the financial standing that Mascaro does and Mascaro is rated highly among disposal companies.

Neil Slenker, Attorney for Eagle Disposal, noted that he disagrees with Mr. DiGenaro's analysis but will not address all the points tonight. He would rather discuss one on one with Township Board members and staff if there are still concerns or questions.

Mr. Oeste, Township Counsel, said he has reviewed the correspondence from Mascaro's Counsel, re-read the bid instructions and did some independent research and still thinks that Eagle's Bid Bond is structured in accordance with the specifications set forth by the Township. He suggested that the motion be amended to state the following: *in the event it may be determined that the bid from Eagle Disposal is defective, the irregularity will be waived in the best interest of the Township.*

Mr. Bozarth amended his motion to include the above italicized wording. Mrs. Gaines seconded and the motion was carried unanimously.

Ordinance No. 2016-03: Brake Retarder Prohibition

This Ordinance prohibits the use of engine brake retarders in accordance with the PA Vehicle Code on southbound Route 113 between Northwood Dr. and Peck Rd. and northbound Route 113 between Whitford Hills Rd. and #518 W. Uwchlan Ave.

Mr. Bozarth made a motion to adopt Ordinance No. 2016-03 and Mrs. Gaines seconded. Mr. Toner asked for public comment.

Steve Senn, Contractor who does work in the Township, stated that "it is not the engine retarder that is the problem but the exhaust system of the truck. By prohibiting the use of the engine retarder, you are creating a safety issue. Trucks hauling large loads may not be able to stop in time, whereby causing an accident. Who assumes liability if this should happen?"

Mr. Hanley noted that the Ordinance was penned after conversation with PennDOT and looking at what the PA Motor Vehicle Code says.

Joe Fraim, 460 E. Radnor Ct., and Charles Kalemjian, 83 Glendale Rd., agreed that the noise is of concern and both support the prohibition of the brake retarders on certain roadways.

The motion was carried unanimously.

Lionville Station Road: Truck Traffic

Mr. Hanley reported that due to the increase in size of trucks traversing Lionville Station Rd., the Township requested that E.B. Walsh study the area and make a recommendation. Dan Daley of E.B. Walsh has advised that the road should be restricted to local truck deliveries only. An ordinance will be drafted.

Tru Hotel: Conditional Use Acceptance Letter

The Township has received a letter dated September 23, 2016 from Bill McNamara stating that they accept the Conditions of the Conditional Use Decision with some minor clarifications of #3 and #6.

Meridian at Eagleview: Age Restriction Discussion

Becky Reeves and Neal Fisher, both from the Hankin Group, requested that they be permitted to lower the leasing age restriction for the apartments at Meridian. Leasing information currently requires all residents to be 55 years or older. Recently, they have had to turn away couples because one of them was under 55 years of age. There has been a market shift and the Hankin Group does not want an empty building.

Mr. Bozarth stated that in 2009 when this development was first proposed, the age requirement was 62 plus but in 2013 was changed to 55 or over. He is frustrated because now the Hankin Group wants to “tweak” it further. Covenants were put in place stating the age requirements and at that time the Board members agreed that there should be no further changes. Another concern is for those that have already signed a lease and do meet the age requirement.

Mrs. Gaines asked about the lease agreement restriction where the renter may have a visitor younger than 55 yrs. visit with them for up to 14 days/yr. She asked how old that visitor can be. Mr. Fisher stated that there is no age requirement for that visitor.

Although Mr. Bozarth was prepared to make a motion to deny this request, Mr. Toner asked the Township Solicitor to review the reasonableness of the request. Mrs. Gaines also deferred, stating she would like more information, as well.

No motion was made.

Resolution No. 2016-14: Eagleview Plant – Act 537

This Resolution allows the Township and Uwchlan Township Municipal Authority to sell the Eagleview Wastewater Treatment Plant and tributary sewer system to a qualified, responsible 3rd party entity.

Mr. Bozarth made a motion to adopt Resolution No. 2016-14 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

ANNOUNCEMENTS:

1. 10/13 - Historical Commission – 7:30 pm. - Cadwalader House
2. 10/21 - UTIDA – 8:30 am.
3. 11/02 – Planning Commission – 7:30 pm.
4. 11/07 – Park & Recreation - 7:30 pm.
5. 11/09 - Historical Commission – 7:30 pm. - Cadwalader House
6. 11/14 – Board of Supervisors – 7:30 pm.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

There being no other business, Mr. Bozarth made a motion to adjourn the meeting at 8:23 p.m. Mrs. Gaines seconded and the motion was carried unanimously.

Respectfully submitted,

Katie Churchill
Township Secretary

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