

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
MARCH 12, 2018

The meeting was called to order at 7:31 p.m. by Chairman Bill Miller, and the Pledge of Allegiance was recited.

Mr. Miller announced that the Board met during an Executive Session prior to the meeting to discuss possible litigation against Sunoco.

Present: Supervisors Bill Miller, Mayme Baumann and Kim Doan; Township Manager Doug Hanley; Assistant Manager Scott Greenly; Building Inspector/Zoning Officer Tom Cooke; Assistant Zoning Officer Tara Giordano; Township Secretary Katie Churchill; Township Treasurer Susan Bernhard; Fire Marshal Mike Holmes; Chief of Police Scott Alexander, Township Solicitor Mark Freed and Township Engineer Dan Daley.

Minutes: *Mrs. Baumann made a motion to approve the Minutes of February 12, 2018 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

REPORTS:

Police: Chief Alexander reported that there were 195 traffic citations issued, 26 criminal arrests and 33 traffic accidents during the month of February. Motor Carrier details conducted resulted in 1 truck and 2 drivers taken out of service.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$1,404,735.25	\$ 835,565.87
Sewer	703,243.27	297,013.82

To date, the Township has collected approximately 18% of its budgeted revenues and spent about 15% of its budgeted expenditures.

Public Works: Mr. Hanley reported that for the month of February the Public Works Department picked up and chipped Christmas trees; mixed salt and anti-skid; repaired potholes on Dowlin Forge Rd. and Lionville Station Rd., repaired lawn damage from plowing; repaired retention basin in Welsh Ayres development; opened a pipe in Weaver's Pond; salted roadways 6 times and plowed 3 times; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that for the month of February the daily average flow to Downingtown was

approximately 1.6 million gpd and there were no new sewer connections to DARA or the Eagleview Plant. Additionally, the Department has begun televising the sewer lines at various locations throughout the Township.

The Township has received 6.66 inches of rain during February with a year-to-date surplus of 3 inches. Since 2002, the Township has shown above average rainfall for the year.

Fire Marshal: Mr. Holmes reported that he responded to 9 fire calls during regular work hours; spent 12 hours of work time handling Fire Department activity; instructed one fire safety class; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 38 alarms during the month of February, 24 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Baxter reported that the Ambulance Corps responded to 285 calls during the month of February, 106 of which were in Uwchlan Township.

Mrs. Baumann made a motion to accept the Reports as presented and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

BUSINESS:

Pickering Valley Feed & Farm: Annual Flower & Plant Sale

The Township has received a request from Mr. Cracas requesting permission to begin their annual plant sale on the 12 parking spaces of the upper parking lot in the Lionville Business Center.

This is their yearly request that will have the same stipulations as in the past. The plant sale will end no later than July 31, 2018.

Mr. Miller made a motion to approve the temporary zoning violation required to allow for this sale and Mrs. Baumann seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Sunoco:

Mr. Freed, Township Solicitor, noted that there has been much activity with regards to the Sunoco Mariner project. Sunoco made a settlement payment to the DEP for a violation in northern Pennsylvania, the Commonwealth Court has ruled that the pipeline project falls under the jurisdiction of the PUC, last week sinkholes were discovered in areas South of Uwchlan Township along the Mariner 2 project, and a decision has been made stating that Sunoco must investigate and do geophysical work with regards to any sinkholes that may develop.

As a result of the recent activity, Mr. Freed recommended that Uwchlan Township join West Whiteland in intervening in the present PUC proceedings and ask that the township line between Uwchlan and West Whiteland be investigated to determine if the geology is susceptible to the development of

sinkholes. Presently, pipelines are required to be located 4 feet underground. However, it has been discovered that at least one pipeline is only 2 feet underground, which opens it up to a greater impact from equipment activity.

Mr. Daley, Township Engineer, briefly described the geology of Uwchlan Township, showing on a chart that most of Uwchlan has soils that are less susceptible to sinkholes. A copy of the chart will be displayed on the Uwchlan Township website.

Mrs. Baumann made a motion to authorize the Township Solicitor to intervene in the action brought on by the PUC against Sunoco and take any other actions that are deemed appropriate. Dr. Doan seconded the motion. Mr. Miller asked for public comment.

There were several West Whiteland residents present along with Tom Casey who is spear-heading the Committee to perform a risk assessment study of the Mariner 2 project. This Committee is comprised of concerned citizens from area Townships and municipalities who are against the recent pipeline activity. Mr. Casey asked if the Board is still open to supporting the Committee's risk assessment study in light of the recently provided parameters given to the Board for their review. He also asked if consideration will be made to include the information about the risk assessment study on the Township website.

Mr. Miller stated that the additional information was appreciated but the Board members have not yet had an opportunity to review the material. Upon review, the Board will consider adding the information to the Township website.

Danielle Otten, 400 Devon Dr., read a Resolution to be considered for adoption by the Board regarding the Mariner 2 pipeline project. The Resolution allows for a \$15,000 contribution to the Committee spear-headed by Mr. Casey. Mr. Miller stated that although the Board agrees with the spirit of the proposed Resolution, the Board is not yet in a position to adopt the Resolution.

Mike Taylor, 452 Creekside Dr., stated that although he is opposed to the Mariner pipeline project, he suggested that the Township tread cautiously by toning down the rhetoric surrounding the project. He noted that depending on how the residents' opposition is handled, resale value of Township homes may be affected.

There being no other comments, the motion was carried unanimously.

Nancy Toner, 10 Arianna Ln., asked for clarification as to whether the Township was bringing legal action against Sunoco based on the 2014 Ordinance. Mr. Freed stated that based on the status of the law today, there is no lawsuit being filed.

Rebecca Britton, 211 Andover Dr., and Laura Obenski, 14 S. Village Ave., thanked the Board members for their ongoing interest in supporting the residents.

Mike Hendrickson, 717 N. Whitford Rd., asked that if Sunoco proceeds with their request to work 24 hours/day on the Mariner 2 project, the Township consider enforcing a noise ordinance prohibiting work due to the resulting noise. Sunoco has not currently made this request.

Adding McMahon Associates as Traffic Engineers:

Mr. Hanley requested that McMahon Associates be added as Traffic Engineer for the Township. Dean Kaiser who formerly worked for Burns Associates, the Township's previous traffic consultant, is now working at McMahon Associates.

Dr. Doan made a motion to approve McMahon Associates as additional Traffic Engineer for the Township and Mrs. Baumann seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Tax Collection Committee Replacement:

Mr. Hanley stated that for the last 6 years the collection agency for Earned Income Tax has been determined by a County-wide Committee. Mr. Bozarth, previous Board member, sat on this Committee. The Township is now required to appoint a replacement.

Dr. Doan made a motion to appoint Mrs. Baumann as the replacement and Mr. Miller seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

McIntyre – Dan's Lane – Lot Line Change: Final Plan Submission

This lot line change is for two properties, one property owned by Kenneth McIntyre which fronts on Woodland Dr. and another property owned by Scott McIntyre that fronts on Dan's Lane, a private street. Scott McIntyre proposes to revise the contiguous property line by moving it approximately 25 feet to the West. The Scott McIntyre parcel will be increased in size to 1.383 acres and the Kenneth McIntyre parcel will decrease in size to 2.774 acres. The revised lots will comply with the requirements of the R-1 Zoning District.

Mrs. Baumann made a motion to accept the plan and send it out for review. Mr. Miller seconded. Mr. Miller asked for public comment. There being none, the motion was carried. Dr. Doan abstained.

Eagleview – Lot #58 Sketch Plan: Permission to Proceed as Preliminary/Final Plan

This sketch plan shows a 3-story, 50,000 s.f. building with related parking spaces on Lot #58 in the Eagleview Corporate Center. Access is from a common driveway that services the existing development on Lot #57 and future development on Lot #59. The common driveway enters Eagleview Blvd. at the intersection of Eagleview Blvd./Pennsylvania Dr. which is a signalized intersection. A secondary access to Eagleview Blvd. is available through Lot #50. Mr. Fisher has requested that this plan be permitted to move forward as a Preliminary/Final Plan since the Conditional Use process was completed in Dec. 2006 when the Master Plan for Lot #51 was modified.

Dr. Doan made a motion to allow this plan to proceed as a Preliminary/Final Plan and Mrs. Baumann seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Environmental Advisory Council – Ordinance & Hearing Request: Permission to Advertise

The Board members announced that they would like to form an Environmental Advisory Council to be made up of 3-7 volunteers to oversee that the community and its residents are provided with the information needed to become “better stewards”.

Since a Hearing is required to adopt the Ordinance, Mrs. Baumann made a motion to advertise the Hearing to be held on April 9, 2018 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Makoto – 404 & 412 Newcomen Rd.: Conditional Use Hearing Request & Permission to Advertise

Makoto is looking to reduce their parking from 20 spaces to 15 spaces. Also, an advertising/printing tenant will be moving into 412 Newcomen Rd. In order to proceed with this, the Conditional Use Hearing will need to be re-opened.

Mrs. Baumann made a motion to advertise the re-opening of the Conditional Use Hearing for April 9, 2018 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Parisi – 243-251 Welsh Pool Rd.: Conditional Use Hearing Request & Permission to Advertise

A Conditional Use Hearing is required to occupy 5,000 s.f. of warehouse space at the above address.

Mrs. Baumann made a motion to advertise the Conditional Use Hearing for 243-251 Welsh Pool Rd. for April 9, 2018 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Resolutions:

1. No. 2018-09: 2018 Tax Duplicate

This is a yearly Resolution that the Tax Duplicate for 2018 be transmitted to the Elected Tax Collector.

Mrs. Baumann made a motion to adopt Resolution No. 2018-09 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

2. No. 2018-10: Minimum Municipal Obligation for Police Pension Planning

This Resolution establishes the MMO for the Uwchlan Township’s Police Pension Plan for 2018.

Dr. Doan made a motion to adopt Resolution No. 2018-10 and Mrs. Baumann seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

3. No. 2018-11: Gun Safety

This Resolution urges State and Federal lawmakers to enact stronger protection against gun violence. Copies of the Resolution will be mailed to the President, U.S. Senators, State Senators, Congressman and Representatives.

Mrs. Baumann made a motion to adopt Resolution No. 2018-11 and Dr. Doan seconded. Mr. Miller asked for public comment.

Lindsay Lebresko, 103 S. Lynwood Ln., questioned why the posted Park Rules at Township Parks originally forbidding the carrying of firearms while in the parks had been changed a number of years ago to allow firearms.

This was done because the Township cannot enforce the carrying of guns. That is determined by the State.

Mr. Baxter questioned why one of the items in the Resolution states that background checks be required for online purchasing when this already exists. There was a brief discussion regarding online purchase from a reputable store vs. online purchase from an individual.

Rodney Simon, 184 Kent Dr., and Peter Jamnicky, 201 Scott Dr., questioned and discussed who may “carry” on Downingtown School District property and what are the checkpoints in place for protecting the children while in school.

Chief Alexander explained that while there is not a Township Police Officer assigned to each school within the Township, each platoon does perform daily visits/checks of the schools. Also, the Downingtown East High School has one armed guard and 2-3 security guards on site.

There being no other comments, the motion was carried unanimously.

Hankin: Events for 2018

Chief Alexander noted that there are 10 different types of events planned for the Town Center this year, including their usual concerts, movie nights, farmer’s market and fundraisers. Either Fire Police or Police Officers will be available to monitor the events.

Dr. Doan made a motion to approve the list of events for the Hankin Town Center and Mrs. Baumann seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Hankin – Re-zoning Request for Lionville Station Rd.:

Neal Fisher and Mike Malloy requested re-zoning of this 240 acre parcel that is currently zoned PIC. Mr. Fisher explained that the Hankin Group would like to build a development similar to Eagleview where there will be a mixed use.

Mr. Miller stated that due to the magnitude of the request, the Board will consider possible re-zoning at the time that the Township's Comprehensive Plan is updated.

ANNOUNCEMENTS:

1. 03/14 – Receiving Bids for Eagleview Sewer System Sale – 4 p.m.
2. 04/04 - Planning Commission – 7:30 pm.
3. 04/09 - Board of Supervisors – 7:30 pm.
4. 04/12 - Historical Commission – 7:30 pm. - Cadwalader House
5. 04/20 - UTIDA - 8:30 am.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

1. The following residents were present and stated their support for the Risk Assessment Study:

- Carrie Gross, 207 Crump Rd.
- Margaret Quinn, 503 Carmarthen Ct.
- Carrie Joran, 392 Carlton Pl.

Mrs. Joran noted the importance of a Township contribution since the Committee needs the money to proceed with the study.

Mr. Miller stated that the Township cannot give any monetary commitment at this time.

2. Carrie Gross asked if Sunoco could be required to use “Pipeline Construction” signs instead of “Road Construction” signs and, if and when, the “pull back” process starts, Sunoco should not be permitted to start so early in the morning. She also suggested the Township look into limiting stores usage of plastic bags.
3. Lindsay Lebresko, 103 S. Lynwood Ln., thanked the Police Department for their support with the student “walk-out” scheduled for Wednesday. She also asked if there are plans for a Uwchlan Township Facebook page. The Board members stated that once they have policies in place, they will consider a Facebook page.
4. Rebecca Britton asked that the Township keep in mind that Sunoco has stated that placing valve stations every 7-1/2 miles is too expensive.
5. Various members of the audience advised that the following meetings concerning the Sunoco pipeline are scheduled:
 - March 15, 2018 PUC Meeting in Harrisburg – PUC will vote on ratifying the Emergency Order regarding shutdown of Mariner 1. A video will be available for view on their website.

- Q & A between the PUC & DEP @ West Whiteland Township – March 19, 2018
7:00-9:00 pm.
- Pipeline Rally – Harrisburg PA – April 13, 2018

Dr. Doan thanked all those present for sharing their concerns.

There being no other business, Mrs. Baumann made a motion to adjourn at 9:13 p.m. and Dr. Doan seconded. The motion was carried unanimously.

Respectfully submitted,

Katie Churchill
Township Secretary

/jc