

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF REGULAR MEETING  
JUNE 12, 2017

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, Milton H. Bozarth and Patricia D. Gaines; Township Manager Doug Hanley; Building Inspector/Zoning Officer Tom Cooke; Township Secretary Katie Churchill; Township Treasurer Susan Bernhard; Assistant Zoning Officer Tara Caputo; Township Engineer Dan Daley and Police Chief Scott Alexander.

Absent: Fire Marshal Mike Holmes

Minutes: *Mr. Bozarth made a motion to approve the minutes of May 8, 2017 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

REPORTS:

Police: Chief Alexander reported that there were 228 traffic citations issued, 19 criminal arrests and 42 traffic accidents during the month of May. Motor Carrier details conducted resulted in pulling over 27 overweight trucks, and 7 trucks and 3 drivers taken out of service.

He also reported that the shooting range located on the property is back on-line after being closed down for unhealthy air issues.

Mr. Toner asked how many times Narcan was used during the last month. Chief Alexander stated that although there was no need for use during the month of May, the Department has had to administer Narcan several times in prior months, sometimes giving 4 or 5 doses to a person prior to EMS arrival. This is due to a synthetic form of fentanyl being used.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$1,774,778.89	\$ 735,880.93
Hydrant	23,389.46	9,900.00
State Liquid Fuel	796,421.79	-0-
Sewer	496,276.58	279,838.72

To date, the Township has collected approximately 48% of its budgeted revenues and spent about 38% of its budgeted expenditures.

Public Works: Mr. Hanley reported that for the month of May the Public Works Department prepared area roadways for paving/resurfacing; repaired catch basins; cut back tree limbs along Bausman Rd.;

repaired/replaced various street signs with required reflective material; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that for the month of May 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.

The Township has received 6.4 inches of rain for May with a year-to-date surplus of almost 5 inches.

Additionally, Mr. Hanley stated that the Township is in the process of updating the sewer agreement with West Whiteland Township. This item will be discussed at the next Board meeting in July.

Fire Marshal: Mrs. Churchill reported that for the month of May the Fire Marshal responded to 8 fire calls during working hours; spent 9 hours of work time handling Fire Department activity; performed 4 fire inspections; investigated one fire; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mrs. Churchill reported that the Fire Company answered 39 alarms during the month of May, 17 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Baxter reported that the Ambulance Corps responded to 287 calls during the month of May, 84 of which were in Uwchlan Township.

Mr. Baxter encouraged members of the audience to visit the Corps' website to note all of the free first aid and CPR courses that are made available to the public.

*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:

### Awarding Bids for Ultra Thin Paving:

The Township has received a bid from Asphalt Maintenance Solutions for the Ultra Thin paving project in the amount of \$100,920. Township Engineer, Ted Gacomis, has reviewed the bid and has recommended the Township reject it stating that the cost is too high.

If rejected, the following options are available:

1. Resurfacing with the PennDOT recommended material – Super Pave
2. Applying a double application of oil & chip

Mr. Gacomis will review the options and make a recommendation.

*Mr. Bozarth made a motion to reject the bid based on Mr. Gacomis' recommendation and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

Dickerman – 527 Ferncastle Dr.: Waiver Request from Pipeline Setback to Construct Addition

Debbie Shulski, Attorney for Homeowner, presented the waiver request to construct an addition to the existing house at 527 Ferncastle Dr. that would be 26 feet from the pipeline where a 50 foot setback is required pursuant to Chapter 260, Section 509.2.d of the Subdivision & Land Development Ordinance. The Applicant has received approval letters from the Homeowners Association as well as the pipeline company.

*Mr. Bozarth made a motion to approve the waiver request and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

Permission to Advertise FEMA Floodplain Ordinance:

The Township has received direction from FEMA for changes to the existing Flood Plain Ordinance. A draft Ordinance has been prepared showing these changes. Major change is to the area around Shamona Creek. This Ordinance will be advertised and up for adoption next month.

The Board members gave their "OK".

Appointment of Tom Cooke to the Municipal Authority:

Mr. Cooke will be replacing Bob Yorczyk who has moved out of the area.

*Mr. Bozarth made a motion to approve the appointment of Tom Cooke to the Municipal Authority and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

Victory Baptist Church – 531 E. Uwchlan Ave.: Final Land Development Plan  
Resolution No. 2017-21 – Victory Baptist Church: Final Land Development Approval

Mr. Cooke presented the Final Land Development Plan for a 4,654 s.f. building that would replace an existing building that was destroyed by fire at 531 E. Uwchlan Ave. Twenty-two parking spaces will also be added. The building will be the same footprint but moved 10 feet to the East. Building will be attached to the larger existing building and will be sprinklered.

The Applicant has received a review letter from E.B. Walsh dated April 17, 2017 and there are no outstanding issues.

*Mr. Bozarth made a motion to approve the Final Land Development Plan based on the recommendation of the Planning Commission in their Minutes of May 3, 2017 and compliance with all*

*items in the E.B. Walsh review letter of April 17, 2017. The motion also adopts Resolution No. 2017-21, memorializing same. Mrs. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

Loretta's – 305 W. Uwchlan Ave.: Preliminary Plan Submission

The Township has received plans showing that the new Owners of Loretta's would like to add 19 new mobile home sites on the undeveloped area of the tract with new sewer as well as updating current water and sewer systems on existing sites and adding a hydrant for fire service.

This plan will be sent out for review.

Resolution No. 2017-20: Mowing Northeast Corner of Route 100 & 113

This Resolution is an agreement between Uwchlan Township and PennDOT whereby Uwchlan Township will carry out minor routine maintenance such as mowing, maximum amount paid not to exceed \$1,623.72, on the Northeast corner of Route 100 & 113. Once PennDOT approves their new budget, and it includes extra money specifically for this, they may resume the routine maintenance.

*Mr. Bozarth made a motion to adopt Resolution No. 2017-20, as discussed, and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

Ordinance No. 2017-04: Amendment to Noise Ordinance

Tom Oeste, Special Counsel for the Township, has drafted an amendment to the Township's existing Noise Ordinance, which changes Chapter 166, Section 166-6.M by requiring construction activity to cease 30 minutes after sunset until 7:00 a.m. the following day on Monday thru Friday; when conducted on Saturday, construction activity must cease 30 minutes after sunset until 9:00 a.m. and no construction activity may occur on Sundays or state/federal Holidays.

Also, Section 166-7.H (Noise Exemptions) will exempt all motor vehicles being operated in Uwchlan Township on any street, provided that such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper working condition.

The following residents were present and asked questions regarding the measurement of decibel levels, whether 7 a.m. is a reasonable time to allow construction to start, if all public utility companies must abide by this Ordinance, penalties related to violations to the Ordinance, to whom one reports violations, and if the Pipeline Companies will be permitted to work 24/7 if they fall behind schedule:

1. Wade Lee, 208 Allen Dr.
2. Daniele Otten, 400 Devon Dr.
3. Rebecca Britten, 211 Andover Dr.
4. Pat Cogan, 221 Concord Ave.
5. Alex Patano, #404 Wellington Sq.

Mr. Oeste explained that there is nothing about decibel levels in the Ordinance since this would require standardized equipment operated by a licensed individual to measure decibels at an exact time. The Ordinance states that noise is reportable to the Police Department if it reaches a level which interferes with a person of normal sensitivity and the enjoyment of ones living space.

The addition of the “30 minutes following sunset” was based on the fact that sunset occurs at different times throughout the year. In wintertime, construction would not be permitted at 8:00 p.m. whereas, during the summer months, it is still light at 8:00 p.m. The Ordinance does not permit work 24/7.

Penalties may be given for each violation but are capped at \$1,000/day by the Second Class Township Code. Depending on the number of violations, an individual/company may be taken to Court where an injunction may be placed.

*Mr. Bozarth made a motion to adopt the amended Noise Ordinance No. 2017-04 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

#### Sunoco: Permitting, Noise, Hours of Operation and Storm Water Management

Mr. Toner began by noting that 102 families in the Marchwood development will be directly affected by the Sunoco pipeline work. Out of the 102 families, 74 have made an agreement with Sunoco for 10 foot additional easement and 28 have said “no” to additional easement requests.

Dan Daley explained the permitting associated with the construction of the pipeline, which is outlined below:

1. Road Maintenance Agreement – Describes how properties will be accessed. Township will hold “bond” until all property is returned to original condition and all repairs are completed.
2. Utility Crossing Permits – Design of “crossings” were reviewed and approved. A camera will be used to verify if any damage done (before & after pictures).
3. Road Opening Permits – There will be no “open cut”, directional drill will be used.
4. Road Occupancy Permits – There will be temporary driveways at certain locations.
5. Stormwater Management – All soils will be restored back to existing conditions, including compaction and replanting.

All permits issued by the Township are for Township owned roads and easements not for individual properties. Mr. Oeste noted that the Township has no right to enforce pipeline activity on private property.

The following people asked if there is an actual landscape plan, will tree replacement be 1:1 at the end of construction, and how will flooding of adjacent properties during construction be controlled:

1. Mrs. Patano, #404 Wellington Square
2. Bob Joran, 392 Carlton Place
3. Gina Fullerton, 209 Andover Dr.

Mr. Daley explained that there will be a landscape plan that will be reviewed by E.B. Walsh and that at the end of construction, tree replacement will occur – one for every one removed. As far as flooding, the DEP/Conservation District govern erosion control and will be checking on the job sites to make sure all is within compliance.

A resident mentioned that they heard there is going to be a Devon Dr. bridge – a temporary structure to be placed over the road. Mr. Daley stated that he has not issued approval for such a structure.

Currently, there is a ramp for construction vehicles off of Devon Dr. which has no lights or fencing associated with it. Residents are concerned that if anyone is walking at night, they may not see it and potentially injure themselves. Mr. Daley stated he will take a look at that and make sure safety precautions are taken.

Other residents in attendance had the following questions/comments:

1. Mrs. Griffen, 134 Crump Rd. - How long are permits good for? What is done with the waste water from the drilling? Is the existing pipeline currently active?

*Permits are good for years since there is no expiration date. Waste water will be trucked out. Mr. Daley was unsure if the existing pipeline is active – suggested homeowner ask Sunoco.*

2. Lynda Farrell, from the Pipeline Safety Coalition – Commented that even those not directly near the pipeline construction will be impacted. Stated that the Pipeline Companies’ safety records are getting worse.

3. Chris Baumann, 231 Biddle Dr. - Stated that there is no transparency - asked if residents can view the letters, reports and plans associated with the permitting process.

*Mr. Daley explained that he will have copies of the reports/letters available for view at the Township in a few days. A copy of the plans will also be made available.*

4. Sharon Soper, 111 Lori Circle – Commented that she has never been contacted by Sunoco. She is worried about the safety of the project – everyone needs to be proactive.

*Chief Alexander stated that the Police Department takes pride in protecting the safety and welfare of the residents. The Department will respond to any and all concerns that the public may have with regards to this project.*

5. Karen Johnson, 401 Crump Rd. - Is worried that housing resale values will drop.

*Mr. Toner noted that he recently checked with two area realtors who stated that homes in Marchwood usually are sold within 48 hrs. He did agree that if construction equipment is in the yard at the time the house is up for sale, selling it may be impacted.*

A renter of 432 Carmarthen Ct. stated that he will be moving out once his lease is up.

6. Mary Cooper, 238 Autumn Dr. - Since the pipeline runs near schools, evacuation of children needs to be addressed.

7. Pat Cogan, 221 Concord Ave. - Stated that her deed states that no other pipelines are permitted to cross her property.

*Mr. Oeste agreed to look at her document.*

Mr. Bozarth commented that local government has no power over this project. The Township can only enforce the Ordinances that are in place and issue the permits discussed earlier by Mr. Daley. Mr. Toner added that we are all neighbors. No one wants the pipeline but there is no choice.

Rebecca Britten, 211 Andover Dr., shouted out that the Township does have a choice. She continued by saying the area EMS are not properly prepared for any kind of emergency that might arise as a result of this construction. She has tried to contact John McNamara but he has not responded to her.

Mr. Toner stated that he has been a part of many aspects of Emergency Response teams and they all train for every possibility whether it be hurricanes, tornadoes, chemical spills, etc. There are procedures in place. Several municipalities are working together on a uniform plan.

Wade Lee, 208 Allen Dr., asked the Board members to protect the residents and noted that he has started a petition which covers safety, education and fortification of the future. He currently has 130 signatures. He also submitted a "Bill of Rights" to the Board members.

Discussion was closed but will be continued at next month's meeting.

#### ANNOUNCEMENTS:

1. 06/23 - UTIDA – 9:00 am. - Refinance of St. Elizabeth Parish
2. 07/05 - Planning Commission – 7:30pm.
3. 07/08 - David Good 5K – 8:00 am Registration / 9:00 am 5K start time
4. 07/08 - Dedication of Log Cabin – 1:00 pm
5. 07/08 - Dedication of the Uwchlan Township Veterans Memorial – 2:00 pm.
6. 07/08 - Uwchlan Township Community Day – 4:00 pm.

7. 07/10 – Board of Supervisors – 7:30 pm.
8. 07/13 – Historical Commission – 7:30 pm. Cadwalader House
9. 07/21 - UTIDA – 8:30 am.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENT

Mrs. Gaines announced that this Summer in honor of her late husband, Fred Gaines, there will be a 5K run to raise money for First Responders.

Member of the audience asked if it is possible to have another meeting in 1-2 wks. to further discuss the pipeline activity. Mr. Toner said it would be better to have discussion at a public meeting since all entities are at the meetings, i.e. Township Solicitor, Police, Engineers, Zoning, Ambulance and Fire.

There being no other business, Mrs. Gaines made a motion to adjourn at 9:21 p.m. Mr. Bozarth seconded and the motion was carried unanimously.

Respectfully submitted,

Katie Churchill  
Township Secretary

/jc