

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
JULY 10, 2017

The meeting was called to order at 7:34 p.m. by Chairman Joseph E. Toner and the Pledge of Allegiance was recited.

Present: Supervisors: Joseph E. Toner and Milton H. Bozarth; Building Inspector/Zoning Officer Tom Cooke; Township Treasurer Susan Bernhard; Assistant Zoning Officer Tara Giordano; Fire Marshal Mike Holmes; Township Engineer Dan Daley; Police Chief Scott Alexander and Township Counsel Tom Oeste.

Arriving Late: Supervisor Patricia D. Gaines

Absent: Township Manager Doug Hanley and Township Secretary Katie Churchill.

Minutes: *Mr. Bozarth made a motion to approve the minutes of June 12, 2017 and Mr. Toner seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.*

REPORTS:

Police: Chief Alexander reported that there were 230 traffic citations issued, 24 criminal arrests and 35 traffic accidents during the month of June. Motor Carrier details conducted resulted in pulling over 18 overweight trucks, and 6 trucks and 3 drivers taken out of service.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$625,400.37	\$861,006.77
State Liquid Fuel	262.19	127,928.11
Sewer	38,568.46	335,503.53

To date, the Township has collected approximately 55% of its budgeted revenues and spent about 48% of its budgeted expenditures.

Public Works: Tom Cooke reported that for the month of June the Public Works Department completed catch basin work on Biddle Dr. & Scott Dr.; milled and black-topped bad areas on Norwood Rd., Shelmire Rd., Dorlan Mill Rd., Deep Willow Dr., Eagleview Blvd., Village Ave., Glendale Rd., Allen Dr. and Morris Rd.; opened culvert end at 34 Woodland Dr.; repaired storm pipe on Llandoverly Dr.; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that for the month of June the daily average flow to Downingtown was approximately 1.5 million gpd and there were no new sewer connections to DARA or the Eagleview Plant.

The Township has received 4.49 inches of rain for June with a year-to-date surplus of almost 5 inches.

Fire Marshal: Mr. Holmes reported that for the month of June he responded to 6 fire calls during working hours; spent 4 hours of work time handling Fire Department activity; performed 2 fire inspections; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 52 alarms during the month of June, 30 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Baxter reported that the Ambulance Corps responded to 311 calls during the month of June, 94 of which were in Uwchlan Township. He noted that the number of calls are up a bit since last year and that they have been responding to a larger number of mental health issue related calls.

Mr. Bozarth thanked the staff for all their help in the past week during Doug Hanley's absence. Mr. Hanley is recuperating at home from a recent health issue.

Mr. Toner thanked all the volunteers involved with Community Day this past Saturday. Prior to the festivities that began late afternoon, there was a dedication ceremony for the Log Cabin as well as a Dedication of the Veteran's Memorial, both of which are located on the Township campus property.

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:

Andy Yu: Request for Zoning Change 741/739/735 N. Pottstown Pike

Mr. Yu and his Agent requested a zoning change for the above noted properties in order to build a restaurant. The properties are currently zoned "Residential". Since there are other adjoining property owners who would like to remain "Residential", the Board stated that they are not inclined to approve the change to "Commercial" for just 3 of the properties. If consideration would be made to change that area, the change would be to the entire area. The Board is not inclined to do spot zoning.

The Board members suggested that if Mr. Yu would like to pursue, he should get a plan together and go to the Planning Commission meeting for their recommendation.

No motion was required.

Eagleview Town Center Retail II: Outdoor Seating

Neal Fisher requested permission to have 3 outdoor tables with 4 chairs each outside at the new Sushi Restaurant in the Eagleview Town Center. This is the same number that has been approved in the past for the other restaurants on the lower level of this building.

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

Dowlin Forge Bridge Update:

Dan Daley reported that the project is moving along and expected completion is July 24, 2017. The paving overlay and guide rails will be done shortly.

Loretta's – 305 W. Uwchlan Ave.: Preliminary/Final Plan Discussion
Resolution No. 2017-22: Preliminary/Final Plan Approval

Dave Rentschler from Aria Engineering presented the plan on behalf of Noah Kahn and Gary Toll, Owners of the property, who were also in attendance. The total property consists of parcels in Uwchlan Township and in East

Caln Township. The plan shows the addition of 17 new mobile homes to the existing 60. The old sewer line servicing the Park has been replaced and a new sewer line will be installed to service the new and existing homes currently not tied into the replacement sewer lines. A new water line will be brought into the Park to service a hydrant for fire protection.

A structure located in East Caln will be converted into three apartments and a new parking area and play area are proposed.

The Applicant has received review letters from E.B. Walsh dated July 5, 2017; Tom Brown dated June 22, 2017 and Fire Marshal dated June 20, 2017 with all items being addressed.

Mr. Bozarth made a motion to approve the Preliminary/Final Plan based on the recommendation of the Planning Commission in their Minutes of July 5, 2017 and compliance with all items in the above noted review letters. The motion also adopts Resolution No. 2017-22, memorializing same. Mrs. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

The meeting was recessed at 7:59 p.m. for a Hearing on the following Ordinance:

Ordinance No. 2017-05: FEMA Floodplain Ordinance Adoption

See Court Reporter's Transcript for detailed information. Ordinance No. 2017-05 was adopted unanimously.

Meeting was reconvened at 8:04 p.m.

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

Mr. Toner began by stating that everyone understands the resistance regarding the placement of more pipelines in the Township. Primarily, the problem lies with the product that Sunoco is planning on piping through the area. The product is odorless, colorless and heavy so it drops to the lowest point and it is not good. Uwchlan Township is not the only township with concerns. Lawmakers and

Townships are trying to band together to develop a State-wide organization that will handle pipeline installation questions and concerns.

Mr. Toner noted that the Township Police Department and Township Engineers, E.B. Walsh & Associates, have been keeping tabs on all concerns and questions regarding the Sunoco Pipeline. The following is a summary:

Police:

- March 2017 – Concord Ave. - Will Sunoco work within easement if resident chose not to sign off. Will drilling affect foundation?
- April 2017 – Allen Dr. - Same concern
- June 13, 2017 – Devon Dr. - Concerned with parking of construction vehicles on the easement (in people's backyards). Police allowed vehicles on the roadway but it was determined shortly thereafter that it is better if vehicles are parked on easement.
- June 20, 2017 – Crump Rd. - Homeowner concerned since they had planted shrubs and placed a shed within the easement. It was agreed that the shrubs would be taken out but shed could remain.
- July 7, 2017 – Lakeview Dr. - Concerned that the West Whiteland well water issue could affect Uwchlan residents and public water. There are currently no issues with the public water system serving Uwchlan.

- July 8, 2017 – Devon Dr. - Workers in an area where maintenance was occurring on an existing pipeline left a concrete type material in area. It was determined that the material consisted of sand and water and once material was “set” opening would be closed.

Chief Alexander assured those present that the Police will handle incidents that are reported.

E.B. Walsh:

- Trash left behind – Sunoco was notified to pick up after themselves.
- A sidewalk on Devon Dr. where “staging” occurred was reported as a trip hazard – Sunoco was notified and they fixed.
- Noise complaint – work starting too early – Sunoco was notified. They were misinformed and now are aware of when work may commence.
- Dust complaint – Walsh is working with Sunoco in getting water trucks to frequently “wet down” the area.
- Construction vehicles hit an overhead Comcast service line which has now been fixed.
- End of day, work area not secured. Sunoco has been contacted and told that fencing must be placed across entrance to each work zone.

Mr. Toner explained that as part of the process of developing a “Bill of Rights” with regards to the Sunoco project, he has been meeting weekly with Wade Lee, 208 Allen Dr., who represents the Uwchlan Safety Coalition, which was formed by concerned residents in response to this project. He further stated that since such a “Bill” does not fit in the municipal world, they have been working on creating a document that can then be transferred into Resolutions and Ordinances, which can be adopted by the Township with the end result of, hopefully, gaining some control over the process. The document has been given to Tom Oeste, Township Counsel, for review and covers the following areas:

1. Noise and Lighting
2. Littering
3. Hours of Operation
4. Port-o-Potties
5. Evacuation – Sirens and Loud Speakers, Reverse 911
6. Hazmat – Decontamination/Triage
7. Shelters, Disaster Relief
8. Declaration of Emergency
9. Cap on Number of Pipelines permitted – Volume, Diameter, Type of Product Allowed

Many of the evacuation/decontamination and hazmat responses have been addressed already by the local Emergency Response Teams since Uwchlan Township is located not far from the Limerick Nuclear towers.

After the document has been refined, it can then be taken to the Chester Co. Association of Township Officials (CCATO) for approval, then to the State and eventually ending up with the Public Utilities Commission (PUC). So, even though one Township cannot limit what Sunoco may or may not do, the hope is that there will be strength in numbers.

Mr. Lee stated that this whole process has been eye-opening. Since this issue is a safety issue and affects the entire community, he is hopeful that the end document will be a workable model for others. He also noted that the Township is weak in its communication to the residents regarding the Sunoco project and suggested that the Safety Coalition use their resources to get the word out. He also suggested that a volunteer from their group be designated Project Manager and they would be assigned to handle questions from the public.

The floor was opened to questions from the public.

Gordon Todorovac, 408 Newcomen Rd., asked about the permitting process. Staff explained that the Township only issued driveway crossing permits and road opening permits. The Township is also not involved in doing the inspections with the exception of site safety inspections, which are conducted by E.B. Walsh & Associates.

Paula Brandl, 321 Colonial Dr., asked who is in charge of controlling noise, dirt and dust emanating from the staging areas. She also asked for privacy curtains. Mr. Daley said that any such issues should be brought to his attention. He did state that there will be 18' curtains installed at the receiving pits.

The following residents were present and expressed concern that their drinking water will be affected by the drilling:

1. Danielle Otten, 400 Devon Dr.
2. Rebecca Britten, 211 Andover
3. Chris Baumann, 231 Biddle Dr.
4. Pat Devlin, 401 Concord Ave.

They asked the Township to do water testing. The residents are in danger. Mr. Toner explained that Aqua PA needs to do the testing. Mr. Daley stated that Aqua has pre-tested the systems and continually monitors the water quality. To date, there has been no problem in Uwchlan Township.

Mr. Lee said that the Township has to have an agreement with Aqua that the drinking water must be of a certain quality. Mr. Oeste stated that Aqua must meet Federal regulations for drinking water.

The residents are concerned since there are several families that have recently been having stomach issues and are fearful that it is a result of the pipeline work. If it is proven to be water related, they asked who is responsible for stopping work on the pipeline? Mr. Toner answered that it would be up to an agency higher than the Township – the PUC, EPA, DEP.

Lindsay Lebresco, 103 S. Lynwood Ln., expressed concern regarding the notification of residents of the pipeline work stating that there needs to be better communication. How is one suppose to know about all of this? Mr. Toner stated that information has been available via TV, newspapers, internet. Notification is the responsibility of the Pipeline Companies. Ms. Lebresco also asked that any resolutions or ordinances developed pertaining to the pipeline, include work on existing pipelines.

Linda Farrell, from the Pipeline Safety Coalition, noted that information can be found on the Chester County Planning Commission's website.

Mr. Toner announced that following the meeting, the Board will have an Executive Session to discuss a cell tower issue.

ANNOUNCEMENTS:

1. 07/13 – Historical Commission – 7:30 pm. Cadwalader House
2. 07/21 - UTIDA – 8:30 am.
3. 08/02 - Planning Commission – 7:30 pm.
4. 08/10 - Historical Commission – 7:30 pm. Cadwalader House
5. 08/14 – 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 9:24 p.m. Mrs. Gaines seconded and the motion was carried unanimously.

Respectfully submitted,

Jeri Cooper
Administrative Assistant

I, Jeri Cooper, am signing these transcribed Minutes in place of the Township Secretary, Katie Churchill. I declare that these Minutes describe all actions discussed at the Meeting on Monday, July 10, 2017.