

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
AUGUST 14, 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; Building Inspector/Zoning Officer Tom Cooke; Township Treasurer Susan Bernhard; Township Secretary Katie Churchill; Fire Marshal Mike Holmes; Township Engineer Dan Daley; Police Chief Scott Alexander and Township Counsel Tom Oeste.

Absent: Township Manager Doug Hanley and Assistant Zoning Officer Tara Giordano.

Minutes: *Mr. Bozarth made a motion to approve the minutes of July 10, 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 171 traffic citations issued, 26 criminal arrests and 26 traffic accidents during the month of July. Motor Carrier details conducted resulted in pulling over 13 overweight trucks, and 13 trucks and 2 drivers out of service.

Mr. Toner mentioned that the Police Department was recently involved in a hostage related incident at a house on Welsh Ayres Way, which ended with the homeowner being taken into custody and sent for a mental evaluation. Mr. Toner asked the Chief to explain how everything was handled.

Chief Alexander gave a brief outline of the circumstances leading up to the Police Department being called, what organizations were brought to the scene, how communications were handled, and how the incident was resolved. He explained that the whole process could be compared to how area departments would handle a pipeline incident. Everything is very systematic and "in place".

Regarding another matter, Chief Alexander noted that the Suburban Restaurant, located in Eagleview Town Center, has requested permission to close their small connector road on September 23, 2017 in order to hold a small food festival. The event will be from 2 p.m. - 6 p.m. The Police have no issues or concerns. Mr. Fisher will be sending in a written request and description of the entire event.

Mr. Bozarth made a motion to approve the September 23rd event contingent on receipt of a written request. Mrs. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$ 554,036.18	\$ 656,304.26
Hydrant	2,388.42	9,900.00
State Liquid Fuel	800.04	211,462.66

To date, the Township has collected approximately 61% of its budgeted revenues and spent about 54% of its budgeted expenditures.

Public Works: Katie Churchill reported that for the month of July the Public Works Department black-topped bad areas on Lionville Station Rd., Welsh Pool Rd., Bausman Rd. and Williamsburg Blvd.; cut down dead trees and over-hanging tree limbs on Dowlin Forge Rd. and along the walking trail on Gordon Dr. at Welsh Pool Rd.; repaired a leak in a storm pipe on Taylors Mill Rd.; replaced signs in the 2016 paving areas with updated versions; cut weeds and brush under guide rails; set up fencing and lights for Community Day; parked cars for the Memorial Wall and Log Cabin dedication; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

She also reported that for the month of July the daily average flow to Downingtown was approximately 1.4 million gpd and there were no new sewer connections to DARA or the Eagleview Plant.

The Township has received 6.15 inches of rain for July with a year-to-date surplus of over 6 inches.

Fire Marshal: Mr. Holmes reported that for the month of July he responded to 15 fire calls during working hours; spent 11 hours of work time handling Fire Department activity; performed 59 fire inspections; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 54 alarms during the month of July, 27 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Baxter reported that the Ambulance Corps responded to 283 calls during the month of July, 63 of which were in Uwchlan Township.

Historical Commission: Mrs. Gaines announced that, prior to the Board meeting, the Supervisors interviewed Elyse Jackson for a position on the Historical Commission. The Board members concurred with the Commission's recommendation that she be appointed as a voting member effective immediately.

Mrs. Gaines continued by stating that the Commission may have up to 13 members who meet 11 times during the year. The Commission has decided to restructure their membership by moving Connie Happersett to the position of "Emeritus" and moving Rita Arlinghaus from a voting member to ex-officio. Both Mrs. Happersett and Mrs. Arlinghaus have recently been unable to attend the scheduled meetings.

Mr. Toner made a motion to appoint Elyse Jackson as a voting member of the Historical Commission and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

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:

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

Mr. Toner stated that for those who have not attended previous Board meetings when this item has been discussed, the Township understands the resistance regarding the placement of more pipelines throughout the Township. Primarily, the problem lies with the product that Sunoco is planning on piping through the area. The product is odorless, colorless and heavier than air so it drops to the lowest point

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 for the month of July:

Police:

- A tweet regarding the pipeline was made on a twitter account by a Uwchlan resident who, in turn, received a response from an “employee” of Sunoco. The Police checked into the employee and found that they are not an employee of Sunoco, but employed by Otis. Said employee was not working on Mariner and has since been fired.

E.B. Walsh:

- Issue with dust control – Sunoco was made aware and has since been responsive
- Two public water quality inquiries – Aqua was notified and did the testing
- Noise complaint – Truck delivery made before permitted starting time. This was discussed with Sunoco representatives and has been stopped.
- Sidewalk damage – Sidewalk is being monitored since it is not yet a hazard.
- Weeds – Mowing of Work Zone – Sunoco has been contacted and a Contractor has been scheduled to do the mowing later this week.

The Township has been working hard to find a way to stop future pipelines. Mr. Toner explained that he has been meeting weekly with Wade Lee, who represents the Uwchlan Safety Coalition, which was formed by concerned residents in response to this project. They have been working on creating a document that can then be transferred into Resolutions and Ordinances, and a Comprehensive Plan, which can be adopted by the Township with the end result of, hopefully, gaining some control over the process. The first of these documents is Resolution No. 2017-25, which is up for possible adoption tonight.

Once adopted, the Township hopes that the Resolution can become a platform for other surrounding Townships. Support can then be sought from CCATO, PSATS and eventually, the State Senate and House.

Resolution No. 2017-25: Policies and Procedures for Public Utility Projects

This Resolution regulates laws, Ordinances, regulations, policies and procedures for public utility projects and specifically, interstate and intrastate pipeline projects. Some areas covered are as follows:

1. Noise, Lighting and Signage
2. Littering
3. Hours of Operation
4. Evacuation
5. Hazmat – Decontamination/Triage
6. Vibrations
7. Cap on the number of pipelines permitted – Volume, Diameter, Type of Product
8. Protection of Property Values

Chris Bauman, 231 Biddle Dr., Danielle Otten, 400 Devon Dr., Doug McCord, 365 Devon Dr., and Wade Lee spoke of concerns for property values going down, inability to view engineering plans of the proposed pipelines and for the number of pipelines permitted to be “in place”.

Mr. Toner stated that the goal is to put a cap on the number and the types of product traveling through the pipelines. As far as property values, this Resolution will make Sunoco responsible for compensating homeowners for any loss as well as compensating the taxing authorities. Engineering plans are not openly shared due to fear of terroristic threats.

Mark Toolan, 120 Lakeview Dr., asked if Uwchlan can move forward with all of this without getting other Townships involved. Mr. Toner answered that there is strength in numbers. We are only one Township. Others need to join in.

Alexa Manning, 805 Graystone Dr., Rebecca Britten, 211 Andover Dr. and Margaret Quinn, 503 Carmarthen Dr., were concerned with the timing of getting all of this approved and questioning why legislation cannot be in place to remove pipeline projects from being considered as a public utility. Mr. Toner told them that it could take years for everything to be in place with County approval moving faster than State approval. Mr. Oeste stated that past efforts to remove pipelines from being considered a public utility have failed. No judge will support.

Mr. Toner made a motion to adopt Resolution No. 2017-25, as discussed, and Mr. Bozarth seconded. Mr. Toner asked for public comment.

Mr. Bozarth stated that the public should be aware that some of the Ordinances mentioned in this Resolution already exist in Uwchlan Township. Also, some of the items covered in this Resolution may take away the rights of other homeowners.

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

Permission to Receive Snow Removal Bids:

The Township would like to advertise for bid for snow removal for 2017-2018. Bids will be due by 9:00 a.m. on Friday, September 8, 2017 and be awarded at the Board of Supervisors' meeting on Monday, September 11, 2017.

The Board gave their "OK".

Storm Water Presentation:

Dan Daley from E.B. Walsh gave an overview of the regulation changes with regards to handling of storm water. The MS4 Program began in 2003 and was formed to protect public health, safety and general welfare, property and water quality by implementing drainage and storm water management practices, criteria and provisions for land development, construction and earth disturbance activities. The area has several impaired streams.

E.B. Walsh has drafted a new plan, one that has to be reviewed by the DEP every 5 years. The draft will be sent to DEP by November 1, 2017.

Mayme Bauman, 231 Biddle Dr., asked how pipeline work affects this? Mr. Daley explained that the pipeline contractors have requirements set by DEP that minimizes what leaves the construction site. He also stated that residents are made aware of the requirements through the Township website, flyers available at the Township, through the School District and inserts included with sewer and trash billing.

Alexa Manning asked if E.B. Walsh partners with any other organizations in the area, ie. Brandywine Red Clay? Mr. Daley said they do but the Township is responsible for securing funding for any projects. The Township is currently looking for grant money.

Hankin – Lot #24: Phasing & Reconfiguration Sketch Plan for Planned Life Care Facility

Mr. Fisher requested permission for the project to be reconfigured and built in phases. Of the 288 total units planned, The Hankin Group would like to build all 88 units of the Assisted Living/Memory Care facilities but only 117 of the 200 proposed independent living units, located in Building A and Building B during Phase I. Also, at this time, all underground parking will be built in Building B, which was to have 40 spaces and will now have 65. However, the portion of the second independent living building will only have temporary surface parking until Phase II when all of the units will be built and 74 underground spaces added. The entrance boulevard has also been changed by removal of the center island resulting in more grassy area between the roadway and the buildings.

The Board members must decide if these changes to the original Conditional Use requirements are sufficient enough to warrant the re-opening of the Conditional Use Hearing.

Mr. Bozarth asked Mr. Fisher if he has listed the 23 Conditions of the original Decision & Order and noted next to those Conditions what has changed with this plan? Mr. Fisher acknowledged that he had not done that.

Residents present asked how far the facility will be to the closest pipeline. Mr. Fisher stated that the pipeline is approximately 1500 ft. Mrs. Britten noted that due to the makeup of the residents, any evacuation would be made more difficult.

Mr. Bozarth said no decision will be made whether to re-open the Conditional Use Hearing or not until Mr. Fisher has shown how each of the original Conditions are affected by the changes and phasing of the project.

Lionville Fire Company: Permission to Waive Fees for Alteration

Mr. Holmes requested that the Lionville Fire Company be relieved from fees associated with the alterations being done to the building.

Mr. Toner mentioned that the Company's tax exemption status may be lost and suggested Mr. Holmes contact another Fire Chief, Mark Moses, for input.

Mr. Toner made a motion to waive the fees for the alterations and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

County Planning Commission Grant Application for Update of 2010 Comprehensive Plan:

The Township is required to update their Comprehensive Plan every 10 years. The cost to update will be approximately \$65,000. The Chester County Planning Commission currently has grant money available. Staff requested permission to apply for this grant money.

Mr. Bozarth questioned whether it was too early to start since the plan does not need to be updated for another 2-1/2 years. Mr. Cooke explained that the process takes about 2 years.

Mrs. Gaines made a motion to proceed with obtaining the grant money for the Comprehensive Plan update and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

Resolutions:

1. No. 2017-23: St. Elizabeth's Parish Refinance

This Resolution approves the issuance by the Uwchlan Township Industrial Development Authority of its tax-exempt note in the amount of up to \$3,312,000 for the purpose of financing St. Elizabeth's Parish project.

Mr. Bozarth made a motion to adopt Resolution No. 2017-23 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

2. No. 2017-24:

This Resolution approves the designation of an agent for the Green Light Go battery back-up

application process.

Mr. Bozarth made a motion to adopt Resolution No. 2017-24 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

ANNOUNCEMENTS:

1. 08/19 - Fred's First Responders 5K – 8:30 am – Eagleview Town Center
2. 08/24 – Zoning Hearing Board – 7 pm. - Lionville Fire Company – Dance School Expansion
3. 09/06 - Planning Commission – 7:30 pm.
4. 09/11 - Park & Recreation – 7:30 pm.
5. 09/11 - Board of Supervisors – 7:30 pm.
6. 09/14 – Historical Commission – 7:30 pm. Cadwalader House

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

There being no other business, Mrs. Gaines made a motion to adjourn the meeting at 9:10 p.m. Mr. Bozarth seconded and the motion was carried unanimously.

Respectfully submitted,

Katie Churchill
Township Secretary

/jc