

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
SEPTEMBER 9, 2019

The meeting was called to order at 7:30 p.m. by Chairman Bill Miller and the Pledge of Allegiance was recited.

Mr. Miller announced that the meeting is being taped and will be uploaded to YouTube within a few days.

Present: Supervisors: Bill Miller, Mayme Baumann and Kim Doan; Township Scott Greenly; Assistant Township Manager/Secretary Katie Churchill; Building & Zoning Official Tara Giordano; Township Treasurer Sue Bernhard; Fire Marshal Mike Holmes; Police Chief Scott Alexander; Township Engineer Dan Daley and Township Solicitor Mark Freed

Minutes: *Mrs. Baumann made a motion to approve the Minutes of August 12, 2019 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 183 traffic citations issued, 29 traffic accidents and 21 criminal arrests during the month of August. Motor Carrier details conducted resulted in 4 trucks and 2 drivers taken out of service.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$1,406,226.37	\$892,639.00
Hydrant	-0-	11,637.00
Sewer	487,598.27	261,812.06

To date, the Township has collected approximately 78% of its budgeted revenues and spent about 70% of its budgeted expenses.

Public Works: Mr. Greenly reported that for the month of August the Public Works Department cleared and installed various catch basins; repaired catch basins on Biddle Dr. and Dowlin Forge Rd.; added stone to a washed out area along Valley Hill Rd.; oil and chipped portions of Lionville Station Dr. and Dowlin Forge Rd.; hauled millings and blacktop for E. Goshen Township; marked for PA One calls; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that for the month of August the daily average flow to Downingtown was approximately 1.42 million gpd and there was one new sewer connection to the DARA Plant. The Township has received 2.25 inches of rain during August with a year-to-date surplus of 14.5 inches.

Fire Marshal: Mr. Holmes reported that during the month of August he responded to 14 fire calls during regular work hours; conducted one fire investigation and one open burning complaint; and reviewed plans for commercial buildings and inspected those under construction. He has also started scheduling fire prevention classes at the various schools.

Lionville Fire Company: Mr. Holmes reported that the Fire Company answered 46 alarms during the month of August, 29 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Baxter reported that the Ambulance Corps answered 329 calls during the month of August, 89 of which were in Uwchlan Township.

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

BUSINESS:

Kurtis Miller from U.S. Rep. Chrissy Houlahan's Office: Legislative Update

Kurtis Miller has been attending various Township meetings to share with the public the legislative outreach that U.S. State Representative Chrissy Houlahan (6th District Representative) and her office can offer. He noted that they have employed various advocates for handling tax issues, VA Benefits, IRS issues as well as helping Senior Citizens with any obstacles they may encounter with Social Security and Medicare.

Muriel Kennedy: Downingtown Senior Center

Bill Fagen, member of the Park & Recreation Committee, stated that over the years as a volunteer with the Park & Recreation Committee he was introduced to Muriel Kennedy and has since become involved with the Senior Center. After introductions were made to the Board, Ms. Kennedy gave a brief presentation in which she described how the Center provides for the senior community – by providing a warm lunch on a daily basis, scheduling various activities and providing assistance in gathering valuable information for the County's senior residents. She also noted that the Senior Center represents 15 communities/townships and the Borough of Downingtown. They are always looking for volunteers.

Authorization to Re-Advertise Snow Removal Bid:

Last month, the Township advertised in the Daily Local for Snow Removal Bids and received no response. For this reason, Township staff requested permission to advertise once again receipt of Snow Removal Bids.

Mrs. Baumann made a motion to authorize re-advertisement for bids and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Downingtown East Bonfire Request: Thursday, October 3, 2019

This is an annual event at the High School. Mr. Holmes noted that the Fire Co. attends every year to make sure the lighting and dousing of the bonfire is done properly.

Mrs. Baumann made a motion to approve the Downingtown East Bonfire request and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Marchwood Shopping Center: Request for Classic Car Events from 12 p.m.-4 p.m. on: 9/22(rain date 9/29), 10/20 (rain date 10/29), 11/17 (rain date 11/24)

This event is identical to those held previously. Mrs. Baumann asked if there have been any complaints or issues with past events. She was told that there have been no complaints.

Mrs. Baumann made a motion to approve the Classic Car Events as presented and Mr. Miller seconded. He asked for public comment. There being none, the motion was carried unanimously.

Pickering Valley Farm & Feed: Request for Outdoor Fall/Winter Display

The Township has received a request to allow Fall plants and Christmas plants to be displayed outside of the Pickering Valley Farm & Feed in a portion of the parking area, similar to the Spring/Fall Plant sales that have been approved in the past. Mr. Cracas also asked how they might facilitate the process to build a permanent structure for future outdoor sales.

Mr. Miller stated that the Board can vote on the Fall/Christmas sale but Mr. Cracas would need to meet with Mrs. Giordano to discuss any building plans.

Mrs. Baumann made a motion to approve the Fall/Christmas plant sale, which will end on Christmas Day. Mr. Miller seconded and asked for public comment. There being none, the motion was carried unanimously.

Christian Brothers Automotive – 399 W. Uwchlan Ave.: Preliminary/Final Land Development Plan Submission

This plan is for the construction of a 6,257 s.f. facility that would provide light automotive and service repair at the corner of Peck Rd. and Route 113. Christian Brothers have presented their sketch plan to the Board, been through the Conditional Use process, as well as appearing before the Zoning Hearing Board to obtain a variance to proceed with their plans. Historically, a plan moves forward to the Preliminary/Final stage after the Planning Commission has discussed the Plan and recommends that the Plan move forward to the next stage. However, there was no Planning Commission meeting in September.

Mrs. Giordano explained that as long as the Planning Commission members, at their October meeting, agree that this Plan should move forward to Preliminary/Final approval and the Commission has no additional comments, the Plan will be sent out for the various reviews.

Mrs. Baumann made a motion to accept the Christian Brothers Automotive plan as a Preliminary/Final Land Development Plan submission contingent on no objections from the Planning Commission and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Hankin Group – Eagleview Lot #58: Request for Extension of Land Development Plan until April 2020

The Hankin Group has requested an extension until April 15, 2020 for their Preliminary/Final Land Development Plan, originally submitted in March 2018, to build a 3-story, 50,000 s.f. office building on Lot #58 in Eagleview.

Mrs. Baumann made a motion to accept the extension until April 15, 2020 for the Preliminary/Final Land Development Plan for Lot #58 in Eagleview and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

180 Sheree Blvd. - Adult Day Care: Conditional Use Decision

The Decision & Order has been drafted that would allow the Adult Day Care Center to occupy a 6,595 s.f. building at the property located at 180 Sheree Blvd. Some of the Conditions are listed below but are not limited to:

1. There shall be no exterior modifications to the building, including signage, without Property Owner approval and any proposed changes must be submitted to Township staff for review.

2. No outdoor occupied space is proposed or approved at this time.
3. Hours of operation shall be limited to approximately 8:30 am to 5:30 pm and there shall be no more than 60 members in attendance on any given day.
4. Applicant will comply with all comments and conditions of Uwchlan Township Planning Commission's recommendation of approval set forth in their minutes of August 7, 2019.
5. Any use or proposed use of the Property inconsistent with this Decision shall require the reapplication to the appropriate Township Board or Commission.

Mrs. Baumann made a motion to approve the Decision & Order for the Adult Day Care at 180 Sheree Blvd., as presented, and Dr. Doan seconded. Mr. Miller asked for public comment.

Stephan Pahides, Attorney for the Applicant, asked for clarification of the restriction placed on outdoor space, stating that the Applicant would like to set aside an area, approximately 10 x 20 for a picnic table for employees to have an area for smoking and relaxing. There will be no programming activity outside.

Mrs. Giordano stated that as long as the Applicant goes through the building permit process for this space, it should be OK. Township Attorney, Mark Freed, further stated that the Applicant must adhere to the Condition set forth that does not allow for any other modifications to the outside of the building.

There being none, the motion was carried unanimously.

Resolution No. 2019-15: Minimum Municipal Obligations for Pension Plans for 2020

This is a yearly resolution that establishes the Minimum Municipal Obligations for the year 2020.

Mrs. Baumann made a motion to adopt Resolution No. 2019-15 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Resolution No. 2019-16: PennDOT Dowlin Forge Rd. Winter Maintenance Resolution

This Resolution outlines how the Township will be reimbursed for maintaining PennDOT's portion of Dowlin Forge Rd. during the winter months. Mr. Greenly is named as eligible person to sign and enter in to the Agreement with PennDOT for the reimbursement of funds.

Mrs. Baumann made a motion to adopt Resolution No. 2019-16 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Resolution No. 2019-17: Community Day Committee

This Resolution authorizes the reorganization of the Uwchlan Township Community Day Committee and authorizes the Supervisors to appoint up to nine members to the Community Day Committee. The Committee will directly report to the Board of Supervisors. Mr. Greenly stated that previously the volunteers on the Committee were not required to report to the Board of Supervisors.

Mr. Miller opened the floor to any questions regarding this Resolution. The following made statements or had questions:

1. Heather Dunghe stated that although she was grateful to be appointed during the reorganization, she was disappointed in how everything was handled. She and her husband had been on the Committee previously and attended all the meetings. Since the Township now required submission of resumes to be reappointed, she and her husband complied. Her husband was not reappointed. She felt that all the time and effort some members put forth during the planning of previous Community Days, has gone unrecognized and that the process of determining who would be appointed was unfair.

Mr. Miller stated that the decision to reorganize was determined through conversation with the Township Manager and staff as well as previous Committee members and others that had the opportunity to work with the members.

Mrs. Dunghe continued to ask questions and brought up the use of social media by Board members. Mr. Miller asked her to reserve her comments to discussing Community Day and the Township and to not bring up Facebook since Mrs. Dunghe was referring to posts made between friends on social media. Mrs. Dunghe then asked how the Supervisors determined who to reappoint.

Mr. Miller continued by saying that the people who are on the Community Day Committee represent the Township. There is a certain inclusiveness that needs to occur. The Township has certain standards that they apply toward any appointments or hires. They do not want people associated with the Township who exclude certain people due to their religious beliefs. When the Board saw shared posts that were mean-spirited on Mr. Dunghe's social media, they determined that he did not meet the values the Township wishes to portray and, consequently, chose not to reappoint him to the Committee. It is not unusual for the Township or any other company to check on individuals posting on social media in helping them determine if volunteer/employee/new hire meets the standards of the entity.

A resident in the audience made a statement that Mr. Miller was infringing on one's freedom of speech. Mr. Miller said that isn't the case. One just needs to take responsibility for what they say face-to-face and on social media.

Bill Fagan, Park & Recreation Committee, explained that when Community Day was conceived, the concept was to have a non-political get-together of the Community. No candidates or Churches were permitted to hand out literature during the event. It was a time for families to eat, play games and enjoy the fireworks.

Karen Momot, who has served on the Community Day Committee for 4 years, stated that she would be uncomfortable serving on a committee whose member(s) knowingly made hateful comments on social media.

Finally, Mr. Miller stated that possibly the Board inadvertently did not communicate effectively to the Community Day Committee members as to how the Committee would be organized moving forward but he is comfortable with the organization now and is looking forward to working with the members.

Resident Mike Taylor questioned the process, again, suggesting that the Sunshine Law was violated. Mr. Miller explained that the Township Manager had a conversation with one Board member and received their feedback. He then called another member. After

speaking to all of the Board members, Scott Greenly, Township Manager, then made a recommendation. This give and take occurs weekly.

Resident Karen Windsor asked if Committee members will be appointed yearly. She was told “yes”. The reorganization was made to allow the Board to oversee the Committee as it plans for future events. Even though there is significant money raised by the volunteers for the event, the Township also puts in a lot of their money in order for the Day to be successful. Public Works employees are paid overtime to set up for the event and Police need to be paid for their time as well.

Matt Landis, Member of the Community Day Committee, had some issues with the wording in the Resolution. He also asked that certain other duties of the members be included. Mr. Freed agreed that his suggestion was good but the Township should adopt the Resolution on the table at this time with the caveat that it may be amended/codified at a later date.

John Ganski, Member of the Community Day Committee, thanked the Board, stating that it is a shame that the reorganization of the committee became a political issue. Dr. Doan stated that the Township has always stated that volunteers are needed for their various Boards and Commissions – always looking for new people.

Bill Fagan thanked all staff members and Police who have helped during past events.

Mr. Miller made a motion to adopt Resolution No. 2019-17 and Dr. Doan seconded. Mr. Miller asked for any final questions or comments. There being none, the motion was carried unanimously.

Appointments to Community Day Committee:

The Board received many applications for the Committee.

Mr. Miller made a motion to appoint the following members:

- | | |
|-------------------|-------------------------------|
| 1. Matt Landes | 7. Heather Dunghe |
| 2. Bill Fagan | 8. Karen Momot |
| 3. Tim Grant | 9. Barbara Phillips |
| 4. Gretchen Grant | 10. Steven Grenz – ex-officio |
| 5. Joanne Ganski | 11. Jason Oliver – ex-officio |
| 6. John Ganski | |

Mrs. Baumann seconded the motion. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.

Sunoco Update:

Dan Daley reported that work at the Herman O. West Dr. site is 30% complete, pull-back is scheduled for mid-October. The Eagleview/Wharton Blvd. area will see activity beginning this week. Other areas within the Township will see no work except routine maintenance.

Alex Thigpen asked whether the Board voted in May to allow a waiver to the Noise Ordinance that would permit Sunoco to work 24hrs./day, if needed. Mr. Miller stated that there was no second to his motion at that meeting so no action was taken.

ANNOUNCEMENTS:

1. 09/12 – Historical Commission – 7:30 pm - Cadwalader House
2. 09/16 - Park & Recreation Committee – 7:30 pm
3. 09/18 – Zoning Hearing Board – 616 N. Whitford Rd., Christian Brothers and Decision for 529 W. Uwchlan Ave. - 7:00 pm
4. 09/18 – Environmental Advisory Council – 6:30 pm
5. 09/19 – Comprehensive Plan Committee – 3:00 pm
6. 10/02 – Planning Commission – 7:30 pm
7. 10/10 – Historical Commission – 7:30 pm - Cadwalader House
8. 10/15 – Board of Supervisors – 7:30 pm

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

1. Michelle Strayhorn stated that she dropped off a letter with signatures asking for attention to a traffic issue at Pickering Pointe development located on Route 113. Mr. Greenly contacted the Police Department who checked and found that there have not been any documented traffic issues in that area but will continue to monitor. Ms. Strayhorn will be updated if anything changes.
2. Steve Swymer asked if the Township will consider putting a task force together to look at the traffic situation throughout the Township. The task force can be made up of Police personnel, Emergency response personnel and residents. Once issues are identified, it can be determined what solutions will work.

The Board stated that the Township is constantly monitoring traffic and always consider the safety of its citizens. No consideration has been made at this time to form a task force. Margaret Quinn asked how traffic studies work and if there could be a traffic study done.

Chief Alexander explained that there are Township controlled roadways and State controlled roadways, each having their own limitations and rules as to what can be done. The Township is currently gathering data on a Township-owned road where there have been reported issues. Data collected includes volume, speed of cars, peak hours, average speed of cars, which direction are they traveling. Once the data is collected and reviewed, often times the Police find that the areas studied are marked appropriately for speed. That doesn't mean that they won't continue to monitor those roads. The Police are doing the best they can with the resources available to them.

Mr. Swymer stated that this is why a task force is needed.

3. Mike Taylor engaged Mr. Miller in a back and forth commentary regarding Republicans vs. Democrats.

There being no other business, Dr. Doan made a motion to adjourn the meeting at 9:03 p.m. and Mrs. Baumann seconded. The motion was carried unanimously.

Respectfully submitted,

Katie Churchill
Assistant Township Manager/Secretary

/jc