

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
OCTOBER 10, 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; Assistant Zoning Officer Tara Giordano; Township Treasurer Susan Bernhard; Township Secretary Katie Churchill; Township Engineer Dan Daley; Police Chief Scott Alexander and Township Counsel Tom Oeste.

Absent: Fire Marshal Mike Holmes

Mr. Toner welcomed back Mr. Hanley who had been absent from recent meetings due to illness.

Minutes: *Mr. Bozarth made a motion to approve the minutes of September 11, 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 150 traffic citations issued, 16 criminal arrests and 24 traffic accidents during the month of September. Motor Carrier details conducted resulted in pulling over 13 overweight trucks, and 4 trucks and 2 drivers were put out of service.

The Chief also noted that the 13-week Citizen Police Academy is going well. Township residents instructed by Township police officers in all aspects of law enforcement.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$851,550.87	\$570,323.23
Hydrant	-0-	19,800.00
State Liquid Fuel	161.03	16,717.50

To date, the Township has collected approximately 84% of its budgeted revenues and spent about 70% of its budgeted expenditures.

Public Works: Mr. Hanley reported that for the month of September the Public Works Department performed routine maintenance of areas to be resurfaced in the future; cut back over-hanging trees and limbs on Dowlin Forge Rd.; flushed storm pipes and cleaned catch basins in the Seasons development; televised sanitary sewer on Whitford Rd. and Berkley Rd.; repaired or replaced various signs; replaced the riser and lid for the sanitary sewer on Louis Dr.; cleaned and reorganized the storage room for traffic control and reconstruction signs; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that since the new Dowlin Forge bridge at Shamona Creek Park has been completed, the Township's request for reimbursement from PennDOT through a Federal grant program will be submitted soon.

Additionally, nearly all Townships are required to have a Pollution Reduction Plan prepared and forwarded to DEP. This Plan is available for public view at the Township building and is being done to meet the requirements of the upcoming National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water from MS-4 Systems.

The Township has received 2.67 inches of rain during September with a year-to-date surplus of over 5 inches.

Fire Marshal: Mrs. Churchill reported that Mr. Holmes responded to 6 fire calls during working hours; spent 9 hours of work time handling Fire Department activity; performed 4 fire inspections; conducted Fire Prevention programs at various elementary schools; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mrs. Churchill reported that the Fire Company answered 43 alarms during the month of September, 23 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: No one was present.

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.

Mr. Toner announced that little libraries were placed in several of the Township's parks this past weekend. This initiative was led by his wife, Nancy Toner. He thanked those involved including Harry Ambrogi who built the showcases.

BUSINESS:

Snow Removal Bids:

This was the second time this item was out to bid. Since the Township received no bids, they can contact outside contractors to see if they are interested in assisting in snow removal during the coming Winter season.

Presentation of the Proceeds from Fred's First Responder's Run:

Mrs. Gaines and her two daughters presented three equal checks to Chief Alexander for the Police, Ambulance and Fire Co. These checks were written from the proceeds of a run/walk that was held to benefit the first responder organizations within Uwchlan Township.

Mr. Toner noted that the Gaines family are "poster people" for giving back to the Community.

Request for Block Party on Conrey's Way: Saturday, October 14th

This is the 3rd year requesting this block party. There have been no problems or incidents in previous years.

Mr. Bozarth made a motion to approve the block party for October 14th and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

Sewer Report:

Mr. Hanley reported that in September, Township Sanitation Consultant Tom Brown, started looking at the Township sewer system and the on-going televising of same. In 2012, the televising revealed some issues that have since been repaired and 5 yrs. later, are holding up well. Average flow to Downingtown has been reduced by an estimated 300,000 gallons per day as a result of these repairs. Additional repairs are planned for next year.

Hankin – 405 Eagleview Blvd. - P3 Cell Tower: Land Development Plan Submission

This submission is for a maximum 150 foot cell tower to be located on the property at 405 Eagleview Blvd.

This plan will be sent out to the various reviewing agencies.

Armstrong – 361 Filman Rd. - Lot Line Change: Plan Submission

This plan would convey approximately 1 acre from Lot #1 to Lot #2 at 361 Filman Rd.

This plan will be sent out to the various reviewing agencies.

Resolution No. 2017-27: Master Caster Agreement

This Resolution allows PennDOT to raise manholes on roadways within the Township in order to do maintenance.

Mr. Bozarth made a motion to adopt Resolution No. 2017-27 and Mrs. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried unanimously.

Resolution No. 2017-28: PennDOT Green Light Go

This Resolution is another part of the PennDOT Green Light Go program. This portion is for the cabinets that will house the generators at various intersections. Cost will be between \$35,000 and \$45,000.

Mr. Bozarth made a motion to adopt Resolution No. 2017-28 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 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 September:

E.B. Walsh:

- Concern for unidentifiable fluid in stream near Baker Dr. - DEP was notified and it was determined to be unrelated to the pipeline project. An area contractor dumped paint debris in the stream.
- Request for mowing due to being overgrown – Sunoco was notified and area was mowed.
- Fencing gap near drill site. Site not secure – Sunoco notified and fixed

Dan was asked if Sunoco is responsive to his calls. He stated that Sunoco responds immediately either by phone or email.

Police:

- Complaint that employees were smoking in restricted area – Police determined that the smoking took place just outside of the restricted area so there was no issue. Police asked employees to be mindful and move further away.

Mr. Toner asked if there were any concerns or questions from the audience.

Margaret Quinn, 503 Carmarthen Dr., Rebecca Britton, 211 Andover Dr., and Gordon Todorovac, 408 Newcomen Rd. requested that Uwchlan Township enforce their own laws, specifically Ordinance No. 2014-06, which deals with pipeline impact radius. Ms. Britton also asked how Pennsylvania PUC jurisdiction can be changed.

Mr. Oeste explained that the Township currently has no authority to enforce that Ordinance since the PUC has exclusive jurisdiction. In all cases that have challenged this position, i.e. West Goshen Township, the townships have lost. He cited additional case law in Delaware County with same outcome. Also, the only way to challenge the PUC is to lobby the General Assembly to consider changing the law. Essentially, this is what Mr. Toner has been working toward over the last few months – getting other municipalities, CATO, PSATS, and County Commissioners to join in the efforts to have some control over what the pipeline companies are permitted to do to create legal precedent. This process could be very lengthy.

Mr. Oeste noted that he will be working with another Attorney, John Snyder, in tweaking the existing document into one that will then be presented to the PUC.

Carrie Gross, 207 Crump Rd., and Mr. Todorovac wanted to know why the Township waited so long to get involved in trying to enforce regulations on Sunoco.

Mr. Oeste stated that the Township thought the Ordinance would stand but found out recently that the Ordinance was unenforceable. The Township and its legal staff are trying to advance in this dispute.

ANNOUNCEMENTS:

1. 10/12 - Historical Commission – 7:30 pm. Cadwalader House
2. 10/20 – UTIDA – 8:30 am.
3. 10/18 – Zoning Hearing Board – 7 pm.
Decisions: Hankin Meridian Sign & Freddy's Sign
4. 11/01 - Planning Commission – 7:30 pm.
5. 11/06 – Park & Recreation – 7:30 pm.
6. 11/09 - Historical Commission – 7:30 pm. Cadwalader House
7. 11/13 - Board of Supervisors – 7:30 pm.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Rebecca Britton asked if Milt Bozarth was moving and if yes, to where is he moving? Mr. Bozarth answered that he had heard that his resident status had been posted on Facebook and that he didn't appreciate that it was on social media. Ms. Britton began shouting that the fact that he did not reveal that he was moving, prevented someone else from "running" for Supervisor, someone that would be more attuned to the needs of the residents living close to the pipeline project. She accused Mr. Bozarth of being un-Democratic.

Mr. Bozarth took offense to this statement and commented that Ms. Britton is one of the rudest people he has ever encountered. He has served as Supervisor faithfully for the last 15 years, and before that, as a Planning Commission member. He said he has served with integrity, has been conscientious and in both elections, had the support of both Parties. He is moving for personal reasons but will be residing in Uwchlan Township at least through December. At that time, he will decide whether or not to continue in his position. Ms. Britton will have the answer to her question when the rest of the public is notified.

There being no other business, Mrs. Gaines made a motion to adjourn the meeting at 8:35 p.m. Mr. Bozarth seconded and the motion was carried.

Respectfully submitted,

Katie Churchill
Township Secretary

/jc