

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING FEBRUARY 2008
February 11, 2008 / February 25, 2008

FEBRUARY 11, 2008

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

Mr. Gaines welcomed Boy Scout Troop Nos. 83, 216 and 220 who were in attendance to fulfill requirements for the Community Citizenship Badge.

Present: Supervisors: Frederick W. Gaines, Joseph E. Toner and Milton H. Bozarth; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard; Fire Marshal Mike Holmes; Township Solicitor Guy Donatelli and Chief Pontarelli.

Minutes: *The minutes of January 28, 2008 were approved by a motion made by Mr. Toner and seconded by Mr. Bozarth. Mr. Gaines asked for public comment. There being none, the motion was carried.*

BUSINESS:

REPORTS:

Police: Chief Pontarelli reported that there were 291 traffic citations issued, 15 criminal arrests and 35 auto accidents during the month of January.

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

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$425,816.49	\$666,914.56
Hydrant	142.24	-0-
State Liquid Fuel	-0-	3,548.44
Sewer	338,177.09	394,087.66

Ms. Bernhard reported that the Township has collected 5% of its budgeted revenues and spent 8.5% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of January the Road Department flushed out storm pipe on Windsor Circle, picked up and chipped Christmas trees, hauled top soil, repaired and replaced signs, cleaned catch basins, repaired mailboxes, salted and plowed roads once, and serviced and repaired various equipment.

Sanitation Department: Mr. Hanley reported that for the month of January:

Daily Average Flow	
Downingtown	1.45 million gpd

There were no new sewer connections to DARA or the Eagleview Plant during the month of January.

The Township has received 1.3 inches of precipitation during the month of January. Year-to-date, there is a deficit of 2.2 inches although 2007 ended with a surplus of over 3 inches.

Fire Marshal: Mr. Holmes reported that he answered 22 fire calls during the month of January, 10 of which were during work hours; spent 19 hours of work time handling Fire Department activity; assisted Road Department with salting and plowing; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 43 alarms during the month of January; 20 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: Mr. Toolan reported the Ambulance Corps responded to 283 calls during the month of January, 94 of which were in Uwchlan Township. He also thanked the Board for their participation in the Municipal Relationship meeting held in January.

The Board accepted the Reports as submitted.

Hankin Group:

1. Acceptance of Eagleview Crossing Conditional Use Decision:

The Township has received a letter dated January 30, 2008 from the Hankin Group accepting the Conditional Use Decision for Eagleview Crossing. Also, complete copies of the Eagleview Traffic Impact Study and Environmental Impact Assessment have been given to the Township .

2. Request to Extend Repairs and Repaving Portions of Rice Blvd. to 5/15/08:

As a Condition attached to the approval of Lot #51 in the Eagleview Corporate Center, the Hankin Group is required to repair and resurface Rice Boulevard from the entrance of Lot #51 to Pennypacker Rd. by the time of issuance of the occupancy permit. The Hankin Group has requested an extension of time until May 15, 2008 in order to accomplish this.

Mr. Toner made a motion to acknowledged receipt of the request and honor the extension request to May 15, 2008 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Annual Appointment of Fire Police:

Mr. Hanley announced that the following people wish to be appointed as Fire Police for 2008:

Barb Yagle
Joel Gramling
Linda Gramling
Bruce Vessey
Charlie Lobb
Richard Ruth
Martin Sorenson
Denise Todd

Mr. Toner made a motion to appoint the people listed above as Fire Police for 2008 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Mr. Toner noted that the Fire Department has been waiting for the Board to make a decision on allocation of additional funds for the purchase of a new fire truck. He requested more time to consider this request. Mr. Holmes said "OK." This will be on the Agenda next month.

Proposed Ordinance to Amend Uwchlan Township Zoning Ordinance No. 94-11, Section 612.3, Historic Resources Map, to Add Class V Structures:

Mr. Cooke announced that Class V structures will be added as a classification of the Historic Resource Map by Ordinance, but first must be reviewed by the County Planning Commission and Township Planning Commission. The proposed Ordinance will then be ready for approval at a future Board meeting after a public hearing has been held.

ANNOUNCEMENTS:

1. 02/14 - Historical Commission - 7:30 p.m. @ Cadwalader House
2. 02/20 - Zoning Hearing Board - 7:00 p.m. - Decision - Dee, 95 Princeton Rd., front yard variance; Rodner, 214 Kent Dr., shed variance and Dunkin Donuts, sign variance
3. 02/25 - Board of Supervisors - 7:30 p.m. - Regular Meeting

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Toner noted that recently Mr. Bozarth raised an issue whether it is ethical for municipal officials and employees to use government facilities or property for non-governmental matters. A representative of PSATS answered Mr. Bozarth by stating, "The State Ethics Act prohibits municipal officials and employees from using legal government staff, time, equipment, facilities or property for non-governmental matters, including business, personal and political purposes."

Mr. Toner stated further that organizations such as LYA and Homeowners' Associations are dependent on facilities such as the Township building for their meetings. As an example, he mentioned that the Ambulance Corps will be using the Township's parking lot for driving instruction/practice this weekend.

Mr. Toner offered the following motion that would protect organizations currently using Township facilities:

"Mr. Chairman, I'd like to move that we adopt tonight an Interim Facility Use Policy and also ask our Solicitor to develop for our review a more comprehensive Facility Use Policy for consideration in the future.

The Interim Facility Use Policy will permit the use of Township parks, recreational facilities and fields to be used as currently administered by the Township and this motion does not change in any way the rules and regulations governing the use of our parks, recreational facilities and fields.

The Interim Facility Use Policy will apply to the Township Building and Police Station and will permit the use of these buildings as follows:

1. *Township Building*
 - a. *The Township Building may be used as a polling place for primary, general and special elections, but shall not be otherwise available for use by any groups other than recognized and duly established Township Boards, Commissions and Committees. Scheduling of the Township Building shall be through the Township Manager, the Township Secretary, or their designee.*
 - b. *Under extraordinary circumstances, the Board of Supervisors may authorize use of the Township Building, in its sole discretion. In the event that the Board of Supervisors considers such authorization, it shall consider all of the requirements of Sub-section 2 below.*

2. *Police Station*

a. *Only that portion of the Police Station that can be secured from the remainder of the Police Station may be used pursuant to this policy. That portion is the vestibule, rest room and small conference room which is accessible from the front door of the Police Station, but from which further access to the Police Station is blocked ("the Permitted Area").*

b. *Only those outside organizations whose use will not result in any pecuniary gain or benefit to that organization shall be authorized to use the Permitted Area. It is the intention of this policy to permit the use of the Permitted Area by community groups for the purpose of maintaining and improving the quality of life for Uwchlan Township residents. It is designed to assist and benefit not-for-profit and civic organizations (i.e. organizations without a profit motive). This policy is not intended to provide a resource for ventures, activities or businesses with a profit motive or to accommodate organizations which do not concentrate its efforts on the residents of Uwchlan Township. Accordingly, Uwchlan Township reserves the right to deny use of the Permitted area to any group which does not promote and further the goals of this policy or whose use would otherwise violate any other principle of law.*

c. *All users of the Permitted Area must be groups that are Uwchlan Township based, or whose membership are predominantly Uwchlan Township residents, without restriction to race, creed, age, national origin, handicap or political affiliation and may not have a charter or admission policy that violates state, county and federal statutes and regulations.*

d. *All uses of the Permitted Area shall be for educational, cultural, charitable, political, recreational, civic, or social purposes or which are uses whose primary functions are to enhance the community by providing opportunities to Uwchlan Township Residents.*

e. *The following outside organizations are authorized to use the Permitted Area:*

- *Downingtown Area Recreation Consortium (DARC)*
- *Lionville Youth Association (LYA)*
- *Voter Services (use of facilities for primary and general election polling places) and elected officials' for community information purposes*
- *Local Boy Scout and Girl Scout troops (or similar youth organizations)*
- *Uwchlan Township based Homeowners Associations*
- *Political parties (of whatever denomination)*
- *Emergency service organizations (fire, ambulance, police)*
- *Charity Organizations*
- *Chester Co. Association of Township Officials*
- *Trade Associations*
- *Service Clubs*
- *Any other organization permitted by the Township Manager if the use of the Permitted Area by that organization is consistent with the goals of this policy.*

Any use of any Township Facility shall require the user to execute an Indemnification/Hold Harmless Agreement satisfactory to the Township Solicitor and may require proof of insurance, in the sole discretion of the Township Manager. Applications for use of any Township facility shall be made to the Township Manager who has sole discretion to determine whether the use of the facility will be permitted and for what duration. There will be no charge for the use of the Permitted Area as long as this Interim Policy is in place.” Mr. Gaines seconded the motion. Mr. Gaines asked for public comment.

Mr. Bozarth explained that he has no problem with organizations like LYA or Homeowners’ Associations using Township facilities. What he questioned was “political” use of Township facilities. As an example, he noted the recent use of the Police facility by the Republican Committee, which generated his original question to the State Ethics Committee. His interpretation of what PSATS answered is that if a Township employee or official is present at such a meeting, then they may not use Township facilities.

Mr. Bozarth asked that a decision regarding adoption of this policy be tabled until Mr. Donatelli has a chance to review it.

Mr. Toner’s interpretation differed in that he feels the law permits individual Townships to develop their own policy.

Mr. Harnish of Upper Uwchlan Township asked if he could speak. The Board acknowledged him. He said political issue aside, his interpretation is that such a policy would prevent a conflict of interest of those asking to use the facilities. Mr. Donatelli agreed that the issue is conflict of interest. There is no black or white. He said that there is nothing wrong with the policy; it is a good policy, similar to the current School District Policy. He would like time to look at it and ask people in Harrisburg for their opinion.

Mr. Gaines agreed that Mr. Donatelli conduct more research, but suggested that in order to not disrupt local organizations, i.e. LYA, the Board should vote on passing the Policy and deal with long range regulations at a later date.

A vote was taken. Mr. Gaines & Mr. Toner voted, “I”. Mr. Bozarth voted, “No”. The motion was carried.

Mr. Gaines asked if the Boy Scouts had any questions or comments. No one spoke up. He then encouraged them to continue in their scouting endeavors.

Mr. Toner announced that he would like to make another motion that would address the long term view regarding facility use. *Mr. Toner made a motion to ask the Township Solicitor for an advisory opinion on the Policy presented this evening as well as an opinion of a comprehensive policy to follow. Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.*

There being no other business, Mr. Toner made a motion to adjourn the meeting at 8:06 p.m. Mr. Bozarth seconded and the motion was carried.

Respectfully submitted,

Lynda Phiel
Township Secretary

/jc

FEBRUARY 25, 2008

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

Present: Supervisors: Frederick W. Gaines, Joseph E. Toner and Milton H. Bozarth; Township Manager Doug Hanley; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard; Township Solicitor Guy Donatelli and Chief Pontarelli.

Minutes: Approval of the minutes of February 11, 2008 were tabled until the next meeting to allow additional time for the Supervisors to review them.

BUSINESS:

Announcement of Road Material Bids: The following bids were received and opened on Friday, February 22, 2008:

TAR POT/CREW	Hourly
AMS	\$375
E.J. Breneman	\$700
GEI *	\$349
Charlestown	\$400

TAC COAT	Gallon	Distrib. Hourly
AMS	\$ 2.15	\$100
Macanga *	\$ 1.80	\$ 80

SWEEPER	Hourly
Reilly	\$ 93
GEI *	\$ 89
Charlestown	\$130

MILLING	Hourly
Delaware Valley *	\$325
Macanga	\$375
GEI	\$449
Antonini	\$375

	PAVER/ROLLER	2 TRI-AXLE	3 TRI-AXLE	EXCAVATOR	EXCAVATOR WITH BOOM
	Hourly	Hourly	Hourly	Hourly	Hourly
Macanga	\$400 *		\$240		
Trego	no bid				
GEI	no bid				
Antonini	\$3,600	\$138 *	\$207 *	\$150*	
Charlestown	\$ 440	\$150	\$225		\$110 *

STONE	3A	½"	#4	Anti-Skid	18-24"	24-36"
Hanson	\$8.63/\$12.05	\$12.45/\$15.35	\$10.10/\$13.50	\$13.13/\$16.55		
Martin *	\$5.55/\$11.54	\$8.05/\$14.04	\$7.30/13.29	\$8.80/\$14.79	\$10.35/\$20.34	\$10.35/\$20.34

	9.5mm Wearing	19mm Binder	25 mm Base	9.5mm Fine
Highway Materials	\$46.75/\$52.75	\$44.25/\$50.25	\$41.50/\$47.50	\$47.25/\$53.25
Independence *	\$39.90/\$44.12	\$37.00/\$41.22	\$34.75/\$38.13	\$40.50/\$44.72

Mr. Hanley explained that the highlighted items are the low bidders and recommended that they be awarded the bids. Also, Charlestown Paving submitted a bid for a paver in the amount of \$40/hr., which when questioned was a clerical error on their part. They have requested that the Township disregard that bid. Mr. Donatelli said it is OK to relieve them and not hold them to that amount.

Mr. Gaines asked how the prices this year compare to last year's prices. Mr. Hanley answered that they are 3-6% higher, which is lower than anticipated. As a result, the 2008 Road Program will be re-evaluated in order to take advantage of these prices.

Mr. Toner made a motion to approve the bids as outlined by Mr. Hanley and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Resolution No. 2008-05: Transmitting Tax Duplicate To Tax Collector

This is a yearly resolution. The amount of the Tax Duplicate is \$171,613.87.

Mr. Toner made a motion to adopt Resolution No. 2008-05 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Resolution No. 2008-06: Adopting Revised Police Policy Manual

The Supervisors complimented Chief Pontarelli on the Revised Police Policy Manual.

Mr. Toner made a motion to adopt Resolution No. 2008-06 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Texas Road House Restaurant: Land Development Plan - Expires 3/10/08

Mr. Donatelli announced that the Township has received a letter from John Anderson of Cornerstone Consulting withdrawing the plan to build a Texas Road House restaurant on property adjacent to the new Wawa in the Lionville Shopping Center.

Mr. Toner made a motion to accept the withdrawal as identified by Mr. Donatelli and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Toner had the following announcements:

1. Mr. Hanley is pictured in the Chester County Chamber of Business & Industry as recipient of a "Top Manager" award.
2. The Board interviewed Bill Gavin who is interested in becoming a member of the Park & Recreation Board.

Mr. Toner made a motion to approve Mr. Gavin as a new voting member and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

3. This past weekend, the Ambulance Corps conducted a class on vehicle operations/driving. There were 11 students, all of which received "Certificates of Completion".

Matt Cabrey, 618 Brainerd Place, requested the Board consider constructing a modern bathroom facility and concession stand at the Lionville Park located on Devon Dr. As a parent and volunteer coach, he represents a group of individuals who see a need for modernization and asked for guidance as to how to proceed.

Mr. Bozarth questioned whether the project will be taxpayer funded or will the group be raising funds? Mr. Cabrey said he is open to all options. Also, he realizes that he is not the first person to suggest such improvements. He has been told that concerns for vandalism and other concerns like maintenance have prevented these improvements in the past.

The Board members suggested he meet first with the Park & Recreation Board to discuss whether or not this is feasible. Mr. Bozarth also mentioned concerns for security if a public restroom facility is constructed.

Mr. Gaines acknowledged the presence of a young man in the audience who said he was a Boy Scout in Troop 83, working on his Community Citizenship Badge. He had hoped there was going to be a community issue discussed at tonight's meeting.

Mr. Bozarth told the Scout that a recent community concern is the fact that many people leave their cars unlocked, in parking lots or driveways, with valuables in plain sight. There is a group of individuals looking for the opportunity to steal the items. The Township, in an effort to limit this type of incident, included appeals to "Lock your Vehicle" in the Township Newsletter.

There being no other business, Mr. Toner made a motion to adjourn the meeting at 7:55 p.m. Mr. Bozarth seconded, and the motion was carried.

Respectfully submitted,

Lynda Piel
Township Secretary

/jc