

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES November 2005

November 14, 2005 / November 28, 2005

November 14, 2005

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, Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard; Township Solicitor Guy Donatelli and Chief Davis.

Mr. Toner welcomed a local Boy Scout Troop attending the meeting to satisfy requirements for a Merit Badge. Minutes: The minutes of October 24, 2005 were approved by a motion made by Mr. Bozarth and seconded by Mr. Gaines. Mr. Toner asked for public comment. There being none, the motion was carried.

BUSINESS:

Police: Chief Davis reported that there were 350 traffic citations issued, 29 criminal arrests and 30 auto accidents during the month of October.

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

Fund	Revenues	Expenses
General	\$415,708.61	\$872,254.99
Hydrant	48,384.16	7,848.00
Sewer	334,402.53	82,570.21

Ms. Bernhard reported that the Township has collected approximately 96% of its budgeted revenues and spent 83% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of October the Road Department repaired manholes on Sheree Blvd., Pine Creek Rd., Newcomen Rd., Timber Springs Ln. and Llandoverly Dr.; repaired blacktop on Dorlan Mills Rd., Taylor Rd. and Pinewood Dr.; cleaned out culverts and catch basins; cut tree limbs; painted crosswalks; and prepared snow removal equipment for the Winter season.

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

Daily Average Flow:

Downingtown 1.4 million gpd

There were no new sewer connections at DARA or the Rice property during the month of October.

The Township has received 10.62 inches of precipitation during October. Year-to-date, there is a surplus of 2.4 inches.

Fire Marshal: Mr. Hanley reported that Mr. Holmes answered 21 fire calls during the month of October, 12 of which were during work hours; reviewed plans for commercial buildings and conducted inspections of those under construction; performed 2 fire investigations; and conducted fire inspections of various commercial buildings.

Lionville Fire Co.: Mr. Hanley reported that the Fire Co. answered 41 alarms during the month of October, 21 of which were in Uwchlan Township.

Mr. Toner requested that Mr. Hanley remind the Fire Co. that they are not an "all volunteer" organization and their literature should not say that they are. He said that since Township employees respond to alarms during the work day, the Company should not be considered "volunteer". Mr. Gaines noted that those employees who respond are not forced to do so and are therefore, volunteering.

Uwchlan Ambulance Corps: Mr. Durr reported that during the month of October, the Ambulance Corps responded to 182 calls, 52 of which were in Uwchlan Township.

Facilities Committee: Mr. Gaines reported that the Architect is currently going over the building design with Studio eec.

Mr. Gaines commended the Police for their recent weigh station detail on the Marchwood Rd./Ship Rd. jughandle where trucks are inspected for safety and removed from our local roadways if they fail the inspection.

The Board accepted the Reports as submitted.

Ordinance No. 2005-07: Intergovernmental Cooperation for the Verizon Franchise Negotiations

This Ordinance allows Uwchlan Township to enter into an intergovernmental agreement to negotiate with Verizon

for a franchise agreement and for any other purpose deemed necessary and beneficial by the Municipality. Mr. Bozarth made a motion to adopt Ordinance No. 2005-07 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Resolution No. 2005-36: Hankin/Eagleview Condos - Final Approval

Neal Fisher, representing the Hankin Group, presented the final Land Development Plan to switch a 30-unit condominium building next to the approved hotel with a 48-unit condominium building that was approved adjacent to the elderly housing building located in the Eagleview Town Center. Last month, the Hankin Group proposed a reduction in the number of parking spaces to be located under the building and a Parking Ordinance Amendment. That has been withdrawn and the Applicant has agreed to comply with the current Ordinance as well as the various Impact Fees.

The proposal now shows 76, 9' x 20' parking spaces with one-way driving isles located under the building. The Applicant has eliminated only those support columns that have no impact on the structural integrity of the building.

The Applicant has received review letters from E.B. Walsh dated October 31, 2005; Gannett Fleming dated October 14, 2005; Orth-Rodgers dated November 1, 2005; Stanley Stubbe dated October 6, 2005; Chief Davis dated August 30, 2005 and Mr. Holmes dated October 26, 2005, and will comply with the comments.

Mr. Bozarth made a motion to approve the final approval (Resolution No. 2005-36) contingent on the reviews listed above, the Planning Commission's recommendation of November 2, 2005, agreement to the various Impact Fees and submission of a sealed engineering/architect's structural plan for the garage. Additionally, Mr. Bozarth moved to recommend approval for the proposed length of the building to be 265 feet. Mr. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

Tennis Addiction: Time Extension Request to 3/31/06

The Township has received a letter from Mr. Siana, the Applicant's attorney, granting a time extension through March 31, 2006.

The Board acknowledged the extension.

Marchwood Shopping Center: Request to Sell Christmas Trees

The Township has received a letter from Jason Judy requesting permission to sell trees. No other information was available and no one was present.

Discussion was tabled.

DARA: Appointing Dick Beidleman to a New 5-Year Term

Mr. Gaines made a motion to appoint Mr. Beidleman to a 5-year term as a DARA representative and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

ANNOUNCEMENTS:

1. 11/28 - Board of Supervisors - Regular Meeting & Conditional Use - Dunkin Donuts/Baskin-Robbins, 376 W. Uwchlan Ave. - 7:30 p.m.
2. 11/30 - Zoning Hearing Board - Variances - Demucci, S. Village Ave.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENT

Mr. Bozarth commended Officer Matt Gale for giving CPR to a choking victim at a local restaurant. He was off-duty at the time. Mr. Durr said that the Ambulance Corps will be sending him a letter to recognize his efforts. Several letters from residents requesting assistance were briefly discussed and will be handled by staff. Also, Mr. Marbach has sent a letter of interest in becoming a member of the Planning Commission. His letter will be put in the file and resurrected when and if there is an opening on the Commission.

Mr. Toner announced that the Township will be using a new employee appraisal form this year.

A Boy Scout asked if mini cycles are legal on Township roads? Chief Davis said they are not. The only place you can ride them are in ones driveway or yard.

Immediately following the meeting: DeMucci Conditional Use Hearing

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

November 28, 2005

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, Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Secretary Lynda Phiel and Township Solicitor Guy Donatelli.

Minutes: The minutes of November 14, 2005 were approved by a motion made by Mr. Bozarth and seconded by Mr. Gaines. Mr. Toner asked for public comment. There being none, the motion was carried.

BUSINESS

Wawa: Conditional Use

Mr. Donatelli has drafted the Decision & Order that would allow the construction of a shopping center with restaurants, a fast food establishment and a convenience store and associated parking and improvements to the former Regal Cinema Site on Route 113. The Conditions are listed below but are not limited to:

1. Applicant shall submit an application for preliminary and final subdivision and land development approval for the Property and except where modified by the Conditions herein, review and approval of said application shall be in accordance with all of the otherwise applicable standards, specifications and regulations of Uwchlan Township.
2. The preliminary and final land development plan shall depict that there shall be no left turn permitted into or out of the Property at the southernmost entrance/exit of the Property unless a) the left turn movement at the southernmost entrance/exit of the Property is approved by PennDOT, and b) justification for the left turn at the southernmost entrance/exit of the Property is established to the satisfaction of the Township.
3. Applicant shall submit for review a revised version of the cross easements for parking and maintenance of the common elements of the Property.
4. The preliminary and final land development plan must be accompanied by a phasing plan that will depict the individual development of the lots/structures shown on the preliminary and final land development plan. The phasing plan shall show how the different sites can be developed individually without sacrificing public safety or normal circulation required for the shopping center to operate.
5. In lieu of the Fiscal Impact Study per Township Zoning Ordinance Section 806.4.f(2) and the additional trips pursuant to a certain Ordinance adopted by Uwchlan Township known as the Traffic Impact Ordinance, Applicant will contribute \$175,000.00 worth of improvements that may include road work at the intersection of Route 113 & Eagleview Blvd./Crump Rd. or on another public Township project.
6. Applicant shall comply with the comments and recommendations set forth in correspondence of E.B. Walsh & Associates dated October 12, 2005, marked as Exhibit B-6 of the Hearing.
7. This Conditional Use Approval is conditioned upon Applicant's ability to receive the necessary variances from the Uwchlan Township Zoning Hearing Board.
8. The final land development plan for the proposed development of the Property shall not be approved until all Conditions of this approval have been met by notations on the plan or otherwise; and all review and other fees due and owing to the Township have been paid in full.

Mr. Bozarth made a motion to approve the Conditional Use as summarized and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Resolution No. 2005-37: Eliminates the Time Period a Property Can be Vacant and Not be Billed for Trash/Recycling Services

This Resolution amends Resolution No. 2001-42 by eliminating the restriction of time placed on vacant properties that are exempt from charges related to trash/recycling services.

Mr. Bozarth made a motion to adopt Resolution No. 2005-37 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Mr. Gaines suggested that Township staff periodically check those properties that are "vacant" to make sure that they are truly vacant and subsequently exempt from charges.

Pickering Valley Feed & Farm Store: Request to Sell Christmas Trees

Mr. Cracas requested permission to continue selling Christmas trees on the Pickering Valley Feed property as he has done for the last 3 years.

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

ANNOUNCEMENTS:

1. 11/30 - Zoning Hearing Board - 7 p.m. - Demucci, S. Village Ave.
2. 12/12 - Board of Supervisors Regular Meeting - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Kalemjian asked whether or not other cable providers will be offered franchises within Uwchlan Township. Comcast is currently the only franchise in Uwchlan Township although the Township is negotiating with Verizon for the same status. Mr. Hanley gave a brief history of the process and Mr. Bozarth noted that the residents will, hopefully, soon have a choice.

Immediately following the meeting: Dunkin Donuts/Baskin-Robbins, 376 W. Uwchlan Ave. - Conditional Use Hearing

There being no other business, Mr. Bozarth made a motion to adjourn the meeting at 7:40 p.m. Mr. Gaines seconded and the motion was carried.