

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES November 2007

November 2, 2007 / November 13, 2007

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The meeting was called to order at 9:00 a.m. by Chairman Frederick W. Gaines and the Pledge of Allegiance was recited.

Present: Supervisors: Frederick W. Gaines, Milton H. Bozarth and Joseph E. Toner; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Solicitor Guy Donatelli and Chief Pontarelli.

BUSINESS:

Hankin Condominiums: Conditional Use

Mr. Donatelli announced that this special meeting was duly advertised. Those in attendance are listed above with no one from the public present. He noted that he spoke to Scott Semisch, an Attorney representing Eagleview resident Joseph Moran, informing him of today's meeting and of the topic for discussion. He continued by giving a short history of the Conditional Use Decision regarding the Eagleview Town Center condominiums and the subsequent letter from the Hankin Group, dated October 12, 2007, accepting the Decision with a clarification of Condition #6. Mr. Donatelli, at the Township's request, completed a legal review of the content of the October 12th letter, and concluded that the Hankin Group's clarification changed the meaning of the original Decision & Order.

Mr. Donatelli spoke to Mr. Hankin who explained the reason behind their need to clarify Condition #6. They felt that the Condition took away all of their control.

Joseph Moran arrived.

Mr. Donatelli presented the Board members with a draft that outlines a "fair" change to the original Decision & Order which protects both the Township and the residents. He sees no need to re-open the Conditional Use but the Township will need to extend the deadline in order for the Hankin Group to accept/reject this amendment.

Ms. Yarnoff, Attorney for the Hankin Group, told Mr. Donatelli that there will be an appeal.

Mr. Gaines paraphrased the above by stating that the amendment was written to better protect the Township and the residents of Eagleview. Mr. Donatelli nodded that that was correct.

Mr. Toner was happy that the amendment places the final decision regarding parking in the Supervisors' hands. Mr. Bozarth was concerned that the intent of the Hankin letter of October 12th was to pressure the Board by saying "do it or face a lawsuit". Mr. Hanley interjected that he had spoken to Mr. Hankin late yesterday afternoon and Mr. Hankin advised him that the Hankin Group will not appeal the Decision. Mr. Hankin wanted to make sure that Mr. Hanley conveyed this to the Board. For clarification, whatever action is taken during this meeting, the Hankin Group will not appeal.

Mr. Bozarth continued by saying that the change made by Hankin and now re-written by Mr. Donatelli does not solve the problem, which is two-fold, quantity of parking and location of parking. As written, the Hankin letter and the amendment drafted by Mr. Donatelli, the quantity problem can be solved by changing the plan.

However, the location problem still exists. That is, parking would not be in close proximity to the use. For this reason, Mr. Bozarth said the right thing to do is to leave the Decision as is with no amendment.

He went on to say that when the Hankin Group moves forward with their plan, the Board must again address the issue of the location of parking. He also stated that he felt a meeting this morning is no substitute for a regular meeting, that issues such as this should be dealt with at a regularly scheduled Board meeting. It is inappropriate for the Board to approve an amendment at this meeting.

Both Mr. Toner and Mr. Gaines disagreed with Mr. Bozarth, stating that they felt the amendment presented by Mr. Donatelli places the control over the parking issue in the Board's hands. Mr. Toner re-read portions of the amendment, emphasizing the number of times where it is stated that the decision is "up to the Supervisors". The Supervisors have the flexibility to get done what needs to get done per this amendment.

There was further discussion as to when and if the Supervisors can dictate to the Applicant where parking must be located.

Mr. Toner asked Mr. Donatelli if he recommends approval of the amendment. Mr. Donatelli answered that he suggests the Board look upon the document favorably. He also asked Mr. Hanley if Mr. Hankin said he would withdraw the condition outlined in their acceptance letter? Mr. Hanley said he did not. Mr. Donatelli reiterated that since the Applicant will not withdraw their letter of October 12th, and if the Board decides that that is a refusal or denial, the Hankin Group will not appeal the matter of the Conditional Use application. That said, Mr. Donatelli suggested the Township request from Mr. Hankin a formal written waiver stating same.

Mr. Toner made a motion to accept Paragraph #6, a clarification/modification, and give the Hankin Group until November 7, 2007 to accept. Mr. Gaines seconded the motion and asked for public comment.

Joseph Moran, 519 Gramercy Lane, asked the Board to not approve the amendment as drafted. He does not like the wording. He feels that it puts pressure on the Supervisors; any decision regarding parking made by them may be difficult to defend. He requested that the original Decision and Order stand on its own.

Mr. Toner countered that Bob Hankin has been very responsive in the past, and he does not anticipate any problems. The parking issue is at the Supervisors' discretion.

Mr. Gaines agreed that the Hankin Group will not be allowed to do whatever they want. There will be many opportunities during the Land Development process to finalize any parking concerns.

The motion was passed 2-1. Mr. Bozarth voted "no".

Reschedule November 12, 2007 Meeting Date:

Due to a Township conflict, it was suggested that the meeting scheduled for November 12th be rescheduled to November 13, 2007. Mr. Bozarth said he had a conflict with the change and asked the other members to consider another date. Not being able to agree on any one date, Mr. Bozarth asked that the meeting be cancelled. Mr. Gaines and Mr. Toner did not agree to cancel the meeting, stating that there only needs to be two Supervisors present to hold a meeting.

The meeting was rescheduled for Tuesday, November 13, 2007.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

There being no other business, Mr. Toner made a motion to adjourn the meeting at 9:32 a.m. Mr. Gaines seconded and the motion was carried.

The Board members entered into an Executive Session immediately following the meeting.

November 13, 2007

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, Milton H. Bozarth and Joseph E. Toner; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard; Township Solicitor Guy Donatelli and Chief Pontarelli.

Minutes: The minutes of October 22 and November 2, 2007 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:

Mr. Gaines announced that Mr. Hanley received an award from the Chester County Chamber of Commerce for being an Outstanding Leader in Government. The award was presented to him at a dinner on November 12, 2007.

Mr. Gaines also thanked all involved in the success of the Township's Open House held on October 27th.

REPORTS:

Police: Chief Pontarelli reported that there were 170 traffic citations issued, 22 criminal arrests and 40 auto accidents during the month of October.

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

Fund	Revenues	Expenses
General	\$507,604.68	\$850,076.91
Hydrant	46,532.37	7,974.00
State Liquid Fuel	1,473.67	11,445.00
Sewer	352,695.35	201,549.32

Ms. Bernhard reported that the Township has exceeded its budgeted revenues and spent 85% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of October the Road Department milled and blacktopped areas on Dowlin Forge Rd., Pennypacker Rd., Tremont Dr., Williamsburg Blvd., Concord Ave., Eagleview Blvd., Peck Rd., Pickering Way, Welsh Pool Rd. and Lionville Station Rd.; repaired sinkholes; repaired and replaced signs; cut tree limbs; performed State inspections; and serviced and repaired various equipment, including preparing snow removal equipment.

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

Daily Average Flow:

Downingtown 1.25 million gpd

There was one new sewer connection to DARA and none at the Eagleview Plant during the month of October. The Township has received 7.14 inches of precipitation during the month of October. Year-to-date, there is a surplus of 4.25 inches.

Fire Marshal: Mr. Hanley reported that Mr. Holmes answered 28 fire calls during the month of October, 17 of which were during work hours; spent 15 hours of work time handling Fire Department activity; conducted fire prevention programs in area schools and day cares; reviewed plans for commercial buildings and inspected those under construction; and performed fire inspections.

Lionville Fire Co.: Mr. Hanley reported that the Fire Company answered 58 alarms during the month of October, 32 of which were in Uwchlan Township. A thank-you was given to all those involved with the Fire Company's Open House and Fire Prevention Program.

Santa Claus will be arriving by fire truck on December 15, 2007 and will be travelling through area neighborhoods.

Uwchlan Ambulance Corps: Mark Toolan reported that the Ambulance Corps responded to 239 calls during the month of October, 74 of which were in Uwchlan Township. He also thanked Chief Pontarelli and Officer DiGinto for their input regarding security cameras.

The Board accepted the Reports as submitted.

Mr. Toner announced that he and Mr. Gaines met with Mr. Toolan prior to tonight's meeting to discuss the Township's contribution to the Ambulance Corps.

Mr. Toner made a motion to approve \$36,000 to be given to the Ambulance Corps and Mr. Bozarth seconded.

Mr. Gaines asked for public comment. There being none, the motion was carried.

Mr. Toner also noted that the money the Township previously set aside for the Ambulance Corps to purchase uniforms has now been exhausted. Final payment will be mailed to the vendor.

Proposed 2008 Budget:

Mr. Hanley announced that for the 22nd year in a row, the Township has not raised real estate taxes.

As a result of rising costs for trash/recycling, necessary repairs to the Cover Mill Pump station and costs

associated with the widening of Route 100, the Township will see a \$500,000 increase in expenses over last year.

Mr. Toner made a motion to adopt and advertise the tentative Budget for 2008 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Township Capitalization Policy:

This policy provides a threshold for capitalizing fixed assets as required by GASB 34.

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

Eagleview Condominium: Acceptance of Conditional Use Order

Per the motion made at the special Board meeting on November 2, 2007, the Township received a letter from the Hankin Group accepting the Conditional Use Order & Decision for the Eagleview Condominiums.

Yagle - 515 W. Uwchlan Ave.: Request for Second Driveway

Mr. Cooke explained that Mr. & Mrs. Yagle have requested permission to allow them to place a second driveway on their property, which will enable them to exit on to Woodland Dr. rather than Route 113. They would like to keep their other driveway for "in only". Since the Township permits only one driveway per residence, this request requires approval from the Board.

During discussion of this issue, Mr. Cooke suggested that if the Board looks favorably on this request, the Township will require them to submit an engineered plan for the driveway.

Mr. Toner made a motion to approve the driveway extension as long as it meets the standards set forth by Zoning and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Resolution No. 2007-15: Accepting Dedication of the Eagleview Wastewater Treatment Plant

Mr. Donatelli announced that he is still awaiting a copy of Exhibit A, which is a description of the ground and improvements on which the Plant is located.

Mr. Toner made a motion to adopt Resolution No. 2007-15 contingent on the Solicitor receiving Exhibit A and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

ANNOUNCEMENTS:

1. 11/26 - Board of Supervisors - 7:30 p.m. Regular Meeting and Conditional Use Hearing - Hankin Group, Proposed Eagleview Hotel
2. 11/28 - Zoning Hearing Board- 7 p.m., Palmer @ 372 Devon Drive - Side Yard Variance

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Gaines asked the status of Comcast vs. Verizon throughout the Township. Mr. Hanley explained that Comcast is already "in" the Township, but he is unclear as to when Verizon will be available to all Township residents. Phone, Internet and TV was suppose to be available to all beginning last summer.

Mr. Toner noted that William Gavin of Robin Rd. has expressed an interest in joining the Park & Recreation Board. Contact phone numbers were given to Mr. Hanley.

Mr. Gaines welcomed Mrs. Choper, West Whiteland Supervisor Keith Choper's wife, to the meeting.

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.