

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES October 2007

October 10, 2007 / October 22, 2007

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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 September 24, 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:

REPORTS:

Police: Chief Pontarelli reported that there were 236 traffic citations issued, 26 criminal arrests and 38 auto accidents during the month of September.

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

Fund	Revenues	Expenses
General	\$702,775.37	\$860,474.18
Hydrant	96.32	7,974.00
Sewer	59,320.40	482,108.92

Ms. Bernhard reported that the Township has collected 95% of its budgeted revenues and spent 74% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of September the Road Department installed erosion control along the Shamona Creek; repaired and replaced signs at major intersections; painted crosswalks, arrows and school zones; repaired sinkholes; oiled and chipped areas on Valley Hill Rd., Taylor Rd. and Sharp Lane; hauled top soil; and serviced and repaired various equipment.

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

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 September. The Township has received .33 inches of precipitation during the month of September. Year-to-date, there is a surplus of 1/10 inches.

Fire Marshal: Mr. Holmes reported that he answered 27 fire calls during the month of September, 13 of which were in Uwchlan Township; spent seven hours of work time handling Fire Department activity; began instruction of fire prevention at schools and day cares and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Co.: Mr. Holmes reported that the Fire Company answered 56 alarms during the month of September, 35 of which were in Uwchlan Township. He also thanked everybody for their help/attendance at the David Good Run, and announced that on Thursday, October 11th, the Fire Co. is holding their Open House from 6:00 to 8:00 p.m.

Uwchlan Ambulance Corps: Mark Toolan reported that the Ambulance Corps responded to 252 calls during the month of September, 65 of which were in Uwchlan Township.

Facilities Committee: Mr. Cooke reported that the painting and carpet replacement are almost completed in the older rooms at the Administrative building.

Hankin - Condominium/Hotel: Conditional Use Decision

Mr. Gaines announced that the Board members listened to the concerns of the area residents regarding this issue, discussed at length during the hearing process those concerns with the Hankin Group, and as a result, the Hankin Group has withdrawn their application to construct a hotel in the Eagleview Town Center.

Residents in the audience gave a loud applause to this announcement.

Mr. Donatelli noted that the Township received a letter after the last Board meeting from Mike Malloy, Attorney for the Hankin Group, granting an extension of time in which to issue a decision. Then on October 2, 2007, the Township received notice that the Applicant was withdrawing their application for a hotel and pub at the Town Center. He has drafted a Decision & Order for an 80 unit condominium with length extended to 350 feet, a community center, an increase in height, and parking spaces at a 20% reduction. The Conditions are listed below, but are not limited to:

1. Maximum height of Condominium building to be 65 feet.
 2. The location of the 20% of required parking that has been temporarily exempted must be identified in the Land Development Plan so the Board will see where the parking spaces will be located if needed.
 3. Applicant will comply with all other Zoning and Land Development Ordinances of the Township.
 4. Applicant will enter into a Restrictive Covenant, which will be drafted during the Land Development plan and recorded after building permit issuance.
 5. Applicant will comply with all of the recommendations from the Township's Consultants, including E.B. Walsh, Orth/Rodgers and Gannett Fleming as well as memos from the Township Police and Fire Marshal.
- The Board was instructed by Mr. Donatelli that, legally, they must vote on this tonight in order to meet the deadline, that was originally extended by the Applicant.

Mr. Toner made a motion to approve the Conditional Use Decision as outlined by Mr. Donatelli and Mr. Bozarth seconded the motion, after explaining why he asked to delay this Decision at the time of the last Board meeting. Now that the hotel and pub have been removed, he feels that most of the concerns have also been removed or can be dealt with during the Land Development process. Mr. Gaines asked for public comment.

Scott Semisch, an Attorney representing Joseph Moran, questioned whether the number of parking spaces shown on the plan for the condominium was sufficient, and requested that 2 parking spaces/unit be a Condition of the Conditional Use Order. He explained that the number of spaces shown on the plan does not take visitors to into consideration.

Mr. Donatelli said the Board has heard all of the comments relative to parking and they have been taken into consideration.

Mrs. Danchert, 508 Mahoney Dr., asked how tall and how long the building will be? Mr. Donatelli answered that the height has not changed. It can be up to 65 feet and the length of the building is now 350 feet. There being no other comments, the motion was carried.

Morphotek: Conditional Use Decision

Mr. Donatelli has drafted the Conditional Use Decision to allow for a 20% parking space reduction for Morphotek's planned expansion at 210 Welsh Pool Rd. The Conditions are listed below but are not limited to:

1. Applicant will comply with comments and recommendations set forth in correspondence of E.B. Walsh & Associates dated August 31, 2007.
2. Contemporaneously with the recording of the final land development plan, the Applicant shall record against the Property a restrictive covenant, in form and substance satisfactory to the Township Solicitor, prohibiting the use of the Property for the manufacture, display, sale/and distribution of drug paraphernalia.
3. Beginning on January 2, 2008, and every 6 months thereafter for a period of five years from occupancy, the Applicant shall notify the Township of the number of its employees.
4. 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. Toner made a motion to approve the Conditional Use Decision as outlined above, and Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

Aqua PA:

This item was tabled during the last meeting. Resolution No. 2007-15 would allow the Municipal Authority property at 18 N. Village Ave. to be used for any use normally permitted in a Planned Commercial Zoning District.

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

Downingtown Area School District: Siemens Tract Presentation

Bob Adams, Solicitor for the School District, introduced Dr. Sandy Griffin, Rich Fazio and Tony Watson, all from the School District, as well as Keith Lieberman of Schorn DePalma (now CMX).

Dr. Griffin discussed the growth plan for the School District, pointing out that they have addressed the elementary population with 10 elementary schools, plan to do some re-districting, and now need to address the middle school population, which has grown over the last several years, topping out at 11,724 students. She explained that several alternatives were researched, including building a mega-high school or converting the Downingtown East High School to a middle school. Both ideas were rejected as either too expensive or not "for the good of the students".

Mr. Fazio went over the financial aspects of the building project, noting that the new middle school will cost \$48,600,000 in today's dollars. With projected enrollment of 14,000 in a few years, a third high school will also be needed.

Mr. Toner asked how large the Siemens tract is. There is a total of 242 acres. He also questioned why the current Downingtown East High School cannot be changed back into a middle school with a very large high school built on the Siemens tract. He said there are too many problems associated with the East campus being placed so close to residential dwellings. Noise and parking issues are two such problems facing homeowners. He asked that the School District do the right thing for the community. Large high schools worked in the past; why not build them now?

Dr. Griffin noted that while the School District is sensitive to the needs of the community, the education of the students is of utmost importance. They have looked at alternative education methods as a means to handle the increased number of students, i.e. magnet schools or charter schools. Conversion of the now high school back to a middle school is not possible due to design problems. She further discussed why mega schools do not "work". The student of today is different in that they have different issues to deal with requiring them to be taught differently. Special Education restrictions and State compliance issues are also items that were not in place during the 1960's. She offered to retrieve and give the Board data that will support this.

The Board members asked questions concerning the increases in taxes to cover the expenses for such a large building project, increases that are forcing older residents out of Uwchlan. Another concern was the School District's past performance in dealing with delays during the building projects. These delays increase the overall cost of the project, which is then passed on to the taxpayers. The Board members requested that this time there be a better "level" of control in place to keep the costs down.

Dr. Griffin stated that she cannot comment on what happened before her tenure, but the issue of time lines and deadlines has yet to be discussed, although they hope to open the doors to the middle school by 2010.

Mr. Fazio added that the money for the new middle school is already available, and by 2010 another 6 million dollars will be in reserve for future buildings.

Keith Lieberman discussed the proposed plan for the property, which is broken down into the following three phases:

1. Phase I - middle school on approximately 57 acres with a connector road along the Turnpike, which will connect Lionville Station Rd. with Haywood Dr. In place by 2010.
2. Phase II - high school and stadium by 2015.
3. Phase III - elementary school

As part of the entire project, a portion of Lionville Station Rd. will be abandoned and become an inner drive through the entire campus. There are three existing structures on the Siemens Tract, two of which will be preserved. Proposed for the entire property are 585 parking spaces, 5 athletic fields and related drop-off areas. Any reduction in parking will require a Conditional Use Hearing.

Sewer and stormwater management were briefly discussed. The plan is to use "green" roofs and inverted islands in the parking area to help improve the control of stormwater runoff.

Mr. Toner concluded this discussion by stating that he had three major concerns regarding the proposed building project. These are as follows:

1. Capping expenses while also having real consequences in place for contractors not meeting deadlines.
2. Considering alternative education of students to alleviate over-crowding of classrooms.
3. Lowering the incidence of stealing of personal property in the high school. There currently is an unnecessary amount of Police time spent dealing with this issue.

Sam Matthews, 521 E. Uwchlan Ave., requested the District take into consideration how this plan may affect the valuation of properties within the Township.

The following residents were present and spoke of concerns for the magnitude of the project, traffic, noise, pollution and the fact that most of the growth is in Upper Uwchlan Township:

1. Dianna Dwyer, 85 Jennifer Dr.
2. Susan Weidner, 75 Jennifer Dr.

Mr. Bozarth told the audience that the School Board decides where the schools are built; it is not the Township's

job. The Township just makes sure that the schools meet Code. He suggested those residents with concerns attend School District meetings.

Ann Suss, 411 Lightfoot Dr., said she thinks the plan is a great plan for the education of our students. The School District will return at a later date.

2008 Road Program:

Mr. Hanley reported that William Salesbury Dr., Northwood Dr., Westwood Dr., portions of Devon Dr. and roads in the Pine Creek development are currently listed by the Road Superintendent as roadways to be worked on during 2008.

Mr. Toner made a motion to approve the 2008 Road Program as outlined, and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

YMCA - Corporate Cup Event: Request Park Use

Jackie Fenn requested permission to use the Wharton Blvd. park for a Corporate Cup Event to be held on May 31, 2008 from 8:00 a.m. until Noon. It will feature a variety of events for 8-10 companies. She has spoken to the Hankin Group, who do not have a problem with such an event. She will need to coordinate with Bea Yorczyk from DARC and Chief Pontarelli to make sure there are no conflicts.

Mr. Toner made a motion to approve the event as long as Mrs. Fenn coordinates with the appropriate people, and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Moser/Rossi: Time Extension

The Township has received a letter from Mr. Moser granting an extension until January 15, 2008 for the Rossi Farm property plan.

ANNOUNCEMENTS:

1. 10/22 - Board of Supervisors - 7:30 p.m.
2. 10/24 - Zoning Hearing Board - CVS Decision - 7:00 p.m.
3. 11/05 - Park & Recreation Board - 7:30 p.m.
4. 11/07 - Planning Commission - 7:30 p.m.
5. 11/12 - Board of Supervisors - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Hanley asked the Board to make a motion adopting Resolution No. 2007-14, which accepts the Target Land Development Plan for Eagleview Blvd. This plan was approved last month, however, the Resolution was not.

Mr. Toner made a motion to adopt Resolution No. 2007-14 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

Mr. Cooke announced that the Township has received the Land Development Plan from Morphotek, which will be sent out to the various reviewing agencies.

Tim Ferris, 103 Buckley Ct., asked who budgets for and maintains Lionville Station Rd.? When the School District has completed their building project for the Siemens property, portions of Lionville Station Rd. will be private and the School District's responsibility.

There being no other business, Mr. Toner made a motion to adjourn the meeting at 9:37 p.m. Mr. Bozarth seconded and the motion was carried.

October 22, 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 and Milton H. Bozarth; Township Manager Doug Hanley; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard; Township Solicitor Guy Donatelli and Chief Pontarelli.

Absent: Supervisor Joseph E. Toner and Building/Zoning Officer Tom Cooke.

Minutes: The minutes of October 10, 2007 with minor revisions were approved by a motion made by Mr. Bozarth, seconded by Mr. Gaines, and passed.

BUSINESS:

Appointment of New Police Officer: Kenneth R. Michels, Jr.

Chief Pontarelli introduced to the Board, the Township's newest police officer, Ken Michels. Mr. Michels was recently an officer in Coatesville and a former Marine. The Board members welcomed Officer Michels and Mr. Gaines presented him with his badge. Detective Owen took several pictures.

Hoffecker: Request for Auction of Personal Property

Mr. Hanley explained that the Hoffecker property is owned by the Township with a Life Estate agreement with Mr. Hoffecker that was arranged during acquisition of park land adjacent to the Hoffecker house. Mr. Hoffecker has recently passed away and his relatives have requested permission to hold an auction for the items inside the house. The sale will be held on either Friday, November 16th or Saturday, December 15th from 8:00 a.m. until 2:00 p.m.

The Board members had a concern with the Friday date interfering with high school dismissal time since the property is in close proximity to Downingtown East campus, and prefer that if the Friday date is selected, the sale be timed in such a way as to begin after the students have arrived at school and be completed before they are dismissed. Mr. Gaines said he feels that they will get more participants if they choose the Saturday date. No motion was made. The choice is to be made by the relatives, but if Friday is selected, then they must comply with the hours suggested by the Board.

Announcement: Local Services Ordinance

Mr. Donatelli has drafted an ordinance that will replace the current EMS tax of \$52.00, which is used for Police, Fire, and Ambulance coverage, and is taken out of the first paycheck of the year, from anybody working in Uwchlan Township that make over \$5,000 per year. The new tax, the Local Services Tax, is similar but is prorated over time based on the pay periods in the year, only 25% of what is collected must be used for Fire, Police and Ambulance coverage, and the tax applies to anybody earning over \$12,000 per year. The Ordinance will be advertised and is up for adoption at the November 12, 2007 meeting.

Hankin Group - Proposed Hotel on Rt. 100 & Eagelview Blvd.: Schedule Conditional Use Hearing

The Township has received a letter from Neal Fisher dated October 22, 2007 requesting a Conditional Use Hearing be scheduled for a 134-room limited service hotel and a free standing restaurant at Rt. 100 and Eagleview Blvd.

The date was set for November 26, 2007 following the regular meeting.

Transfer of the Eagleview Wastewater Treatment Plant to Uwchlan Township:

Mr. Donatelli explained that as a result of edicts from the State DEP, an agreement between the Hankin Group and the Township has been drafted that sets out the terms for the transfer of ownership of the wastewater treatment plant. The agreement has been revised several times, and now Mr. Donatelli recommends acceptance and endorsement of the final draft dated October 2, 2007. An Exhibit "B" is forthcoming from Mr. Brown and will be made a part of the agreement.

Mr. Bozarth made a motion to accept the amendment in final form with date of October 2, 2007 (change to October 12). Mr. Gaines seconded the motion, and asked for public comment. There being none, the motion was carried.

Town Center Condos: Conditional Use Acceptance

The Conditional Use Decision for the 80-unit condominium building in the Eagleview Town Center was announced on October 10, 2007. On October 12th, the Township received a letter from the Hankin Group accepting the Conditions of the Decision with clarification of Condition #6 dealing with required parking. Mr. Donatelli announced that he had not completed his legal review of the clarification and requested more time. This item will be re-addressed at the next meeting.

Discussion: Eagleview Farmers Market

Louise Smith, President of the Farmers' Market Association, gave an update on the seasonal market open on Wednesday's in the Eagleview Town Center for the last 4 years. She announced plans to relocate to another Township at a location where they will have more exposure. She thanked the Township for the past support. The Board members wished them success in their future location.

ANNOUNCEMENTS:

1. 10/24 - Zoning Hearing Board - CVS decision
2. 11/05 - Park & Recreation - 7:30 p.m.
3. 11/07 - Planning Commission - 7:30 p.m.
4. 11/08 - Historical Commission - Cadwalader House - 7:30 p.m.
5. 11/12 - Board of Supervisors - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Steve Gill, 513 Woodview Dr., requested the Township change the time trash haulers are permitted to begin work on the weekends. His property backs up to the Downingtown East High School where trash is collected on weekend days as early as 6:00 a.m.

Mr. Hanley agreed to contact the School District and see if they would change the time to "no earlier than 8:00 a.m." on the weekends.

There being no other business, Mr. Bozarth made a motion to adjourn the meeting at 8:00 p.m. Mr. Gaines seconded and the motion was carried.