



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING
February 2, 2009

Attending:

Board of Supervisors

Kevin C. Kerr, Chairman
Guy A Dontelli, Vice-Chairman
Catherine A. Tomlinson, Member

Township Administration

John J. Roughan, Jr., Township Manager
Gwen A. Jonik, Township Secretary
Karen Wertz, Treasurer
Cheryl Neri, Assistant Treasurer
Mike Heckman, Director of Public Works
Mike Taggart, P.E., Gilmore & Associates
Matt Brown, P.E., DEE, ARRO Consulting

Mr. Kerr called the meeting to order at 7:00 p.m., led the salute to the flag and offered a moment of silence.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to accept the January 20, 2009 meeting minutes as presented. The Motion carried unanimously.

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to pay all vendors as listed February 1-7, 2009. Bob Fetters, Jr., asked about the \$150,000 payment to Natural Lands Trust. John Roughan explained that is the Township's contribution toward purchasing open space from the Shryock Property, in conjunction with the County and State. Richard Moore asked how the contribution was negotiated. Mr. Kerr advised Natural Lands Trust negotiated the purchase of parcels of lands to benefit the 3 entities. Mr. Donatelli advised an appraisal was performed and contributions were also received from *Friends of the Struble Trail*, the County and the State, and the Township was very interested in resolving the public use/park/trail ways issue. Doris Grassi asked who will maintain the trails and open space. Mr. Donatelli advised the State is mainly responsible, but the County is also responsible for the Struble Trail. Don Carlson asked if the Mill and home are in private ownership. Mr. Donatelli replied they are in private ownership. Mrs. Tomlinson advised Representative Schroder is forming a coalition to extend the Struble Trail from Downingtown Borough to Springton Manor.

The Motion carried unanimously, with Mr. Donatelli abstaining from Check #37856 as it is a client of his Firm.

Supervisors' Report

John Roughan reported that the Federal Energy Regulatory Commission (FERC) approved the AES Pipeline Final Environmental Impact Study, with conditions. Mike Taggart explained this pipeline route includes "Alternate Route 12C", which passes Lyndon Drive into Eagleview Corporate Center. AES now has the authorization to perform topography surveying, which will carry into 2010. Doris Grassi asked if the pipeline traverses private property. John Roughan advised Route 12C affects 2 properties on Lyndon Drive. Mr. Donatelli explained that the FERC Order permits the pipeline company to exercise eminent domain and the pipeline company will provide "just compensation" to the property owners, who may appeal the compensation if they so choose. The Pipeline Company has taken our concerns into consideration.

Doris Grassi announced the Upland Farm Advisory Committee is conducting a survey during the month of February for use of the Upland Farm property which includes a house, barn and 33 acres. The Route 100 frontage is being used for drip irrigation land disposal. Notice of the survey is included on the solid waste bills and has been posted on the website.

Mr. Kerr read an award we received from the Marine Corps for the Township's participation in the *Toys For Tots* collection. The response from our residents was overwhelming and the Marine Corps thanks all who participated.

Mr. Kerr read the following calendar: February 16, 2009 Office Closed – Presidents' Day; February 17, 2009 7:00 p.m. Board of Supervisors' Meeting; March 2, 2009 7:00 p.m. Board of Supervisors' Meeting; March 16, 2009 7:00 p.m. Board of Supervisors' meeting.

Public Works Report

Mike Heckman reported the following activities took place during January 2009: road sign upgrades and maintenance, ice/snow clearing, pump station cleaning, downed branches, repaired frozen water lines at several Authority facilities, hauling cinders, responding to PA-1 calls. Doris Grassi thanked the Department for keeping Styer Road passable.

Land Development

Mike Taggart advised the Board of an escrow release to K.Hovnanian for landscaping work and property corner marking in Byers Station. Gilmore reviewed the request and recommends a \$336,317.28 release. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to release \$336,317.28 to K.Hovnanian. The Motion carried unanimously.

Mike Taggart advised the Board an escrow release to Toll Brothers for trail construction, property marking, and landscaping at the Ewing Tract. Gilmore reviewed the request and recommends a release of \$447,552.69. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to release \$447,552.69 to Toll Brothers. The Motion carried unanimously.

Matt Brown explained a sanitary sewer escrow request from Toll Brothers for \$633,403.49 for work completed on Upper Uwchlan facilities serving the Ewing Tract. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to release \$633,403.49 to Toll for this work. Steve McNaughton asked if this work was related to Phase II expansion of the central treatment facility. It is not. The Motion carried unanimously.

Matt Brown requested the Board make a recommendation to the West Vincent Township Board of Supervisors to release \$335,635.84 to Toll for sanitary sewer facility work completed within West Vincent Township for the Ewing Tract. Mr. Brown explained that Upper Uwchlan owns and operates the facilities serving the Ewing Tract homes in West Vincent, therefore requiring Upper Uwchlan's recommendation for escrow release. ARRO reviewed the request and found it satisfactory. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to recommend the West Vincent Township Supervisors approve the release of \$335,635.84 to Toll Brothers. The Motion carried unanimously.

Administration

John Roughan reported an Occupancy Agreement has been drawn with the Township for Al Gaspari to pay \$400.00 rent to occupy, maintain and repair the Upland Farm house, to keep it in good working order. Capital repairs will be coordinated through the Township. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to accept the Occupancy Agreement. Don Carlson asked what amount was paid previously. Mr. Kerr responded Mr. Gaspari had been affecting upkeep and repairs. Doris Grassi asked how we can rent it when we don't own it. Mr. Donatelli explained that the Township has the right to secure a property with which it has an equitable interest, and we will pay the insurance. Steve McNaughton asked how the amount was determined. Mr.

Donatelli replied the amount will cover basic expenses and keep the buildings in good working order, plus the buildings are currently used for various Boards and Commissions meetings, along with housing Public Works at this time. The Occupancy Agreement was unanimously accepted.

Mike Taggart explained the Graphite Mine Road Soccer Field project (TU-1) which will be bid late February. The project consists of construction of a full-size soccer field and half field (multipurpose), retaining walls, and storm water management on the property on the northwest corner of Graphite Mine Road and Byers Road. The design has been reviewed and approved by all appropriate agencies and authorization to advertise the bid is requested. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to authorize advertisement of the bid. Mr. Donatelli advised these fields are included in the Park & Recreation budget. The Motion carried unanimously.

Open Session

Don Carlson asked for clarification of the trails for which the Township has taken dedication. John Roughan replied the Township has taken dedication of the paved outer rim trails at the Reserve at Eagle and Eagle Hunt developments.

Steve Egnaczyk commented he was glad the Township would have soccer fields and that someone is maintaining Upland Farm. He requested the pleasant view of Upland Farm be maintained as well. Don Carlson explained the Upland Farm Advisory Committee is mindful of that, proposing passive uses such as picnic areas in the woodlands and trails around the wetlands. Doris Grassi encouraged everyone to fill out the survey, which is posted on the website, regarding use ideas for the Upland Farm property.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 7:44 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary