



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING
September 19, 2011

Approved

Attending:

Board of Supervisors

Catherine A. Tomlinson, Chairperson
Kevin C. Kerr, Vice-Chairperson
Guy A. Donatelli, Member

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary
Karen Wertz, CPA – Township Treasurer
John DeMarco, Police Chief
Dave Leh, P.E., Gilmore & Associates

Mrs. Tomlinson 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

Mr. Donatelli moved, seconded by Mr. Kerr, to approve as presented the minutes of the August 9, 2011 Supervisors Workshop and the August 15, 2011 Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Kerr moved, seconded by Mr. Donatelli, to pay all vendors as listed August 17 – September 19, 2011. Mr. Donatelli abstained from Check #41984 as it is a client of his Firm. The Motion carried unanimously.

Treasurer's Report

Mr. Kerr moved, seconded by Mr. Donatelli, to accept the Balance Sheet dated August 31, 2011. Karen Wertz reported the Finance Department prepared a reconciliation of the Earned Income Tax revenue and everything is properly recorded and on track; the 2012 budget process has begun - Finance will meet with Staff and Boards/Commissions Chairs throughout October. The Motion carried unanimously.

Supervisor's Report

Mrs. Tomlinson reported that the Board held an Executive Session September 13, 2011 regarding personnel. Mrs. Tomlinson read the following Emergency Services Report for August: Ludwigs Corner Fire Company – 3 fire calls, 5 QRS calls; Lionville Fire Company – 8 fire calls; East Brandywine Fire Company – 1 fire/rescue call; Glenmoore Fire Company – 0 fire calls; Uwchlan Ambulance – 24 calls and TeenAid – 4 calls; and the following calendar: September 21, 2011 Yard Waste Collection; September 28, 2011 7:30 p.m. Zoning Hearing Board – Sainsbury Appeal; October 5, 2011 Yard Waste Collection; October 8, 2011 (Saturday) Household Hazardous Waste and Computer Collection; October 11, 2011 4:00 p.m. Quarterly Joint Boards & Commissions Workshop; October 17, 2011 7:00 p.m. Board of Supervisors Meeting and October 19, 2011 Yard Waste Collection.

Administration Reports

Township Engineer's Report

Dave Leh reported the month's activities included overseeing the parking lot expansion at Fellowship Fields and the Developers are working on punch list items at The Mews at Byers Station and Windsor Ridge.

Building/Codes Department

Cary Vargo reported on Al Gaspari's behalf that 29 building permits were issued in August totaling \$12,143 in fees, which is slightly lower than August 2010.

Don Carlson commented on a home under construction in Waynebrook, that the siding is not in keeping with the rest of that Development, and questioned whether Waynebrook has exceeded its allowed number of Certificates of Occupancy.

Police Chief's Report

Chief DeMarco reported 654 complaints were received in August, 198 traffic citations were issued, 36 crimes were reported, and 11 criminal arrests occurred. The annual citizen recognition and officer Recognition Ceremony will be held tomorrow evening.

Public Works Department

Cary Vargo reported on Mike Heckman's behalf that during August, the 2011 paving projects were completed, long-line line striping was completed, the Department was mowing roadsides and wastewater treatment plant properties, responding to weather-related events – road closures due to flooding, storm water inlet maintenance and repairs, and responding to residents' concerns.

Administration

Mr. Kerr moved, seconded by Mr. Donatelli, to approve the Conditional Use Decision & Order for Steven Schwenk / SS Liberty Group, LLC, permitting him to open a restaurant with indoor and outdoor waited table service at 325 Simpson Drive – Eaglepointe Shopping Center. There will be approximately 25 seats outdoors, 26 parking spaces at the front of the restaurant, additional parking available in the Acme lot, crosswalks and pathways will be added for pedestrian safety, and the Township Municipal Authority will review and regulate the public sewer needs of the restaurant. Mr. Schwenk hopes to open by Christmas. The Motion carried unanimously to approve the Application conditioned on the following:

1. The use of the facility shall be in accordance with the testimony presented at the Hearing on August 15, 2011;
2. Sewer allocation for the proposed facility shall be subject to the approval of and permits being granted by Upper Uwchlan Township. The number of bathrooms shall be as determined by Applicant notwithstanding Note 23 of the approved Land Development Plan. Anticipated sewer flows shall be regulated by the Upper Uwchlan Township Municipal Authority.
3. The facility shall substantially be laid out in accordance with Exhibit A-2 which is the proposed floor plan of the proposed renovations to the interior of the facility. Said facility proposes a total of 138 indoor seats along with outside seating.
4. Parking for the facility shall be in accordance with the Upper Uwchlan Township Zoning Ordinance and subject to the approval of the Zoning Officer of Upper Uwchlan Township.
5. Any sidewalk relocation shall be subject to the approval of the Upper Uwchlan Township Zoning Officer. Crosswalks shall be striped and Applicant shall utilize their best efforts to secure appropriate signage advising of a pedestrian crosswalk.
6. There shall be no exterior lighting of the facility excepting for up/down lights to wash the building. The outdoor seating area shall not otherwise be lit.
7. There shall be no music emanating from the interior of the building. There shall be no speaker system directing any sound to the exterior of the building.
8. Any driveway reconfiguration on the site to accommodate the restaurant or re-designation of "one way" traffic shall be subject to the review and approval of the Township Traffic Engineer.

Mrs. Tomlinson read the 2012 Pension Plan Minimum Municipal Obligations for the Uniformed Employees and Non-Uniformed Employees pension plans: Uniformed Employees \$151,019; Non-Uniformed Employees \$71,259. Mr. Donatelli moved, seconded by Mr. Kerr, to approve those contributions. The Motion carried unanimously.

Mr. Vargo introduced a proposal by McMahan Associates for the permitting and design tasks for the installation of the Adaptive Traffic Control Signal project, which will provide each traffic light to September 19, 2011 Board of Supervisors Meeting

automatically adjust to traffic conditions in the Township. Mr. Donatelli moved, seconded by Mr. Kerr, to accept McMahon's proposal. So moved.

Mr. Kerr moved, seconded by Mr. Donatelli, to authorize the Public Works Department to purchase a used dump truck in very good condition, with a plow and salt spreader, rather than replace a blown engine in one of our older dump trucks. The purchase price is less than the estimate to replace the engine. The Motion carried unanimously.

Mrs. Tomlinson read a draft amendment Zoning Ordinance Sections 200-50.F, 200-49.M. and 200-44 regarding building height in the Limited Industrial and Planned Industrial/Office zoning districts. The Amendment states: three-stories or 35 feet in height, whichever is less, will be allowed; 35 feet and up to 45 feet in height would require Conditional Use approval through the Board of Supervisors; over 45 feet in height will require a variance by the Zoning Hearing Board. Steve McNaughton questioned whether this was an amendment or a new ordinance. Mr. Donatelli replied it is an amendment, which provides a measure of flexibility to building design in those districts, but mainly clarifies when and by whom approvals are necessary. The Supervisors authorized the advertisement of the Ordinance Amendment for potential adoption at their October meeting.

Open Session

Bob Fetters, Jr., commented that the contract for the adaptive traffic signal program should include a guarantee that this system *must* work, so we don't have a recurrence of the situation with the light at Fellowship Road. Mr. Vargo advised that will be written into the bid specifications.

Bob McHugh commented on inactivity at the Park Road pedestrian bridge. Mr. Vargo advised PennDOT provided an update today, that construction activity should resume by October 3rd. The Contractor has a 2 year timeline and targets completion by the end of summer 2012. The design engineering of Phase IV (Hickory Park to Marsh Creek State Park) is underway as well.

Brett Hand commented on Heather Hill residents interested in public sewer. Mr. Vargo advised the extension of public sewer to Heather Hill is linked with Phase II of the Route 100 treatment plant, which unfortunately has been delayed due to the Developers economic conditions. Don Carlson commented that when Phase I is getting close to capacity, the Developers will have to move it along, then it will take approximately a year to complete.

Several Moore Road residents commented on speeding and safety issues on Moore Road, suggesting the speed limit should be reduced to 25 mph, and to 15 mph on the curves. Chief DeMarco replied the Department is gathering data to determine what measures will be most effective and at what times an Officer's presence might be most beneficial.

A citizen commented that Mrs. Tomlinson and Mr. Donatelli might have conflicts of interest regarding the Downingtown School District's proposed 6th Grade Center at the Shamona Creek Elementary School property, located in Uwchlan Township. Mrs. Tomlinson clarified she will not take part in conversations about the project as the School is her employer. Mr. Donatelli clarified that while he might participate in conversations, he will carefully consider his participation should Upper Uwchlan Township need to render a vote, as Mr. Kerr cannot singly carry a Motion.

Adjournment

There being no further business to be brought before the Board, Mrs. Tomlinson adjourned the meeting at 7:57 p.m.

Respectfully submitted,
Gwen A. Jonik,
Township Secretary