



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING  
March 16, 2009

Attending:

Board of Supervisors

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

Township Administration

Gwen A. Jonik, Township Secretary  
Karen Wertz, Treasurer  
Cheryl Neri, Assistant Treasurer  
John DeMarco, Police Chief  
Al Gaspari, Codes Administrator  
Dave Leh, P.E., Gilmore & Associates  
Chris Williams, P.E., McMahon Associates

Mr. Kerr called the meeting to order at 6:30 p.m., led the salute to the flag and offered a moment of silence.

Mr. Kerr announced the first order of business was not on the agenda and involved Motions regarding the Township Manager position.

Mrs. Tomlinson moved to furnish the Township Manager with a written statement setting forth the Board's intention to remove him in 30 days, such removal to become effective April 16, 2009, pursuant to Upper Uwchlan's Ordinance 22-2. Mr. Donatelli seconded and the Motion carried.

Mrs. Tomlinson moved to remove John Roughan as the Township's Assistant Secretary effective immediately. Mr. Donatelli seconded and the Motion carried.

Mrs. Tomlinson moved that Kevin Kerr assume the day-to-day responsibilities as the Township's Chief Administrator and to authorize the expenditure of amounts necessary to assure compliance with the bonding requirements, or any other requirement, of such a position. Mr. Donatelli seconded and the Motion carried.

Mrs. Tomlinson moved that the Township form a Search Committee to select a new Township Manager, that Search Committee to be composed of 7-9 Township residents selected by the Board of Supervisors. Mr. Donatelli seconded and the Motion carried.

Mrs. Tomlinson moved to authorize the Township Solicitor to take any and all actions necessary to recover any sums determined to be due and owing as a result of 1) any unpaid lease payments on Upland Farms from May 2004 through December 31, 2008 or 2) any use of Upland Farms not directly related to Township business during that period of time. Mr. Donatelli seconded and the Motion carried.

Approval of Minutes

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve as presented the minutes of the March 2, 2009 Supervisors' meeting. Don Carlson commented on a typo on the second page. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to pay all vendors as listed March 8-21, 2009, with Mr. Donatelli abstaining from Check #38004 as it is a client of his Firm. The Motion carried unanimously.

### Treasurer's Report

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to accept as presented the balance sheet dated February 28, 2009. The Motion carried unanimously.

### Supervisor's Report

Mr. Kerr announced Executive Sessions had been held March 6, March 10 and March 16, 2009.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to appoint Simona Bonifacic to the Historic Commission for a 3-year term expiring December 31, 2011. The Motion carried unanimously.

Al Gaspari introduced Patrick Messner, who recently completed the requirements to earn Eagle Scout rank. Patrick's Eagle Scout project was the renovation of the volleyball court at Hickory Park, including the construction of benches for the teams and a fully adjustable net system. The Board of Supervisors congratulated Patrick and presented him with a framed Certificate of Achievement.

Mr. Kerr reported that the Township's ownership and maintenance of Green Valley Road is limited to the 500' from Little Conestoga Road.

Mr. Kerr read the following emergency services report: Ludwigs Corner Fire Company – 1 fire call; Lionville Fire Company – 1 fire call; East Brandywine Fire Company – 1 fire and 1 EMS call (January); Glenmoore Fire Company – 1 fire call January – 0 calls February; and Uwchlan Ambulance 24 calls.

Mr. Kerr read the following calendar: March 31, 2009 - 4:00 p.m. Board of Supervisors' workshop; April 6, 2009 - 7:00 p.m. Board of Supervisors' meeting; and April 10, 2009 Office Closed – Good Friday.

### Administration Reports

Mr. Kerr reported that the sawing cutting for roadway improvements along Route 100 near Wolfington Bus has begun. Travel lanes will be open at all times.

### Township Engineer's Report

Dave Leh reported a revised land development plan has been received for Brandywine Springs Farm (Shea property) which proposes 8 lots, and a pre-construction meeting will be held next week for the TU-1 soccer field project. The Contractor will break ground as soon as the weather permits.

### Code Department Report

Al Gaspari reported 22 building permits were approved in February, totaling \$14,518 in fees. The water has been turned on and tested at Hickory Park, mowing of Fellowship Fields is being coordinated, and construction has resumed on the Southern Link.

Steve Senn, Sr. commented on Hickory Park restroom availability and suggested port-a-potties for the off season.

### Police Chief's Report

Chief DeMarco reported there were 775 incidents reported in February. Chief DeMarco commended the fire companies and Uwchlan Ambulance for their response and efforts at the overnight fire on Bryan Wynd.

Mr. Cunningham commented on a recent incident on Milford Road. Chief replied it was a medical emergency.

### Land Development

Bill Conver of Conver & Smith Engineering presented Ken Henry's proposal to purchase 0.69 acre from his neighbor, Ms. Cornog, in order to bring his property toward 10 acres and eligibility for tax relief. The Planning Commission reviewed the Plan and supports its approval.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to approve the lot line change Plan for Grace C. Cornog as prepared by Conver and Smith dated December 22, 2008, last revised January 26, 2009 and includes the approval of the following four (4) waivers. The Motion carried unanimously.

1. A waiver from SLDO Section 162-7.A.(1).(e). to allow for the possibility for future subdivision on the Henry Property;
2. A waiver from SLDO Section 162-9.B.(2)(d)(1) which required a site analysis and impact plan;
3. A waiver from SLDO Section 162-9.B.(2)(d)(2) which required a conservation plan be provided; and
4. A waiver from SLDO Section 162-9.B.(2)(b)(17) which required contours be provided at intervals no greater than 2 feet.

Pickering Valley Elementary School – Final Escrow Release. Dave Leh reported that final site improvements have been made and inspected, and recommends the release of the final \$26,990.20, plus any accrued interest.

Mrs. Tomlinson moved, seconded by Mr. Kerr, to release the final escrowed monies of \$26,990.20, plus any accrued interest, to Downingtown School District for the Pickering Valley Elementary School project. The Motion carried with 2 ayes and 1 abstention (Mr. Donatelli).

#### Administration

Mr. Kerr announced the Sight Distance Ordinance Amendment adoption was tabled.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to authorize the advertisement of an amendment to the “No Parking” Ordinance to include the portion of Milford Road from Little Conestoga Road to Lakeview Road. This amendment will address the overflow parking of fuel trucks awaiting loading at TEPPCo. The Motion to advertise carried unanimously.

#### Open Session

Steve Senn, Jr., commented that Hickory Park Field 4 remains damaged. Mr. Gaspari advised that field will be repaired as soon as the weather permits.

Steve Senn, Jr., commented on tree and shrubbery growth exiting Wawa onto Ticonderoga. Mr. Donatelli requested trimming activities take place within 30 days. Don Carlson provided the Board with a list of comments regarding trash along Route 100, several unkept properties, what kind of establishment is Capt’n Chucky’s and newly posted signs along a preserved property. Al Gaspari advised Capt’n Chucky’s will be a prepared foods store and Brandywine Conservancy inspects the preserved property annually. Mr. Donatelli requested Chief DeMarco follow up with the preserved property owners.

Mark Cottom commented that Milford Road’s no parking restriction should also include no stopping or standing. Chief DeMarco was in agreement.

Steve McNaughton questioned new lines across several intersections. Chief DeMarco advised those are speed timing devices.

#### Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 6:58 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary