



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING
July 20, 2009

ATTENDEES:

Board of Supervisors

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

Township Administration

Gwen A. Jonik, Township Secretary
John DeMarco, Chief of Police
Karen Wertz, Treasurer
Cheryl Neri, Assistant Treasurer
Dave Leh, P.E., Township Engineer
John Good, Esq., Township Solicitor

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. Kerr, to approve as presented the minutes from the July 6, 2009 Supervisors' Meeting. The Motion carried with 2 ayes and 1 abstention (Donatelli).

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to pay all vendors as listed July 19 – 25, 2009, with Mr. Donatelli abstaining from Check #38458 as it is a client of his Firm. The Motion carried unanimously.

Treasurer's Report

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to receive the Treasurer's Report. Karen Wertz reported the Township's 2008 Audit is finalized as of June 30, 2009, she and Cheryl Neri have been concentrating on collecting outstanding receivables, a mid-year financial review will be reported at the August 3 meeting, and the terms of the Police Contract have been finalized. The Motion carried unanimously.

Supervisors' Report

Chief DeMarco announced the Police Department's Officials' Medal was being presented to Nicholas Calvaresi this evening, recognizing his courageous and inspirational battle with cancer. Mrs. Tomlinson presented Nick with a Certificate and the Officials' Medal, and spoke of how Nick has inspired his Shamona Creek classmates.

Mr. Kerr read the following Emergency Services Provider report for June 2009: Ludwig's Corner Fire Company – 4 fire calls; Lionville Fire Company – 9 fire calls; East Brandywine Fire Company – 1 fire call; Glenmoore Fire Company – 0 calls; Uwchlan Ambulance – 32 calls.

Mr. Kerr read the following calendar: July 23, 2009 3:00 p.m. Snow Removal Contract bid opening; July 28, 2009 4:00 p.m. Board of Supervisors' Workshop; August 3, 2009 7:00 p.m. Board of Supervisors' Meeting; August 11, 2009 4:00 p.m. Board of Supervisors' Workshop (as needed); August 17, 2009 7:00 p.m. Board of Supervisors' Meeting.

Mr. Kerr turned the meeting over to John Good, Esq., to conduct the Byers Station PRD Modification Hearing regarding the Byers Group LLC's request to change the use of the Butler House property from residential to non-residential/commercial. Court Stenographer Kim Kercher recorded the proceedings.

Alyson Zarro of Riley, Riper, Hollin & Colagreco, and Scott Nodland, Vice-President of Toll Brothers were in attendance on behalf of Byers Group LLC.

Testimony was heard, the Hearing was closed, and John Good advised the Board of Supervisors has 45 days to render their decision and announce it at a public meeting.

ADMINISTRATION REPORTS

Chief Administrators' Report

Kevin Kerr reported Executive Sessions were held July 14 and July 20, and The Board will consider adopting the Open Space, Recreation and Environmental Resource Plan August 3.

Township Engineer's Report

Dave Leh reported the Larkins Field contractor is addressing outstanding construction items and Windsor Ridge is preparing their roads for dedication to the Township.

Code Administrator's Report

Kevin Kerr reported that 34 building permits were issued in June, with fees totaling \$6,452.00, and the Zoning Hearing Board will meet July 22 at 7:30 p.m. regarding a residential deck expansion into setback limits.

Police Chief's Report

Chief DeMarco reported there were 871 complaints in June and 6 criminal arrests. Chief reported the closure of Route 100 closure went well for Saturday's Block Party.

ADMINISTRATION

Chief DeMarco reported a safety study was conducted for the curves on West Township Line Road and a reduced speed limit (20 mph) is proposed. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to authorize advertisement of an amendment to the speed limit ordinance, reducing the speed limit at these curves. A resident commented on a 3-way stop previously suggested at Turnstone Way and West Township Line Road. Chief advised that intersection did not meet the criteria for a 3-way stop. The Motion to advertise carried unanimously.

Settlement Agreement for Upland Farm. Mr. Donatelli reported a Mutual Limited Release and Settlement Agreement between the Township and Al Gaspari was drawn by the Township Solicitor settling the delinquent rent amount receivable from Mr. Gaspari at \$11,085.84, payable over 36 monthly installments, regardless of tenancy status or employment status. This amount was reached through compromise, and by incorporating the value of repair and maintenance services from the amount owed. Mr. Donatelli moved, seconded by Mr. Kerr, to approve the Mutual Limited Release and Settlement Agreement.

Steve McNaughton, Bob Cunningham, Richard Moore, Bonnie Cunningham, Ed Edwards, Doris Grassi, Steve Senn, Judy Jones, and Mary Lou Farrow commented on the current rental agreement, Mr. Gaspari's employment, repair services compensation (1099), future repair options, Mr. Gaspari's tenancy, utility bills, accountability, current structural concerns, and property security options.

Mr. Donatelli advised this Settlement Agreement does not affect Mr. Gaspari's tenancy, it is a resolution to the past issue, and the Board respects and appreciates the residents' views, however personnel issues will not be discussed in public.

The Motion carried unanimously.

Township Manager Release. Mr. Donatelli read a Release signed by John Roughan in which Mr. Roughan accepts \$5,717.38 for longevity and accrued hours to his termination date and releases Upper Uwchlan Township from any claims or grievances. Mr. Donatelli moved, seconded by Mr. Kerr, to release the \$5,717.38. Mr. Donatelli commented this amount was also realized through compromise in an effort to resolve past issues. Steve Senn and Bob Schoenberger confirmed this releases the Township from any claims now and while Mr. Roughan was employed. Mr. Donatelli agreed.

The Motion carried unanimously.

Memo of Understanding with the Township Police Association. Mr. Donatelli advised the contract with our Police Association expires this year. An "understanding" between the Police Association and the Township needed to be in place by June 30, and with the assistance of Les Neri and Mr. Donatelli, the current 5-year contract is extended from January 1, 2010 through December 2014. The Memorandum of Understanding includes: all salaries will be increased each January 1 by 4% and all other terms and benefits of employment remain in force. The Police Association agreed to a reduced salary increase (currently 5%/year). Mr. Donatelli moved, seconded by Mr. Kerr to ratify the Memorandum of Understanding dated June 30, 2009. The Motion carried unanimously.

Mr. Kevin thanked all those who participated in and/or attended the Block Party this past Saturday. The weather was perfect and it was a great day to enjoy being with families and neighbors.

Open Session

Ed Edwards commented on traffic signal planned for Graphite Mine Road at Station Boulevard and vehicles not yielding for pedestrians at the trails. Mr. Kerr advised the traffic signal should be installed late this year. Chief requested Mr. Edwards provide specific areas where pedestrians are experiencing problems.

Marc DiLullo commented on Mr. Gaspari's "1099" compensation, and speeding in Byers Station. Stop signs are requested. Mr. Kerr advised the homeowners to continue notifying the Developers because the roadways are not yet dedicated to the Township.

Bob Fetters, Jr., commented on the unsatisfactory curbing design in front of the Valero station on Route 100.

Steve McNaughton commented on the County's recent mosquito spraying activity.

Barb Edwards questioned the next step regarding the Butler House. Mr. Donatelli advised the Supervisors will decide whether or not to permit the change to non-residential use and any restrictions that would accompany that. Dave Leh added the access easement will be between the Homeowners Association and the Developers, not the Township.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 9:14 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary