

Board of Supervisors Regular Meeting Held December 7, 2004

A regular meeting of the Board of Supervisors was held on Tuesday December 7, 2004 commencing at 7:00 p.m. Chairman Mr. Garris called the meeting to order. Present were Supervisors Mr. Doratt, and Mr. Hensel, Mr. Pompo Township Solicitor, Mr. Herbert MacCombie Township Engineer, Mr. Lowry Township Zoning Officer/Building Inspector and members of the community.

Mr. Garris made a motion, seconded by Mr. Doratt, to waive the reading of the previous meetings minutes. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Hensel, to adopt the minutes of the previous meetings minutes. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Police report. Chief Groce reported for the month of November 6,242 miles were patrolled and 452 incidents were handled. The complains were as follows: 5 criminal mischief, 3 thefts, 3 harassment, 2 suspicious persons, 127 stationary patrols, 3 911 hang ups, 145 business checks, 11 alarms, 20 assist to other departments, 5 animal, 6 domestics, 11 accidents, 3 disturbances. Chief Groce reported 9 arrests were made for 2 bench warrants, 2 DUI's, 1 felony theft, 88 citations were issued for the month for 71 traffic and 17 non- traffic arrests. Chief Groce reported that 3 officers attended crime scene school. Chief Groce contacted Penn Dot regarding the speed limit signs across from Lincoln Crest Trailer Park on Lincoln Highway. Pen Dot agrees there is a problem with speed signs going west state 35 mph and coming east show 45 mph. Penn Dot will fix the problem. Chief Groce stated he received a donation in the amount of \$1,500. From Wal-Mart which Chief Groce purchased jackets for all the police.

Mr. Garris stated that the speed machine has not worked properly since the Township purchased it. The Board directed Mr. Pompo write a letter to the company stating that they sold us an outdated machine and never advised the Township of the problems with this particular equipment and they sold it to us anyway.

Mr. Garris read a letter from Penguin, which thanked our officer John Sadaris for the quick and professional response to the deer-hunting accident at Penguin Industries on Tuesday November 30, 2004. They stated it was nice to know we can depend on our local police department in time of need.

Robert Silvernail asked what was the accident? Chief Groce stated they shot a deer close to the Penguin Building. One hunter had no license and the other hunter had an expired tag.

Chief Groce made a request to purchase a desktop police radio for his department. This unit would be used to send and receive calls from the police dispatch center when an officer is on station. Chief Groce stated the total cost would be \$2,345.85. Mr. Hensel

asked Chief Groce if the unit is guaranteed should it fail to work? Chief Groce stated he would find out. Mr. Hensel suggested having the radio installed as a demo unit to make sure it operated properly. The Board agreed and tabled this request until the next Board meeting.

Township Engineer report. Mr. MacCombie reported that Penn Dot has been in contact with his office regarding the request of a speed study along Lincoln Highway and the Old Wilmington Road Corridor. Mr. MacCombie has prepared a construction release for Sadsbury Village in the amount of \$68,847.06 and a construction release for Morris Farm in the amount of \$113,661.32 for the Boards approval.

Mr. Doratt made a motion, seconded by Mr. Garris to approve the construction release of Sadsbury Village in the amount of \$68,847.06 per Mr. MacCombies recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Doratt made a motion, seconded by Mr. Garris, to approve the construction release of Morris Farm in the amount of \$113,661.32 per Mr. MacCombies recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated a letter has been sent to Mr. Giesler regarding the easement needed in order to sewer Spring View Manor. Mr. MacCombie stated the letter gives him until the end of December to respond. Mr. MacCombie stated his office has received numerous complaints from Old Mill Road residents that purchased a new home from David Carr Jr. Construction, it was stated that Mr. Carr has requested the residents clean the debris up from outside so that he can collect his escrow money from the Township. Mr. MacCombie stated Mr. Carr upon completion of his homes left piles of debris remaining in the yards of these properties. The Board directed Mr. Lowry to write Mr. Carr a letter. Mr. MacCombie stated his office is in the process of contacting D. Malloy Paving to seek a time frame of when they will complete the drainage problems along Compass Road. Mr. MacCombie stated that he has reviewed grading applications for lots 22 and 42 of the Octorara Glen Subdivision and they have been approved.

Township Solicitor’s report. Mr. Pompo stated he has received information regarding house bill 197 now considered to be Act 192. He stated that the Governor signed this Act into law. He states the act changes the Occupational Privilege Tax to the Emergency and Municipal Services Tax and increases the amount of tax to no more than \$52.00. The Act provides that the funds collected must be used for police, fire, or emergency services, road construction or maintenance or reduction of property tax. It is effective immediately. Mr. Pompo stated any individual employed in the Township would be effected by this tax. Mr. Pompo also stated if the Township seeks to adopt this tax it would be done by Ordinance. Mr. Pompo discussed 206, which requires Townships to invoice developer’s attorney’s fees for subdivisions. Mr. Pompo discussed Act 230 regarding sewer lateral standards are in effect by Ordinance by January 1, 2005. The standards for this Ordinance are requiring the payment of sewer rental fees and charges

whether connected to the sewer system or not; by setting the minimum estimated water use for non metered properties; by revising certain definitions; and by reenacting sewer lateral standards pursuant to act 230 of 2004. Mr. Pompo suggested changing some of the language in the Peddling and Soliciting Ordinance to make the Ordinance more clearly on what is permitted and not permitted. Mr. Pompo discussed the Conditional Use Decision for Cumberland Insurance. Chairman Garris stated he didn't get a chance to read the documents, therefore he motioned to take a 15 minutes recess to read the decision.

Chairman Garris called the meeting to order; he stated he read the entire document. After discussion with the Board, Mr. Garris made a motion, seconded by Mr. Doratt to approve the Decision and Order of Cumberland Insurance per the recommendations of Mr. MacCombie, Mr. Lowry and Mr. Pompo. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Zoning report. Mr. Lowry reported 43 inspections have been performed and 113 inquires have been answered, 7 permits were issued for 2 additions, 1 garage with mudroom, 1 single family, 1 alteration, 1 deck and 1 conveyor system. Mr. Lowry stated the Conditional Use Hearing for the Traditional Neighborhood Development was held on November 16, 2004 and a decision has not been issued. A Conditional Use Hearing was held for Cumberland Insurance on October 19, 2004 and a decision will be heard later in this meeting. Mr. Lowry stated a fire occurred on October 17, 2004 at 137 Compass Road to a mobile home, the owner's attorney is hiring a contractor to remove the mobile home. JYF Partners submitted a Conditional Use application for 75 townhouses with an alternative plan for approximately 150 condominiums. An extension has been granted until December 22, 2004.

Planning Commission report. Mr. Przychodzien stated that the minutes of their meeting were attached to the Boards minutes. They were as follows: October 9, 2004 a re-vote was taken on the motion to permit by conditional use; specialty retail shops. The motion was seconded and passed with 4-1 with 2 abstentions. Mr. MacCombie was present to explain the Village Enhancement Project. Mr. MacCombie stated that currently there is a sketch of the project that extends traffic calming structures and sidewalks on an 820-foot stretch of business 30 and also 700 foot South on Old Wilmington Road. He stated the costs to be approximately \$686,250. the Township has received a grant in the amount of \$436,250. Veitri Electric was present to discuss Mr. MacCombies review letter for the final land development plan for the Vietri Building. Representatives of Tractor Supply were present to discuss the review letter for their preliminary plan. Tractor Supply agreed to grant a sixty-day extension for the review process. Mr. Rosella from DL Howell discussed Mr. MacCombies review letter regarding preliminary plan of P & R Products. A motion was made and seconded and approved to accept the preliminary plan submission of P & R products. Commonwealth Engineers presented a sketch plan for a proposed 3 lot industrial subdivision on the Bone property. November 8, 2004 minutes were as follows: The Planning Commission discussed the Village Enhancement Project. It was decided that the initial scope for the design criteria of the project should include street lighting, sidewalks on both sides of the

street, and possible center islands. It was determined that the design should try to work within the 41' cart way if at all possible. John Lymberis was present to seek preliminary final approval for the 3-lot subdivision North of business 30 within the Village District. A motion was made and seconded and approved to recommend the preliminary/final approval for the 3-lot subdivision of John Lymberis. Joe Rosella representing Glen Carr for a subdivision containing the parcel of Stottsville Inn. Doug Howe presented the Planning Commission with a proposed amendment which seeks to allow banks and financial institutions as by right uses, to permit storm water facilities to be located in buffer, yard and setback area and to permit direct access to a bank or financial institution to be from any street abutting the lot. Representatives of Arcadia presented the plan for the AIM piece that would be submitted during the conditional use hearing scheduled. A motion was made to recommend and approved for final approval with conditions for the Bellaire Business Center Phase II and Ranger Property Holdings Inc. A motion was made and seconded and approved to recommend approval with conditions for P & R Products.

Pomeroy Fire Company report. Mr. Taylor reported a total of 12 alarms were answered for 3 buildings, 3 automatic alarms, 2 auto accident, 2 brush fire, 1 stand by, 1 wires. The time in service was 12 hours and 7 minutes.

Sadsburyville Fire Company report. A total number of alarms answered were 14 for 1 auto accident, 2 amb. Assists, 3 automatic alarms, 1 vehicle, 1 field, wood or trash, 1 trees and wires. Time in service was 12 hours and 31 minutes.

Township Road report. Mr. Hensel reported all roads are open and clear. All leaves were removed from drainage boxes, removed dead trees from roadways, and started painting lines. All trucks are ready for winter weather. Total vehicle mileage is 704 and total hours are 2,133. The Board discussed lines need painted on Octorara Road and Leike Road. Mr. Hensel will look into getting prices.

Comprehensive Study Committee report. The Sadsbury Township Comprehensive Study Committee meeting was held on Wednesday November 17, 2004 commencing at 10:30 a.m. All members were present except for Clair Audette. A review of Chapter 4 Community Facilities was discussed. This Chapter relates to local needs. Among these services are the Township's two parks, the Piston Poppers property, the Township's phasing plan for sanitary sewer lines and its ownership of the pumping station near Pomeroy. Two libraries that service Sadsbury are located outside of the Township, two volunteer fire companies that is serviced by Brandywine Hospital and is located in Caln Township.

Mr. Garris made a motion, seconded by Mr. Doratt, to pay the November bills in the amount of \$43,825.12. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Doratt, to pay the November payroll in the amount of \$27,883.95. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Doratt, to pay J.D. Eckman for the new bridge construction at Greenbelt Drive in the amount of \$84,150.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Hensel to pay N. Abbonizio for sanitary sewers construction in the amount of \$101,890.35. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Doratt, to pay the November sanitary sewer bills in the amount of \$12,006.02. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed and scheduled a budget work-session for Monday December 13, 2004 at 9:00 a.m.

The Board discussed purchasing a merchant credit card processor in order for residents to be able to pay their trash or any sanitary sewer fees by credit card.

Mr. Garris made a motion, seconded by Mr. Doratt, to approve the processing agreement to allow the Township to accept credit cards as payments for trash or sanitary sewer invoices, with the 2 terminal machine to cost approximately \$400.00. With there being a question from Mr. Sarbum being answered by the Board, voting “aye”. The motion passed unanimously.

The Board discussed the Signal Service Maintenance Contract between Sadsbury and West Sadsbury. The cost is \$262.50, which shows no increase from last year.

Mr. Garris made a motion, seconded by Mr. Hensel, to accept the Signal Service Maintenance Contract between Sadsbury Township and West Sadsbury to cost \$262.50. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

The Board discussed the SPCA contract for the 2005 year. The Board consulted with Chief Groce on any questions or comments and he had none.

Mr. Garris made a motion, seconded by Mr. Doratt, to accept the SPCA Agreement for the 2005 year to cost \$2,431.00 plus \$20.00 per stray animal picked up. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Doratt, to temporarily adjourn the regular meeting to open a public hearing. With there being no questions from the public, the Board voting “aye”, the motion unanimously.

Mr. Garris made a motion, to re-convene the regular Board meeting.

Mr. Garris made a motion, seconded by Mr. Doratt, to adopt Ordinance 2004-07 pertaining to amending the Sadsbury Village District Zoning regulations to permit by conditional use specialty retail and custom shops in a separate building on the same lot as a single family detached dwelling. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the County Tax Bureaus request to remove the delinquent real estate taxes on mobile homes that have been destroyed, abandoned or sold. Mr. Pompo stated that the mobile homes no longer exist and by signing the affidavit will clear the records.

Mr. Garris made a motion, seconded by Mr. Doratt, to sign an affidavit for the County Tax Claim Bureau to remove the delinquent real estate taxes on mobile homes. With there being any questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed hiring Maul & Company Ltd. to perform the year ending audit with an expense not to exceed \$14,900. Mr. Silvernail asked why the Township doesn't use the Township elected Auditors? Mr. Pompo answered that back in the day before the growth of the Township, Township elected Auditors were fine, but most Municipalities do not use their elected Auditors. Mr. Silvernail asked why we aren't using the firm Croft, Drozd? The Board answered in order to obtain Croft, Drozd as the Township advisor we cannot obtain him for the yearly audit. Mr. Silvernail asked how can Croft, Drozd audit their own books? The Board answered that Croft; Drozd audits the books of the Township Treasurer.

Mr. Garris made a motion, seconded by Mr. Doratt, to hire Maul & Company, Ltd. to perform the year ending audit with an expense not to exceed \$14,900. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Gary Moscovitz representing Cosmos presented the Board with a request of dedication of the roads of Quarry Ridge Development. Mr. Pompo stated a Resolution along with the deed of dedication, as built plans and other documents are needed before final approval. Chairman Garris tabled any decisions until the next Board meeting.

John Lymberis is requesting final approval of his 3-lot subdivision. After discussion, Mr. Garris made a motion, seconded by Mr. Doratt to accept final subdivision approval of the John Lymberis 3- lot subdivision per Mr. MacCombies review letter dated October 19, 2004. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed a request for the Planning Commission meetings to be changed from the second Monday to the second Tuesday each month. Chairman Garris stated this

request should be discussed at the Planning Commission meeting and the decision should be theirs.

Bill McClure made a request for the Supervisors approval to re-open the franchise area for public water. Chairman Garris tabled discussion until Mr. Lowry can contact Mr. McClure to be present at the next Board meeting.

Mr. Earl Taylor handed Mr. Doratt the notification check off list for the Emergency Response Plan for the Township. Mr. Doratt thanked Mr. Taylor for his efforts.

The Board tabled scheduling a Conditional Use hearing for Lafayette Square. Mr. Lowry stated the Conditional Use would need scheduled by February 3, 2004.

The Board scheduled a special meeting for December 31, 2004 at 9:00 a.m. to close the books and any other business.

Public Comment:

John Lymberis requested being placed on the next Supervisors meeting for the Quarry Ridge dedication of the roads.

Susan Franco commented that she is concerned about the Quarry Ridge dedication of the roads with the school buses not coming into the development; children are being taken out to the main highway to catch the bus.

Faye Thompson asked if any sound barriers are going to be placed around Electronic Boutique? Mr. Lowry stated no, they have complied with the code.

Jay Groce asked if no parking signs will be placed on the streets of Quarry Ridge once dedicated, and will the language of the signs include parking tickets? The Board stated they would discuss that at a later time.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer