

## **Board of Supervisors Regular Meeting held April 5, 2005**

A regular meeting of the Board of Supervisors was held on Tuesday April 5, 2005 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. MacCombie Township Engineer, Mr. Tom Lowry, Township Zoning Officer and members of the community.

A moment of silence and pledge of allegiance were observed.

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. Doratt, to adopt the minutes of the previous meetings. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Police report.** Chief Groce reported that 7,521 miles were patrolled and 489 incidents were answered during the month of March, there are as follows: 3 thefts, 2 criminal mischief, 3 harassment, 6 suspicious persons, 165 stationary patrols, 2 911 hangs ups, 85 business checks, 20 alarms, 27 assist to other departments, 3 animal, 6 domestics, 14 accidents, 5 disturbances. 100 citations were issued for 97 traffic, 3 non traffic. 16 criminal arrests were made for 1 hit and run, 2 DUI, 2 theft, 2 fleeing, 1 possession of narcotics, 5 warrants, 1 animals, 2 open containers. Chief Groce stated that low bridge signs need placed on the South bound land of Old Wilmington Road, he stated several tractor trailers have gotten stuck trying to turn around at Greenbelt Drive. Mr. MacCombie stated that Pen Dot has approved the signs and they will be placed. Chief Groce stated he has created a police policy concerning the use of the computer and internet. Mr. Pompo has reviewed the policy but the Board has not seen the document, therefore no action was taken on the internet policy. Mr. Doratt asked if other Municipalities used the same policy and Chief Groce answered yes basically.

**Township Engineer report.** Mr. MacCombie stated that sanitary restoration process has begun. Spring View Manor sanitary sewer project will be put out to bid in a few weeks, Mr. MacCombie stated that additional easements are required from the residents within the Springview Manor Development. Mr. MacCombie stated that he has prepared a construction release for N. Abbonizio in the amount of \$75,323.60 for the Boards consideration. Mr. MacCombie prepared a letter of credit reduction for AIM in the amount of \$166,412.21 also for the Boards consideration.

Mr. Doratt made a motion, seconded by Mr. Garris, to release a construction certificate for N. Abbonizio in the amount of \$75,323.60 as 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 release a letter of credit reduction to AIM in the amount of \$166,412.21 as per Mr. MacCombies recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported that he currently is reviewing 5 land development plans within Sadsbury. Mr. MacCombie stated he has reviewed grading permits for 13 Spaulding Avenue and 23 Spaulding Avenue, it appears that these residents want to construct and re-construct a driveway and are requesting to pave a portion of a public right of way. Chairman Garris stated that anything within the right of way that would need dug up and that the Township would not replace the blacktop. Both residents were present at the Board meeting and gave a brief explanation of why they wanted to pave a portion of the right of way. Pictures were shown to the Board of all the neighbors driveways and paving. Chairman Garris tabled any request to make a decision but stated he will discuss the drainage effect this may cause with Mr. MacCombie, Mr. Pompo and Mr. Lowry.

**Township Solicitors report.** Mr. Pompo stated he has nothing to report at this time but will speak later on the agenda.

**Township Zoning report.** Mr. Lowry reported 11 inspections have been performed, 81 inquires have been answered, 7 permits were issued for 2 decks, 1 office, 3 construction trailers, 1 sign and 1 shed. Mr. Lowry reported a Conditional Use Hearing was held on January 31, 2005 for a proposed 125 unit condominiums by JYF Partners, the decision and order has been issued. The Zoning Hearing applications have been received from Tim Brown for the expansion of a non conforming use, Arcadia for a special exception to install sewer lines and encroach on steep slopes and Rampmaster for a special exception for outside storage. The hearing is scheduled for April 25, 2005 at 7:00 p.m. Mr. Lowry has reviewed plans for Cumberland Insurance, Vietri Building, Keystone Helicopter and P& R Products. A Conditional Use Hearing is scheduled for Aerzen tonight, they are requesting a reduction in the required parking spaces from 128 to 47 holding 81 in reserve. A Conditional Use Hearing will be held on April 19, 2005 for the application of Robert Ruby to operate an antique store on Lincoln Highway. Mr. Lowry has sent a letter to Aerzen USA denying the use of straw bales in the construction of the facility. Mr. Lowry states this method of construction is not approved by BOCA or the International Building Code. Mr. Lowry stated that the fire damaged house at 19 Spruce Street does have insurance and the area around the building is being cleaned up. Mr. Lowry stated a letter was sent to West Sadsbury Township regarding the trash accumulating in Sadsbury from the shopping center in West Sadsbury. The trash has been cleaned up. Mr. Lowry has received a preliminary subdivision plan from Cosmos for an 18 lot residential subdivision on Lincoln Highway, West of Octorara Road.

**Township Road report.** Mr. Hensel reported that the crew has been opening drains along Township roadways and patching potholes. They repaired any damage to residents properties done during plowing. The 1992 Dodge pick up passed inspection, total vehicle miles are 695 and hours are 2149. The road crew installed a exhaust fan in the mens bathroom. They have began cleaning up the parks, painting trash cans, fixing the baseball field and painting lines on the parking lot.

**Township Planning Commission report.** Joe Rosella from DL Howell & Associates introduced a minor subdivision –lot line change plan proposed within the Bellaire Business Center. The changes will consist of the removal of a cul-de-sac and an adjustment to the right of way line in order to do away with the curvature. Members representing Tractor Supply Company were present to discuss their final plan submission. The applicant submitted a plan to construct a 22,272 ft retail facility. Issues such as the

height of the fence screening the outdoor storage were discussed. The Planning Commission provided the consensus that an 8' fence would be sufficient. It was determined that prior to recommending action on the final plan, the outstanding issues identified by Mr. MacCombie's letter dated March 7, 2005 should be resolved by the applicant. Aerzen USA presented information to the Planning Commission in explanation of why they were seeking a variance from Section 1304.E.2. from the Zoning Code, which does not permit, loading docks of a building to face the street. Aerzen presented information indicating how the current design of the building was critical to the efficiency of their manufacturing operation. Aerzen also provided a handout explaining the scope of the landscaped buffer and showed a simulated video depicting a drive past the proposed building. Arcadia was present to discuss their Preliminary Subdivision plan entitled "Sadsbury Park". The applicant is proposing to develop a 136.25-acre tract under the Traditional Neighborhood Development Ordinance created under Section 1107 of the Zoning Code, which will feature 252 SFD dwellings, 140 SFA dwellings, and 69 Multi-Family units. Chester Valley Engineers indicated that the applicant would seek preliminary approval for the entire development, and then subsequently seek final approval for the individual phases in the future. Jamie MacCombie's review letter dated February 17, 2005 was discussed in detail. Arcadia indicated that the open space issue mentioned by Mr. MacCombie on item number 6 of his review letter, would be progressive over the course of the final approvals for each phase. Members representing the Chester County Airport presented an outline describing the concept for the proposed Master Plan for the development of the airport. Due to the increased demand, many areas of the airport will need to be expanded over the next several years including the runway, hangar space, and additional retail space will be added. Due to these proposed changes, it may be necessary to permanently block a portion of the now existing Washington Lane. Jane Heineman expressed concern over how the truck traffic from the new industrial developments would be routed. Tom Lowry posed questions regarding the Fire Emergency services of the airport.

**Sadsburyville Fire report.** Scott Weaver reported that a total of alarms for the month of March was 13, they were for 1 auto accident, 1 building, 1 amb. Assist., 1 automatic alarm. Assists to 28-1 automatic alarm, 1 auto accident, assists to 29-1 trash, 1 chimney, 1 trees and wires, 1 auto accident, assists to 44 1 dwelling, assists to 35- 1 auto accident, 1 vehicle. Time in service 8 hours and 50 minutes.

**Pomeroy Fire Company.** Earl Taylor reported 13 alarms for the month of March they were for 1 auto alarm, 3 house, 1 aircraft down, 1 standby, 3 auto accidents, 1 transformer, 2 chimney, 1 controlled burn. Time in service was 12 hours and 15 minutes.

**Comprehensive Study Committee.** Mr. Hensel reported that the Comprehensive Study Committee meeting was held on Wednesday March 16, 2005. All members were present. The committee discussed Chapter 7, Land Use Plan. Next months discussion will be on Housing and Open Space. The next meeting is Wednesday April 16, 2005 at 10:30 a.m.

Mr. Garris made a motion, seconded by Mr. Doratt, to pay the March bills in the amount of \$33,520.62. 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 the March payroll in the amount of \$37,724.56. 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 yearly PRIMA insurance in the amount of \$33,105.47. 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 the March sanitary sewer bills in the amount of \$103,929.60. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

The Board discussed the Emergency Radio Communications System Ordinance regulations that was tabled from the last regular Board meeting. Mr. Pompo stated that this Ordinance has been advertised and the Board has until May 7, 2005 to enact the Ordinance. One of the concerns was this Ordinance applying to small buildings, Mr. MacCombie stated communications should be easier in a small building. Mr. Przyodzien asked if small buildings would be effected by the Ordinance? Mr. Pompo answered by stating that the Ordinance would not enforce existing buildings unless emergency personnel cannot communicate inside the building therefore they would be given a notice to get an antenna. Mr. Pompo stated this Ordinance creates no burden on existing business owners unless there is a need for it. The Ordinance is mandatory for new construction. Earl Taylor stated that Electronics Boutiques building has bad communications. Tony Profetto commented that this Ordinance should be enacted for all existing buildings due to the fact when they are inside with a patient they can no leave the patient to go outside to communicate with others because its considered abandonment. Elmer Pluck asked if the Ordinance could be written to give a warning to the business owner that after communications fail several times it would be mandatory.

Mr. Garris made a motion, seconded by Mr. Doratt, to adopt Ordinance 2005-03 pertaining to establishing minimum regulations applicable to emergency communication systems. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed their comments with regards to LRK, Sadsbury Park architect. Mr. Doratt stated his portfolio is in order, Mr. Garris stated they are qualified, Mr. Hensel stated that this firm seems qualified, Mr. Pompo states he recalls his presentation and says they are qualified, Mr. MacCombie stated that he checked their references they were all positive, he states they are qualified, Mr. Lowry stated the same. The Board authorized Mr. Pompo to create a Resolution to appoint LRK as the Sadsbury Parks architect.

The Board discussed a comment regarding the subdivision land development section 109-54 which states a pre plan review must be done by the fire marshal is required. The Board states that this amendment pre dates the current Board, Sadsbury has no fire marshal. Mr. Przyodzien requested that the language be changed to say fire chief and not fire marshall. Mr. Pompo stated that when a possible subdivision change occurs they could change the language but he sees no problem leaving it as it is since it is not a zoning requirement.

Chairman Garris stated that the Fallowfield Fillies are requesting the use of the Sadsbury Field for the spring 2005 season, April 4<sup>th</sup> to July 15<sup>th</sup> weekday evenings from 6:00. Proof of insurance has been provided.

Mr. Garris made a motion, seconded by Mr. Doratt to grant the Fallowfield Fillies their request to use Sadsbury Field for the spring 2005 season April 4<sup>th</sup> through July 15<sup>th</sup> weekday evenings. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Chairman Garris stated that George Gilbert gave retirement notice to the Board that he will be retiring as of May 31, 2005. The Board thanks George for 13 years of service.

The Board discussed allowed preemptor emitters for Pomeroy Fire Company. Mr. Garris stated that the Township can not spend taxpayers money to put emitters in personnel vehicles. Mr. Taylor stated he knows the Chief has emergency plates on his truck. Chairman Garris asked if his truck was registered to the Pomeroy Fire Company, Mr. Taylor replied he didn't think so.

The Board discussed a Signal Service quote in the amount of \$1,978.64 requested from Sadsburyville Fire Company to install an advance preemption detector on the utility pole on Route 30 opposite First Avenue. This would allow the traffic light to change when the truck leaves the firehouse going up the hill. The problem with the current system is that there is not enough distance between First Avenue and Old Wilmington Road to allow the preemptor to change the light for the fire truck. The Board discussed with Mr. MacCombie the requirements that would be needed to be in place before the preemption device could be installed? Mr. MacCombie stated that a Pen Dot permit would be required and any tree trimming to achieve a clear line would be necessary to activate the advance detector. The Board tabled any decision on this matter until contact could be made with PenDot.

The Board discussed 3 quotes for an Echo PAS weed eater, they are as follows: Stoltzfus farm Service \$746.96, Frames Power Equipment \$829.96, Martin Kern Hardware \$706.00.

Mr. Garris made a motion, seconded by Mr. Doratt, to purchase an Echo PAS weed eater with attachments from Martin Kern Hardware in the amount of \$706.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo stated that he has prepared a draft Ordinance that would regulate street re-openings on already paved roads. This Ordinance would not allow opening of any Township roads that are paved unless its for emergency access.

Mr. Garris made a motion, seconded by Mr. Doratt, to advertise an Ordinance pursuant to section 2322 of the second class Township code, as amended providing for the regulation of street openings and installations and providing for the regulation of driveways with Sadsbury Township. With there being questions from Elmer Pluck asking if a resident or contractor opens a paved road are they responsible to restore it, Mr. Pompo answered yes. With the Board voting “aye”, the motion passed unanimously.

The Board tabled the Department of Emergency Services request to adopt a Countywide Mutual Aid Agreement. Mr. Pompo e-mailed the County to request more information and has not gotten a reply.

Results from the public water survey for Spring View Manor is 4 yes and 5 no out of 23 surveys sent. North Street results are 2 yes out of 9 surveys sent. The Board directed the Secretary to send Spring View Manor a second request and have the road crew hand deliver North Streets second request.

The Board discussed 3 quotes received for repairing the guide rail at the Octorara Road Bridge. They are: Morgan Rail \$7,671.00, Statewide Hi Way Saftey \$18,900.00, Collinson Inc. \$9,028.00.

Mr. Garris made a motion, seconded by Mr. Hensel, to hire Morgan Rail Inc. to repair the guide rail at the Octorara Road bridge in the amount of \$7,671.00 contingent upon they provide a Pa one call and a certificate of insurance. 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 appoint Gary Dunmyre to the maintenance of the Township Parks for the spring/summer season. With there being no questions from the public, the Boar voting "aye", the motion passed unanimously.

Mr. Garris made a motion, seconded by Mr. Doratt, to grant Brewer Memorial Baptist Chruch a 6 month extension to tap into the sanitary sewer system. 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 send Mr. Pompo, Mr. MacCombie, and Mr. Lowry to a meeting at Keystone Helicopter on April 12, 2005 at 2:00 p.m. at Keystone Helicopters expense to discuss the noise levels. With there being a question from Vicki Horan asking what the meeting was about, the answer is to discuss noise levels, the Board voting "aye", the motion passed unanimously.

### **Public Comment:**

Joe Demmeris- stated he is a new homeowner on Old Mill Road and has an issues with the developer David Carr with debris he left behind on the property. Mr. Lowry stated that he has visited the site numerous times and the developer did leave behind debris. The homeowners got an estimate of 15,000 to remove the debris from the yard. The Township is not in receipt of that much escrow money from Mr. Carr. The homeowners state that the debris is tree stumps and large rocks. Mr. Lowry stated the homeowners can hire a contractor to remove the debris and keep valid invoices and once the escrow money is expended sue Mr. Carr for the additional money owed. Mr. Pompo suggested sitting down with the developer and get a letter from him stating his intentions and getting him to agree to it.

Susan Franco- Thanked the Board for attendance in the Quarry Ridge Homeowners Association meeting. Ms. Franco is requesting a speed study be done to reduce the speed limit in the development from 35mph to 25mph. The Board agreed to set up the speed trailer and track the speeds in Quarry Ridge. The Chief is to report back to the Board on this matter.

Elmer Pluck- stated he has two storm drains in front of his home and they need cleaned out. Mr. Hensel stated that the storm drains are along the state highway, the Township will contact Pen Dot.

Vicki Horan- blasting question on Morris Lane, "reply" the contractor has applied for a blasting permit.

Andrew Sciaretta- asked the Board about the complaint he sent certified to them. The Board stated he received it and copied Chief Groce to make comments. Chairman Garris stated for Mr. Sciaretta to speak to Chief Groce after the meeting.

Scott Weaver-Thanked the Township for insuring the 2005 Suburban so quickly.

Mike Dero- asked if open burning is allowed within the Township? The answer is no, Mr. Pompo stated if you want to do open burning you must contact the Chester County Fire Board to do a controlled burn.

Santa Dero-asked if the fire company has visited the City Gate property?

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer