

Board of Supervisors Regular Meeting May 3, 2005

A regular meeting of the Board of Supervisors was held on Tuesday May 3, 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. Sergeant Ranck reported that the General Procedures Manual #2-07 regarding computer Internet usage by the police department has been reviewed by the Township Solicitor and is ready for adoption. Sergeant Ranck reported that the Emergency Response Manual has been completed and submitted to the Board for approval by Resolution. He also reported that the speed machine would be out on the streets in operation full time. Sergeant Ranck requested to purchase a computer printer that will print photographs directly from the digital camera to cost \$179.00 from Staples.

Mr. Garris made a motion; seconded by Mr. Hensel, allow the police department to purchase a computer printer that will print photographs directly from the digital camera to cost \$179.00. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

Township Engineers report. Mr. MacCombie reported that Penn Street, Greenbelt Drive, First Avenue, Ramsey Alley, line tests are completed and sanitary sewer tie in might now occur. Mr. MacCombie is in receipt of (8) grading application for Octorara Glen. The Spring View Manor Sanitary Sewer is out to bid and bids are due to be opened at the Board of Supervisors meeting May 16, 2005. Mr. MacCombie stated that he has prepared the following construction releases for the Boards approval: Octorara Glen in the amount of \$31,390.61, Morris Farm in the amount of \$24,572.22, Cosmos Development in the amount of \$86,468.42, AIM phase 1A and 1B letter of credit reduction in the amount of \$22,584.00, Keystone Holdings in the amount of \$188,456.76.

Mr. Doratt made a motion, seconded by Mr. Garris to approve the construction release to Octorara Glen in the amount of \$31,390.61. 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 to Morris Farm in the amount of \$24,572.22. 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 to Cosmos Development in the amount of \$86,468.42. 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 a letter of credit reduction to AIM phase 1A and 1B in the amount of \$22,548.00. 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 to Keystone Holdings in the amount of \$188,456.76. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he received a phone call from Pen Dot regarding a speed study for Old Wilmington Road. Mr. MacCombie stated that where the road is posted 45 speeds were 50, where the road is posted 35 the average speed was 43 where the road was posted 40 the average speed was 48. Mr. MacCombie stated that Pen Dot recommended posting the entire road at 40 mph. After Board discussion, the Chairman stated to leave it as is. Mr. MacCombie stated that in order to pave Western Avenue the road needs milled out and base replacement and top, Mr. MacCombie recalls several years ago getting an estimate of 40,000. Mr. MacCombie stated that in order to pave Compass road, drainage issues would need addressed. The Board suggested that putting both roads out to bid together might bring a better price for the Township. The Board tabled any further discussion until they agreed to meet on May 16, 2005 at 2:00 p.m. with the Township Engineers for an informational meeting. Mr. Herbert MacCombie stated that the paving schedule for Township is as follows: Wednesday May 4th clean up and prep Lincoln Reel and Washington and Greenbelt Drive. Thursday May 5th, prep and possible pave Olive Ally, Friday May 6th, patch surface Pomeroy Heights roads, Monday and Tuesday May 9th and 10th pave the Pomeroy Heights roads. Mr. Herbert MacCombie requested that the Secretaries do not take any lateral inspection for next week. The Board asked to have notices made up and hand delivered to the Pomeroy Heights residents.

Township Solicitors report. Mr. Pompo stated that the Subdivision and Land Development Agreement and Escrow Agreement of Tractor Supply are in order. Mr. Pompo stated that a letter of credit has been received from them in the amount of \$645,459.05.

Mr. Garris made a motion, seconded by Mr. Doratt to accept the Subdivision Land Development and the financial security agreements of Tractor Supply. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

Mr. Pompo discussed the Memorandum of Understanding agreement between Sadsbury Township Board of Supervisors, Arcadia and AIM. Mr. Pompo stated that this

agreement is relevant to the construction of a Municipal Complex on lot 6A. The Board stated they are concerned with the language in paragraph (3) that states the Township shall have the right but not the obligation to construct and use the access way over the easement pursuant to either or above as applicable with (2) years. Mr. Muto representing AIM/Bellaire Business Center agreed to allow the (2) year time frame be taken out of the agreement and will allow Arcadia to construct on that parcel. Mr. Pompo stated he would also add to the agreement that any Township owned vehicle might access.

Mr. Garris made a motion, seconded by Mr. Doratt, to accept the Memorandum of Understanding between Sadsbury, Arcadia Associates and AIM Development Corporation contingent the (2) year time frame be removed from paragraph (3) and all Township owned vehicles may access be added. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated that he has drafted a Resolution for the Board to review regarding the simple IRA. He requested placing this Resolution on the May 16, 2005 agenda.

Township Road report. Mr. Hensel reported for the month of April the roads were in good shape, the road crew is patching potholes. They have trimmed trees on Compass Road and Skiles Road. All equipment is up and running. Total vehicle miles are 230, total hours 2,204. Public sewer has been hooked up at the Township building. The road crew have been landscaping and mowing the parks, painted trash cans located in the pavilion, all water is up and running in the pavilion, sealed basketball court and painted new lines, painted new handicapped space. Did general clean up services.

The Board requested the road crew replace the door on the concession stand at the Bert Reel Park and repair the handle on the screen door.

Township Zoning report. Mr. Lowry reported that he performed 26 inspections and answered 95 inquires, 19 permits were issued in April for 6 decks, 2 office/warehouse, 1 single family, 1 office hanger, 1 construction trailer, 3 signs, 1 barn, 1 addition, 1 alteration, 1 cell antennae and 1 pool. Mr. Lowry reported that a conditional use hearing for Aerzen USA seeking a reduction in parking was held on April 19, 2005. Also the Zoning Hearing Board conducted hearings on April 25, 2005 for Tim Brown for the expansion of a non-conforming use, Arcadia for special exception to install sewer lines and encroach on steep slopes, Rampmaster for a special exception for outside storage, Airmen for relief from viewing the loading docks from the street. All applications were approved with the exception of Aerzen, which was continued. Mr. Lowry reported that Robert Ruby withdrew his conditional use application to operate an antique store on Lincoln Highway. Mr. Lowry announced that the Landing Zone is scheduled for a hearing before the Zoning Hearing Board to take place on May 24, 2005 at 7:00 p.m. to expand a nonconforming use. A complaint was received regarding broken concrete and dirt in the right of way on Greenbelt Drive. A resident had been informed that he must clean up the material. Mr. Lowry reported that he inspected the site at Greenbelt Drive Bridge before the meeting and the area has been cleaned up. Mr. Lowry has received extension letters from Aerzen USA and Arcadia land. Mr. Lowry stated he received a

call from Tim Browns' engineer requesting relief from the Land Development procedures. After discussion the Board agreed to have Mr. Brown go through the Land Development process and be done with it. The Board instructed Mr. Lowry to investigate a complaint received regarding dumping at the end of Reel Street in Pomeroy Heights.

Planning Commission report. Mr. Przychodzien reported that the minutes of the Planning Commission were attached and part of the Board of Supervisors minutes and they went like this: Michael Cresta presented a sketch plan for proposed improvements to the Landing Zone. The applicant wishes to add a deck to the rear of the facility for outdoor entertainment, add 2 horse pits, a volleyball court, and a small addition to the building. Tom Lowry explained that a series of variances would be required, and the existing structure is non-conforming. Mr. Cresta indicated that his intent is to beautify the property and the facility in general. Members of the Planning Commission expressed concerns over the noise generated from outdoor entertainment, parking requirements, and the sewage capacity. The consent of the Planning Commission was for the applicant to proceed to the Zoning Hearing Board, but consideration should be given to parking, the regulation of outdoor entertainment, and presenting the plan to Valley Township. 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. Tony Przychodzien made a motion to recommend final plan approval provided the applicant complies with the outstanding items from the Township Engineer's letter dated April 4, 2005, and all other regulatory approvals. The motion was seconded and approved. Vic Kelly, representing Valley View, discussed issues on Mr. MacCombie's April 6, 2005 review letter for their Preliminary Plan submission. The issue of public sidewalks was discussed. Tony Przychodzien suggested that he would prefer to see contributions for improvements to existing Township Parks in exchange for relief from the sidewalk regulations. Dale Hensel expressed concerns over the need for improvements to Washington Lane, due to the heavy truck traffic. Mr. Kelly indicated that they would return to the next meeting after addressing and clarifying more of the items from the review letter. Joe Tyson, a resident of Quarry Ridge, expressed his general concerns over the lack of landscape buffering being provided for current industrial projects in the Township. Joe Rosella, representing the Bellaire Business Center, discussed the Township Engineer's April 6, 2005 review letter. The letter was discussed in detail. Tony Przychodzien made a motion to recommend approval of the lot line change, subject to compliance with Mr. MacCombie's letter dated April 6, 2005. Joe Rosella presented a sketch plan for Total Systems Design to the Planning Commission. The applicant is proposing a 16,000 square foot office and light manufacturing facility on lot 15 of the Bellaire Business Center. The plan will be submitted as a by right use. Tom Lowry brought up the issue of parking spaces, and reminded the applicant that parking can be reduced below the requirements only through approval at a conditional use hearing. Preliminary Land Development submission. The applicant indicated that they would be able to comply with the review letter, and were scheduled to be on the agenda of the Zoning Hearing Board on April 25 to request the Special Exception for outdoor storage of their Rampmaster vehicles. Residents expressed concerns regarding the view of the vehicles from their homes on business Rt. 30. Joe Rosella, indicated that the proposed buffering would be roughly 2 ½ times the current ordinance requires. Tony Przychodzien

made a motion that the Planning Commission sends a letter to the ZHB supporting the Special Exception, provided that adequate screening is proposed. The motion was seconded and approved. The Planning Commission decided to draft a letter to the Board of Supervisors recommending a review for the adequacy of the landscape buffering requirements in the current ordinances. Arcadia was present to discuss some of their responses to the Township Engineer's review of their preliminary plan of Sadsbury Park. Jason Duckworth showed the addition of a proposed pocket park to phase 1 of the development. A discussion was held about revising the "auto-turn" program in order to accommodate emergency vehicle requirements. Joe Tyson expressed some concerns over the existing natural buffer that borders Quarry Ridge and Sadsbury Park. It was mentioned that Sadsbury Park was a recipient of an award by the Delaware Valley Smart Growth Alliance.

Pomeroy Fire report. Mr. Taylor reported that a total number of alarms for the month of April were 11. The alarms were as follows: 1 brush fire, 2 automatic alarm, 2 house, 1 farm equipment, 2 auto accidents, 1 woods, 1 tree, 1 out building. Time in service was 7 hours and 3 minutes.

Sadsburyville Fire report. Mr. Audette reported that a total number of alarms answered for the month of April was 13. The alarms were for: 4 accidents, 1 buildings, 1 ambulance call, 1 automatic alarm, 1 field, assist to 28 for automatic alarm, assist to 43 1 standby and 1 building, assist to 29 1 auto accident, 1 tree fire. Time in service was 7 hours and 23 minutes.

Comprehensive Study report. Mr. Hensel reported that the committee meeting was held on Wednesday April 20, 2005 at 10:30 a.m. All members were present except Clair Audette. Comments were discussed on Chapter 7 Land Use Plan. The committee reviewed and commented about Chapter 8 and 9 regarding the Housing Plan and Natural Resources and Open Space. The next committee meeting will be held on May 18, 2005 at 10:30 a.m.

Mr. Garris made a motion, seconded by Mr. Doratt, to pay the April bills in the amount of \$64,758.70. 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 April payroll in the amount of \$36,310.20. 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 approve the April sanitary sewer bills in the amount of \$32,908.27. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

The Board discussed giving an extension to Chester County to extend the grant for the Comprehensive Study 3 months with a clock date being December 31, 2005.

Mr. Garris made a motion, seconded by Mr. Doratt, to give an extension to Chester County for the Comprehensive Study for 3 months with the clock date being December 31, 2005. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

The Board tabled discussion of the Conditional Use Decision and Order for Aerzen USA until May 16, 2005 due to no representatives from Aerzen were present in the Board meeting.

The Board discussed a request from Township Planning Commission to review landscaping requirements under the current Ordinance and consider making changes that will provide more effective buffering and screening of future land developments. The Board agreed to consider this request when updating the Park and Recreation and Subdivision and Land Development take place.

Joe Rosella representing Bellaire Business Center presented the Board with a lot line change. Mr. Rosella explained which lots would be effected in doing the lot line change is 8A, 12A, 13A, 15A, 17A, 14, & 16. Mr. Rosella states the reason for the request is due to the size of the lots. The Board expressed no objections.

Mr. Garris made a motion, seconded by Mr. Doratt, to approve the lot line change for Bellaire Business Center contingent all issues of Mr. MacCombies review letter dated May 3, 2005 be addressed. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

Joe Rosella representing Rampmaster is requesting permission for the plans to be reviewed and approved as preliminary/final application. Mr. Pompo stated that sometimes the developers think that preliminary/final means you're expected to have all conditions met without a long list of outstanding issues. Mr. MacCombie stated they have no problem with this request because it is already part of an approved final subdivision plan.

Mr. Garris made a motion, seconded by Mr. Doratt, to allow Rampmaster to proceed as preliminary/final plan, as long as all outstanding issues are resolved. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Garris announced the receipt of a County check for \$300.00 for the completion of the Emergency Operations Plan. Mr. Garris thanked all that were involved in the completion process.

The Board discussed Resolution 2005-06 pertaining to designation of the national incident management system which would provide a consistent nationwide approach for Federal, State and Local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond and to recover from incidents, regardless of cause, size or complexity.

Mr. Garris made a motion, seconded by Mr. Doratt, to adopt Resolution 2005-06 pertaining to the designation of the national incident management system. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

Jason Fyk presented the Board with complaints he states he had with the sanitary sewer contractor. Mr. Fyk states he was made promises from N. Abbonizio to connect his sanitary sewer for Mr. Fyk allowing them to use his land to park a box trailer. He states the trailer sat on his land from November of 2003 until March of 2005. Mr. Fyk states that not only did they agree to tie him into the sewer but they agreed to do some paving work. The company came out and took measurements of the driveway and made marks but never did the work. Mr. Fyk states that the man that made the promises to him is no longer with the company. Mr. Pompo stated the Township couldn't enforce his requests. Mr. Fyk asked if the Township will back him up in court, Mr. Pompo stated “NO” this work was not covered under the contract that was made with the Township and the Township did not authorize this work to be done on his property. Mr. Pompo states that the contractor has insurance and if he can prove his damage he can make a claim. Mr. Fyk asked for relief from the (3) tapping fees he is responsible for. Mr. Pompo stated the Board has never forgiven any one for their tapping fees. The Board agreed and said they will not waive the fees.

Public Comment:

Susan Franco-Inquired about the speed study that was done in Quarry Ridge and wanted to know if the Township is going to enforce the no parking regulations. The Board stated that Ms. Franco would need to speak to the Chief regarding both matters.

Elmer Pluck- Asked the Board if he can put counter tops on the cabinets in the refreshment stand at the Bert Reel Park at his expense. The Board stated yes.

John Lymberis- Reported that a WB17 news van was parked at the Blue Spot Laundry and he inquired why they were there, they stated they are doing a Megans Law story based upon zip codes with the highest offenders. Mr. Lymberis stated to the residents interested should call WB17 to keep Sadsburyville out of the story.

With there being no further business, the meeting was adjourned.

Respectfully Submitted,

Lisa Myers,
Secretary/Treasurer

