

## **Board of Supervisors Regular Meeting Tuesday January 17, 2006**

The Board of Supervisors conducted a regular meeting held on Tuesday January 17, 2006 commencing at 9:00 a.m. Chairman Hensel called the meeting to order. Present were Supervisors Ms. Silvernail, and Mr. Doratt, Mr. Pompo Township Solicitor, Mr. Lowry Township Zoning Officer/Building Inspector, Mr. MacCombie Township Engineer and members of the community.

The moment of silence and pledge of allegiance were observed.

**Township Engineer report.** Mr. MacCombie stated that he has prepared several construction releases for Ethermore, Grateful Dog, Octorara Glenn, Sadsbury Associates, N. Abbonizio and Vietri.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release to Vietri Electric in the amount of \$106,199.10 per Mr. MacCombie's 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. Hensel, to approve construction release to Grateful Dog in the amount of \$40,763.45 per Mr. MacCombie's 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. Hensel, to approve the construction release to Ethermore in the amount of \$26,324.23 per Mr. MacCombie's 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. Hensel, to approve the construction release to Sadsbury Village in the amount of \$121,681.55 per Mr. MacCombie's 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. Hensel, to approve the construction release to Octorara Glenn in the amount of \$15,459.95 per Mr. MacCombie's 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. Hensel, to approve the construction release to N. Abbonizio in the amount of \$63,742.95 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that he has received the As Built Plans of Sadsbury Village and the deed of dedication documents. Mr. MacCombie stated that he is requesting they provide more information. Mr. White has begun an escrow account of approximately \$75,000. for recreation. Mr. MacCombie stated that he has been contacted by PAWC regarding the franchise areas within Sadsbury Township; currently they are including Cowan Estates and Gateway Community Church and wanted to know if the Supervisors

wanted to include any other areas for public water. Mr. Hensel stated perhaps the Hershey Farm. Mr. MacCombie stated that the Hershey Tract Subdivision states there are no pipes for storm drains shown on any plans for the Subdivision. Mr. MacCombie states that Mr. Hershey said there are no pipes. Mr. MacCombie stated that he knows for a fact there are pipes because he saw them for himself and they will need placed on the plan. Mr. MacCombie stated that he has a meeting regarding the Village Enhancement Project on January 23, 2006 to discuss the progress. Mr. Doratt asked if Mr. MacCombie could provide them with a time frame for the Village Enhancement Project. Mr. MacCombie stated that he has reviewed the revised plans of Mr. Muto and are acceptable for the Boards signature if they so desire. Mr. MacCombie stated that he attended a meeting in East Brandywine Township regarding the situation with Pennsylvania American Water Company and DEP. Mr. MacCombie stated that he received a map of the existing sewer service areas and he states the map is missing Greenbelt Drive and a section of Maple Avenue, which are not shown as current service areas. Mr. MacCombie stated that he must send documentation to them stating why these areas must be included. Mr. MacCombie stated that Clinton Cleaver (Sewage Planning Specialist Supervisor/Water Management of PA DEP will meeting with the Township and re- visit the Township's 537 plan. Mr. MacCombie stated that at this time Sadsbury Township's entire existing and future sewer is within the service area. The Board requested the Secretary contact Clinton Cleaver to schedule a meeting with him. Mr. MacCombie stated that the Board is in receipt of the connection management plan, which includes flows for D & S Developers and the Bone Tract. Currently there are no agreements for allocated EDU's from the Township. Mr. MacCombie states that both properties are within the service area. Mr. MacCombie stated that he talked with someone at PAWC and he was told that an extra 50,000 gallons of flow per day were available and he thinks that the developers of these properties were trying to get a hold of these. Mr. Doratt stated that D&S Developers and the Bone Tract being included on the connection management plan is misleading.

**Township Solicitor report.** Mr. Pompo stated that his office would prepare the package bid for the trash contract. The Board requested Mr. Pompo include the standard trash service, re-cycle and possible central location for re-cycling. Mr. Duckworth requested to be excluded from the Township trash contract, that the homeowners association would get their own contract. Mr. Hensel stated that he would like the Township Ordinance to remain the same. Mr. Pompo stated that with more homes the Township would get better pricing. Mr. Lymberis stated his condominiums will have to be included if the Township is bidding out a (5) year contract as before. Mr. MacCombie suggested that if the Township makes a decision to allow these developments get their own trash contract that a condition could be made to use the same hauler as the Township hires. Mr. Pompo discussed with the Board the draft Decision and Order for the application of Whitmer Associates for Conditional Use approval. Mr. Pompo read the (7) conditions of the order:

1. The applicant shall comply with the conditions set forth in finding of fact no. fourteen above, the Applicants letter of November 23, 2005 (Exhibit A-2), as modified by condition no. 2 below.
2. The retail sales of small arms and ammunition on the property shall be limited to sales to law enforcement personnel and authorized security personnel, both with proper identification.

3. All retail sales on the property shall be accessory to, and subordinate to, the principal warehouse and office use on the property. At no time shall the property be used for a gun shop.
4. There shall be no expansion or enlargement of the 4,560 square feet of showroom without the prior amendment of this decision and order by the Board of Supervisors, following application and public hearing.
5. Nothing contained in this decision and order shall be construed to abrogate or limit the obligation of the application to seek and obtain building permits or any other necessary permits or approvals for construction and operations on the property.
6. The applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the property in question and stipulating the terms and conditions of this approval and shall consent to the recording by the Township in the office of Recorder of Deeds of Chester County within thirty (30) days following expiration of the appeal period.
7. The applicant shall express to the Board in writing within fourteen (14) days of the date of this Decision and Order, its agreement to the above conditions or the Application is denied; the Board expressly finding and concluding that the application in the absence of compliance with the said conditions is inconsistent with the objective criteria set forth in the applicable provisions of the Zoning Ordinance.

Mr. Whitmer was present in the meeting and stated he is in agreement with all the conditions of the Decision and Order. Mr. Lowry stated that the gunroom is within the show room area and the Board may want to limit the size of the room. The Board agreed to change the wording to read: "There shall be no expansion or enlargement of the 4,560 square feet of showroom, or the separate showroom for the weapons which is contained within the showroom, without the prior amendment of this Decision and Order by the Board of Supervisors, following application and public hearing.

Mr. Hensel made a motion, seconded by Mr. Doratt, to grant the Decision and Order application of Whitmer Associates, Inc. Conditional Use Approval. With the corrected changes. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

**Township Zoning report.** Mr. Lowry stated that he and the Board are in receipt of a request from Heather and James Freligh. Mr. Lowry stated that Heather's father just passed away and left his home in Maryland to them, therefore they wish to withdraw from the Variance and all the plans for the new home. Ms. Freligh is also requesting the release of their escrow account.

Mr. Hensel made a motion, seconded by Mr. Doratt; to release James and Heather Freligh from their Variance and all plans to build a new home and the release of their escrow money. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Lowry discussed an interested person being in contact with him regarding the Robinson property "antique shop". The persons are inquiring about putting a winery process and retail possible.

**Township Police report.** Sergeant Ranck reported that for the month of December, 176 miles were patrolled and 338 incidents were handled. The categories are: 5 criminal mischief, 5 thefts, 9 suspicious persons, 63 stationary patrols, 3 911 hang ups, 107 business checks, 15 alarms, 15 assists to other departments, 3 animal, 5 domestics, 16 accidents, 3 disturbance, 2 burglary, 1 harassment. 55 citations were issued for 41 traffic, 6 disorderly conduct, 2 animals at large, 4 harassment, and 2 thefts. 4 criminal arrests for warrants, 3 possessions of drugs, 2-theft burglary, 1 simple assault. Sergeant Ranck read a memo from Chief Groce requesting to send Patrolman Imhoff to a 4 hour class for Drug Identification to cost \$35.00, and an FBI Inter County Detective Class for 80 hours to cost \$100.00, a 4 hour Uniform Crime Reporting Class for Simmons to cost \$99.00.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the cost of \$35.00 to send Patrolman Imhoff to a 4 hour drug identification class and \$100.00 to send Patrolman Imhoff to an Inter County Detective Class and \$99.00 to send Patrolman Simmons to a 4 hour Uniform Crime Reporting Class. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Tabled Business:

Christy Flynn representing Arcadia is requesting approval of the Purcell Contract. Mr. MacCombie stated that he has just received this contract and began review and there are some issues that will need to be discussed. The Board stated that they have not been copied on the contract. Christy Flynn gave the Township Secretary a copy for the Board. The Board agreed to table this item until the next Board meeting.

After discussion, Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the signing of the revised AIM Subdivision Plans. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

After discussion, Mr. Hensel made a motion, seconded by Mr. Doratt, to adopt Ordinance 2006-02 pertaining to Chapter 101 of the Sadsbury Township Sewer Use Ordinance Section 101-21 raising sewer rental fees to \$60.00 per EDU and raise the meter rate by \$6.00 per thousand gallons of water. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Mr. Doratt, to authorize the removal of delinquent real estate taxes for the mobile home that has been removed from the Lincoln Crest Trailer Park. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. John Jarvis representing Little by Little introduced Barbara Little and Patty Bacon as the owners of the Landing Zone Tavern. Mr. Jarvis stated that the building is approximately 1851 square feet and their request is to tear out the old kitchen and put in a new one, add a new front porch of the building entranceway. Currently the building has been gutted and is empty. Mr. Jarvis is requesting the waivers from going through land development due to the improvements are less than 500 feet. Mr. Pompo states he has no objection to the waiver as long as full compliance to the Grading Ordinance is followed. Mr. MacCombie suggested if the Board accepts this request, to have a sketch plan submitted to the Planning Commission for their comments, and then incorporate the comments into the building permit process.

Mr. Hensel made a motion, seconded by Mr. Doratt, to waive the Land Development Submission of the Landing Zone Tavern. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Moskovitz representing Donald Hostetter requesting his land be re-zoned from RR to C-1. Mr. Pompo stated that he did research this request and the land in question is within other land zoned the same, therefore not singling out just this property. He also added that the land is large enough for C-2 Zoning. Mr. Pompo stated that he has not checked out the access issues because it is not a legal matter. Ms. Silvernail asked Mr. Hostetter why he didn't come forward when the zoning change took place. Mr. Hostetter replied that he does not live in this Township and never received a letter. Mr. Hosetter added that he cannot farm the land at his age and the property is less than 10 acres, he pays \$1,400.00 per year in taxes and cannot make enough money on renting the property out to farm. Mr. Hostetter said he has had perspective buyers. Mr. MacCombie suggested that a sketch plan be submitted so that the Township can determine the use of the land.

Public Comment:

John Lymberis- has concerns regarding the PAWC franchise area map. Mr. Lymberis stated that he appeared before the Board to have Cowan Estates added to the franchise area and nothing has been done. Mr. Lymberis is concerned that his project will be held up now that a request has been made from PAWC to Mr. MacCombie for any Township additions to the franchise area. Mr. Hensel stated that this subject will be revisited at the February 21, 2006 Board of Supervisors meeting.

Terry Muto-thanked the Board and Jamie for the approval of his revised plans of AIM.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer