

## **Board of Supervisors Meeting held Wednesday July 5, 2006**

The Board of Supervisors conducted a regular meeting held on Wednesday July 5, 2006 commencing at 7:00 p.m. Chairman Hensel called the meeting to order. Present were Supervisors Ms. Silvernail, and Mr. Doratt, Mr. Pompo Township Solicitor, Mr. MacCombie Township Engineer and members of the community.

Mr. Hensel announced that the Board of Supervisors met in a work session on Friday June 29, 2006 at 9:00 a.m. to discuss the trash collection options. Mr. Hensel also announced that the Board of Supervisors met in executive employee work session on Monday June 26, 2006 at 8:00 p.m. to interview a police officer.

A moment of silence and pledge of allegiance were observed.

Mr. Hensel 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. Hensel made a motion, seconded by Ms. Silvernail, 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 during the month of June 5,992 miles were patrolled and they handled 379 incidents, the categories were: 1 assault, 2 criminal mischief, 2 thefts, 6 suspicious persons, 55 stationary patrols, 3 911 hang ups, 113 business checks, 23 alarms, 25 assists to other departments, 6 animal, 4 domestics, 16 accidents, 4 harassment, 1 burglary, 6 disturbances. The Chief also reported that 27 citations were issued for the month, 10 criminal arrests were for 3 DUI, 1 public drunkenness, 1 harassment, 2 DC, 1 animal ordinance, 1 warrant, 1 possession of drugs. There were 5 juvenile underage drinking citations. Chief Groce made an employment request to hire Amber Smith as a part time patrol person; all interviews and background checks have been completed. Chief Groce added that she has been an officer for 4 years and is also employed elsewhere.

Mr. Hensel made a motion, seconded by Mr. Doratt, to hire Amber Smith as a part time patrol person at a rate of \$14.42 an hour with a 90-day probation period. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Engineer report.** Mr. MacCombie reported that the sanitary sewer is ready to begin on Meetinghouse Lane and requested that the Township Secretary send letters to the effected property owners letting them know. Mr. MacCombie stated that the survey crew is out gathering information regarding the Sadsbury Village Enhancement Project. Mr. MacCombie stated that he has prepared 6 construction releases for the Boards consideration, they are for: Total Systems Design in the amount of \$14,688.90, Ethermore in the amount of \$73,529.55, Grateful Dog in the amount of \$3,064.49, Cosmos Self Storage in the amount of \$84,599.70, Octorara Glen in the amount of \$11,621.24 and Meeting House Properties in the amount of \$30,623.11.

Mr. Doratt made a motion, seconded by Mr. Hensel to approve the construction release of Total Systems in the amount of \$14,688.90 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 Ms. Silvernail, to approve the construction release of Ethermore in the amount of \$73,529.55 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. Hensel to approve the construction release of Grateful Dog in the amount of \$3,064.49 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 Ms. Silvernail, to approve the construction release of Cosmos Self Storage in the amount of \$84,599.70 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. Hensel to approve the construction release of Octorara Glen in the amount of \$11,621.24 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. Hensel to approve the construction release of Meetinghouse Properties in the amount of \$30,623.11 per Mr. MacCombies recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Township Solicitor report.** Mr. Pompo reported that the Board has met in numerous work sessions to discuss the 2006 trash contract. Mr. Pompo stated that he is in receipt of a memo from Mr. Drozd the Township CPA which states he recommends that the bid award go to BFI for option 2 which is the weekly curbside collection of municipal waste plus curbside collection of commingled recyclable. Mr. Pompo stated that for option 2 the low bidder was Eagle Disposal. The Township Secretary advised Mr. Pompo that Mr. Drozd found problems with the financial statements in the original bid documents. Mr. Pompo stated that he would like to speak to Mr. Drozd to clarify the reasons. The Board tabled any decision at this time. Mr. Pompo stated that he met with the Board in executive session to discuss the Whistler matter.

**Township Road report.** Mr. Doratt reported that the Township roads are in good shape, roadside mowing has been completed. The Township’s new work truck has arrived. Line painting has been completed on Sadsbury Road, Leike Road, Old Wilmington Road, Octorara Road, Washington Lane and Quaker Road. The Township equipment fluids, belts and hoses are checked daily. Total vehicle miles are 514 and total equipment hours are 29. The Road Crew installed a new air conditioning unit in the meeting room. They

also laid black top patch on the entrance into the Township building. All maintenance was performed at the parks and new trash totes were placed.

**Township Planning Commission report.** No report given.

**Pomeroy Fire Company report.** Mr. Taylor reported that for the month of June a total of 10 alarms were answered for 2 auto accidents, 2 auto alarms, 1 brush fire, 1 car fire, 1 mobile home fire, 1 motorcycle accident, 1 order investigation, 1 wires. Time in service was 8 hours and 8 minutes.

Mr. Taylor stated that Pomeroy and Sadsburyville Fire Companies are requesting a public work session with the Board of Supervisors to discuss development issues. Mr. Taylor requested July 24, 2006 at 7:30 p.m. for the meeting. The Board agreed, Mr. Taylor stated he would get a punch list to the Board.

**Sadsburyville Fire Company report.** Mr. Doratt reported that for the month of June 12 alarms were answered for 2 auto accidents, 1 ambulance assist, 2 automatic alarm, 1 field fire, 6 assists to other departments. Time in service was 8 hours and 51 minutes.

**Emergency Services Coordinator Update:** Mr. Taylor reported that he received e-mails from the County regarding the State flooding information.

**C-2 Task Force Committee:** Ms. Silvernail reported that the Task Force met on June 7, 2006. Ms. Silvernail stated that Karen Brown from O'Neil Properties presented an informal sketch plan of 630,000 square feet retail space with 26 town homes. The Task Force discussed and reviewed the sketch plan and determined that the proposal was not the intent of Sadsbury for that site, it was suggested that a more standard design with a residential element. Mr. Grafton suggested leaving the town homes out and possibly leaving an area green, which would serve as a buffer to the adjacent homes. The Task Force also discussed big box stores that could be incorporated into the main street design with entrances into each store. Mr. Grafton suggested incorporating the ordinance that if the developer did not want to conform they would be penalized with regard to reducing density and use. Mr. Grafton handed out draft ordinances for review and comment at the meeting of June 27, 2006 at 6pm. Ms. Silvernail also reported on the Task Force meeting that was held on June 27, 2006. She stated that the committee reviewed the draft ordinance. (5) Areas within the draft ordinance were discussed: signs, lighting, landscaping, overnight parking, public safety. Mr. Grafton took notes on all comments and will amend the ordinance and have a draft for the next meeting being held on July 10, 2006 at 6pm.

**Park Committee report.** Mr. Doratt reported that baseball season is over and community day is just around the corner. Mr. Doratt stated that community day is scheduled for August 26, 2006 9am – 3pm volunteers are needed.

Mr. Hensel made a motion, seconded by Mr. Doratt, to pay the June invoices of \$48,601.32. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay the June payroll in the amount of \$33,764.82. 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 pay the June sanitary sewer invoices in the amount of \$22,100.54. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

**Tabled Business:**

Mr. Reed representing Pennsylvania American Water Company to discuss the Bone tract EDU’s. Mr. Pompo stated that he discussed Mr. Reed’s request of obtaining some of the Township’s already allocated EDU’s with agreement that the Township will be reimbursed when the new plant is built out in 2009. Mr. Pompo’s concerns are what if in the future the Township decides that it needs additional EDU’s and they are not available. Mr. Reed stated that he is requesting the Board direct Mr. Pompo work with Pennsylvania Water Company legal staff to develop an agreement. Mr. MacCombie stated that his opinion is that by the Township agreeing to Mr. Reeds request will have no impact on the Township’s sewer system. Mr. Pompo stated that by going into agreement with Pennsylvania American Water Company will set a precedence for future developers without sewage and what if the plant does not expand? Ms. Silvernail asked Mr. MacCombie how many EDU’s are available? Mr. MacCombie replied –0- but if you calculate by the flow standpoint there would be no burden, and it is highly unlikely that the Township will reach the flows allocated. Mr. Reed stated that he is looking only at the current service area and that DEP will not approve additional service areas until the new plant is built out.

Mr. Hensel made a motion, seconded by Ms. Silvernail, not to provide the Bone tract with additional EDU’s. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the grading permit extension request of Robert Florian. Mr. MacCombie stated that he completed a field inspection and no silk fence was placed and improper fill was being placed over tree branches and stumps. Mr. MacCombie recommended not granting the extension request until he complies.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to give Mr. Florian 60 days to get the silk fence placed and debris off the lot per Mr. MacCombie’s recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the time period and costs to have Grafton Associates review the concept of growth management boundary lines. Ms. Silvernail stated that the approximate costs to complete this project is \$800.00-\$900.00 for review of the concept of growth management boundary lines. Mr. Doratt requested to have Mr. Grafton attend a pubic meeting to explain the growth management report.

Ms. Silvernail made a motion, seconded by Mr. Doratt, to proceed with having Grafton Associates prepare a growth management boundary lines to cost approximately \$800-

\$900 to include a presentation before the Board. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the purchase of a new backstop for the Bert Reel Park to cost \$3,830.00 with \$350.00 shipping costs to be paid by the Park Committee.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the purchase of a new backstop to cost \$3,830.00 with the park committee to pay \$350.00 for shipping. With there being no questions from the public, the Board voting “aye” the motion passed unanimously.

Mr. Dilabbio representing Keystone Ranger is requesting approval of placing a gazebo. Mr. Dilabbio stated that the gazebo is 12 x 12 and will take two parking spaces and does not jeopardize the parking area.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the placement of a gazebo at Keystone Ranger subject to having Mr. MacCombie present for the installation. With there being no questions from the public, Mr. Hensel voting “aye”, Mr. Doratt voting “aye”, Ms. Silvernail “abstained”, the motion passed.

Christy Flynn requested approval of the Highway Occupancy Permit Condition Statement. Ms. Flynn states that this document states that Arcadia has applied for a Highway Occupancy Permit. Mr. Pompo stated that the PenDot form is a standard form that requires financial security conditions.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the Highway Occupancy Permit Condition Statement. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board stated that they directed Mr. Pompo research the “no parking” for event parking ordinance. Mr. Pompo stated that he researched many Townships’ for the “no parking” “overflow” ordinance and could not find any and he stated that no other Township offered such an ordinance. Ms. Franco stated that the parking problems are out of control and suggested that the homeowners association be responsible for issuing “event parking” stickers. Mr. Pompo stated that once the Township would enact such an ordinance for “no parking” it cannot be reversed due to liability issues. Mr. Pompo recommended the Board not proceed with the ordinance. The Board agreed to stick with the current “no parking”.

### **New Business:**

Mr. Codi of 317 Old Mill Road requested that the Board approve a stream discharge for his failing sewer system. Mr. MacCombie stated that he did a field inspection of the site and in his opinion there is no other option but to have utilize a stream discharge. Mr. Pompo stated that PaDEP requires the Township to be a participating party, an agreement would need to be entered by the homeowners to include a schedule of maintenance, schedule monitoring, a development agreement, an escrow account to off the Township’s cost would need to be set up. Mr. Pompo suggested an escrow account in the amount of \$5,000.00. Mr. Codi questioned why an escrow account needs set up, Mr.

Pompo stated to cover Township costs, review fees etc. Mr. Codi stated why do the plans need reviewed when they were already designed by an engineer, the Board stated that regardless of an engineer design it still needs to be reviewed by Township consultants and the costs are not the taxpayers responsibility. Mr. Pompo also stated the reason for the escrow is the Township will be responsible if the system fails, and if Mr. Codi the homeowner fails to maintain the system. Mr. Codi stated that upon settlement of the home an escrow has been set up for the sewer in the amount of \$27,000.00. The Board asked how much will the system cost to install? Mr. Codi replied \$27,000.00. Mr. Codi asked what is the next step to begin the process? Mr. Pompo said setting up of the escrow account.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve Mr. Pompo begin the stream discharge agreement for 317 Old Mill Road, contingent Mr. Codi establish an escrow account in the amount of \$5,000.00 with the Township. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed complaints they have been receiving regarding Somewhere Saloon parking. The owners of the saloon were present and stated they realize that there are parking issues, and they seem to be on the weekends. The owners of the saloon told the Board that they have a meeting with AIM to discuss obtaining additional parking. The Board will allow Somewhere Saloon 90 days to come up with a solution to their parking issues.

The Board discussed adopting an ordinance to have all contractors working for the Township register for a license to work in the Township. Mr. MacCombie and Mr. Pompo stated this ordinance is a common requirement.

Mr. Hensel made a motion, seconded by Mr. Doratt, to have Mr. Pompo prepare and advertise an ordinance that would require all contractors working in the Township to register. 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 adjourn the Board of Supervisors meeting and open a public hearing for an ordinance amending the zoning classification of approximately 9 acres located between the eastbound and westbound branches of US Route 30 bypass.

Mr. Hensel made a motion, seconded by Mr. Doratt, to reconvene the regular Board of Supervisors meeting. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

After discussion, Mr. Doratt made a motion, seconded by Mr. Hensel, to adopt Ordinance 2006-05 pertaining to zoning re-classifications of 9 acres located between the eastbound and westbound lanes of Route 30 bypass. With Mr. Doratt voting “aye”, Ms. Silvernail voting “nay”, Mr. Hensel abstained the motion failed to carry.

**Public Comment:**

Connie Alfrez- When is the new township building going to be built? Ms. Alfrez stated that the Township doesn't need a larger building and should donate more money to the fire companies.

Susan Franco- Ask why can't the Township increase its Supervisors to a (5) member Board so that votes like this don't happen again.

John Lymberis- Granted the Board a 45-day extension for Cowan Estates, which would bring the clock, date to August 21, 2006.

Joseph Demarest- Gave Mr. Pompo documents for the upcoming Civil Court action against Mr. Carr.

Mr. Hensel made a motion, seconded by Ms. Silvernail to select option (2) of BFI to include recycling and regular trash contract for 5 years in the amount of \$1,074,219.00. With there being no questions from the public, the Board voted "aye", the motion passed unanimously.

Mr. Hensel made a motion, seconded by Mr. Doratt, to reject the low bidder being Eagle Disposal due to failure to submit the proper financial statements. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

John Lymberis- Asked what is option (2)? The Board answered curbside co-mingled recycling and regular trash.

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

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer





