

Board of Supervisors Regular Meeting held Tuesday June 6, 2006

The Board of Supervisors conducted a regular meeting held on Tuesday June 6, 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. Lowry was absent, Mr. MacCombie Township Engineer and members of the community.

Mr. Hensel announced the Board of Supervisors met in executive work-session on Friday May 26, 2006 to discuss the trash collection options.

Mr. Hensel announced the Board of Supervisors met in executive employee work session on Thursday June 1, 2006 at 11:00 a.m.

The 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 Mr. Doratt, to adopt the minutes of the previous meeting. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Township Police Report Chief Groce reported that for the month of May the police patrolled 5919 miles and handled 379 incidents, the primary categories are: 1 assault 1 criminal mischief 4 thefts 9 suspicious persons 113 stationary patrols 3-911 hang-ups 98 business/property checks 17 alarms 9 assists to other departments 4 animal 3 domestics 12 accidents 1 harassment 3 burglary and 3 disturbances. The Chief stated that 70 citations were issued for the month of May for 66 traffic, 12 criminal arrests and 1 juvenile. Chief Groce reported that officer John Sidoras will be attending a 2-day seminar on crime scene investigation. Chief Groce requested to replace the computer in the police department and upgrade the operating system at a cost of \$1,525.00.

Mr. Hensel made a motion, seconded by Mr. Doratt, to purchase a new police computer and upgrade the operating system at a cost not to exceed \$1,525.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Township Engineer Report Mr. MacCombie reported that Springview Manor is ready to tie into the sewer system at this time. Mr. MacCombie reported that he received a call from DCED that they are in the process of reviewing the Township’s flood plain regulations. All municipalities in Chester County are being asked to amend their flood plain regulations by the end of September, 2006 per FEMA requirements. Mr. MacCombie stated he has a letter for Mr. Pompo to review from FEMA. Mr. MacCombie reported that DCED will be sending a letter to the Township stating the changes they deem appropriate according to FEMA regulations. Mr. MacCombie stated he talked to the Manager of West Brandywine Township about their parking ordinance.

The manager of West Brandywine Township gave Mr. MacCombie a Township newsletter regarding parking. West Brandywine does not have a parking ordinance, they have a parking policy. The policy is that the homeowner appraises the Township if they are having an event that requires on street parking and the Township allows it to happen. Mr. MacCombie reported on the field inspection of Old Mill Road property belonging to Mr. Codi. Mr. MacCombie stated his options are very limited on what he can do because a well is located on the neighbors property where he would need an easement. Mr. MacCombie agreed that there is no other way but to put in a spring discharge system. Mr. MacCombie reported that the County park equipment grant deadline is August 4, 2006. The County will match 25% across the board with a maximum of \$100,000.00. The most that can be gotten from the grant is \$25,000. Mr. MacCombie will meet with the County to discuss the grant issue. Mr. Doratt asked to have Dennis O'Neil from Mr. MacCombie's office attend the next park committee meeting. Mr. MacCombie reported that Sadsbury Village did submit revised as built plans for dedication. He would not recommend to the Board to take over dedication at this time because of issues with the detention basin and planting of trees. Mr. MacCombie stated that he has prepared construction releases for the Boards review and approval for Ethermore in the amount of \$52,148.29 and Keystone Helicopter in the amount of \$8,248.97.

Mr. Doratt made a motion, seconded by Ms. Silvernail to approve the certificate of construction release to Ethermore Associates in the amount of \$52,148.29 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 certificate of construction release to Keystone Helicopter in the amount of \$8,248.97 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he is in possession of a road opening permit application to cut and bore the road for a residence on Reel Street to run a water line. The ordinance that the streets cannot be opened stands for 3 years. Mr. Doratt suggested that maybe they could bore underneath the road. Mr. MacCombie stated that they do have that option.

Mr. Hensel stated the speed limit at Old Mill Road and Route 30 is 55 mph. Starting at the Village and going Westbound the speed limit is 35 mph, to 45 mph, to 55 mph. Mr. Hensel reported that there have been many accidents at the intersection of Old Mill Road and Route 30 because of cars pulling out of Old Mill Road to Route 30. The question is could anything be done to lower the speed limit at this area. Mr. Doratt suggested the speed machine. Mr. MacCombie stated that when Penn Dot did a traffic study on the East end of Route 30, they raised the speed limit to 55 mph. Mr. MacCombie stated that is the average speed recorded is 55 mph or over, Penn Dot will recommend the speed stay at 55 mph. Mr. MacCombie stated that he needs all information of accidents in that area.

Township Solicitors Report Mr. Pompo reported that he received a letter from the Attorney for D&S Developers stated that they requested to be served by public sewer on

October 13, 2004, which is before the Township Sewer ordinance. Mr. Pompo will look into this before the June 13, 2006 meeting. Joseph and Gretchen Demarest asked Mr. Pompo about the Court Hearing for Mr. Carr. Mr. Pompo stated the hearing is in Parkesburg District Court and answered questions Mr. And Mrs. Demarest had about the case. John Lymberis stated that Penn Dot has granted a Highway Occupancy Permit for Cowan Estates. Penn Dot is requiring the Township sign a statement that once improvements are complete and the roadway is dedicated to the Township, that a 2-year maintenance period is required by Penn Dot for improvements in the right of way. Mr. MacCombie stated that the Townships requirements for maintenance is 6 months less than what Penn Dot requires. Mr. Lymberis stated that he would be responsible for the 6-month time difference. Mr. MacCombie stated that he would have no problem with Mr. Lymberis accepting the 6-month difference.

Mr. Hensel made a motion, seconded by Mr. Doratt to accept the difference of 6 months between Penn Dot's required 2 years maintenance and the Townships 11/2 year maintenance for improvements in right of way and any differences between Penn Dot requirements and the Township's requirements to be the responsibility of the applicant being John Lymberis for the Cowan Estates Highway Occupancy Permit. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Road Report Mr. Doratt reported that the roads are in good shape and potholes are under control. Roadside mowing was completed. Bill Baxter gave a two-week resignation notice on May 22, 2006. All fluids, belts and hoses were checked on Township equipment. The overgrown strip at the South end of Sadsbury Park was removed, graded and seeded. Rotten poles were removed from the North End of Bert Reel Park to open over-flow parking area. Thank you to B.J. Baxter, son of Bill Baxter and a senior at Cat Brandywine for making a frame for the poster at Bert Reel Park "Clean up after your pets". Township equipment miles are 612 and hours are 49.2.

Township Planning Commission Report no report given.

Pomeroy Fire Company Report Mr. Taylor reported that for the month of May, 10 alarms were answered for 1 brush, 1 auto accident, 3 automatic alarms, 1 building, 1 smoke investigation, 1 house, 1 field, 1 debris on roadway. Time in service was 6 hours 25 minutes.

Sadsburyville Fire Company Report Mr. Doratt reported that for the month of May, 12 alarms were answered for 2 auto accidents, 4 automatic alarms, 2 woods, fields, or trash, 1 pedestrian struck, 1 automatic alarm assist to 28, 1 brush assist to 44, 1 standby. Time in service was 5 hours.

Emergency Coordinator Update Mr. Taylor reported that some businesses in the Township refuse to have knox boxes installed in their buildings. He asked the Board if anything could be done about this. He also wanted to know if the Township has a knox box ordinance and if not could one be adopted? Mr. Taylor stated that fire hydrants

being opened by the contractors working at Grateful Dog are setting off the alarm at the EB Games building. Mr. Muto stated that the contractors are Doug Howe and Sons. Mr. Ted Reed from Pennsylvania American Water Company said he would also look into the matter. Mr. Taylor stated that the fire companies are requesting a work session with the Board of Supervisors to be held on June 19, 2006 at 7:30 at the Township Building. This will be an advertised work session.

C-2 Task Force Meeting Update Ms. Silvernail reported that at the May 3, 2006 meeting, the task force discussed the residential element, big box stores, movie theatres, office buildings, outdoor dining, structural parking, motel and banquet facilities, educational uses, public elements and public safety mitigation. Karen Brown presented photos of different Building types to address building heights for minimizing impact of large buildings. The next C-2 Task Force meeting will be held on June 7, 2006 at 6:00 p.m.

Park Committee Report Mr. Doratt stated that the Park Committee is looking for volunteers to come out and work the refreshment stand for baseball games. Mr. Doratt reported that August 26, 2006 is Sadsbury Township Community Day. Mr. Doratt stated that the park meetings are the 3rd Thursday of the month and weather permitting are held at Bert Reel Park and if the weather does not permit, they are held at the Township Building.

Mr. Hensel made a motion, seconded by Mr. Doratt to pay the May invoices in the amount of \$56,851.17. 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 May payroll in the amount of \$39,628.23. 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 May sanitary sewer invoices in the amount of \$50,875.29. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Tabled Business

Christy Flynn representing Arcadia asked to have Condition 11 deleted from the final plan approval for Sadsbury Park Phases 2 and 3. She states that the requirement for the letter of map revision from FEMA be achieved before plans are received will be difficult because FEMA is backed up at the moment with Hurricane Katrina. She stated that it will still be pursued as a service for the future homeowners. She states that Arcadia has prepared a flood study, which was reviewed and acknowledged by the Township Engineer that the FEMA map was incorrect. Ms Flynn states that this study satisfies Township Ordinances. It is basically a formality that prevents future homeowners from having to purchase flood insurance. Mr. MacCombie stated that he has no problem with this study. Mr. MacCombie stated that there is no obligation of the Township to change

the FEMA flood plain. Mr. MacCombie stated that the Township ordinances dictate what can and cannot be done in a flood plain. Mr. MacCombie states that he is satisfied that the study Arcadia has done is accurate that the areas they are proposing storm runs don't violate the provisions of the flood plain. Mr. Duckworth stated that this study was done to protect the homeowners who were incorrectly located in the flood plain from having to purchase flood insurance. Ms. Flynn reported that the second issue has to do with NPDES permits. Ms Flynn stated that they need to record the plans for Phase 1. Arcadia wants to separate NPDES permit from recording of the plans by recording the plans without the permit. Mr. MacCombie stated that he is not happy with this plan. Mr. Pompo stated he is uncomfortable with recording plans without the proper permits and it is very unusual to do this and he cannot recall where this has happened before. Ms Flynn stated that Phase 1 already has NPDES permit, but the way the Phases are tied together, to get started the plans have to be recorded. Ms. Silvernail stated that she did not want to set a precedent of people getting plans approved before permits are granted. Ms. Silvernail stated that the clock date expires today. Ms. Flynn stated that she would like the Board to approve Phase 2 and 3 with condition 11 removed.

Mr. Hensel made a motion, seconded by Mr. Doratt to approve final plan approval for Arcadia for Sadsbury Park Phases 2 and 3 with version 2 of Mr. Pompos conditions with 10 conditions and condition 11 removed. Ms Silvernail said no to the second and wanted the motion contingent on Mr. MacCombie's review letter dated April 27, 2006. With Ms Silvernail not casting a vote, the motion passed.

The Township has received several applications for seats on the Planning Commission. Mr. Hensel suggested that all the applicants be invited to the Planning Commission meeting on June 13, 2006 and let the Planning Commission make recommendations to the Board of Supervisors. Ms. Silvernail will call all the applicants.

Mr. Hensel made a motion, seconded by Mr. Doratt to adopt Resolution 2006-04 pertaining to an addition to the Agricultural Security Area being 10.158 acres belonging to City Gate Mission. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

New Business

Mr. Ted Reed from Pennsylvania American Water Company addressed the Board concerning the Bone tract EDU allocation. Mr. Reed stated that Valley View is requesting a change from 40 EDU to 20 EDU. Mr. Reed is requesting that Sadsbury Township loan Valley View 20 EDU's and Pennsylvania American will reimburse the Township these 20 EDU's between December 2008 and January 2009. The allocation of these 20 EDU's will stay in Sadsbury Township and not go into Valley Township. The Township would collect on the tap in fees and quarterly usage fees as usual. Mr. Reed stated that the guarantee for the reimbursement of the 20 EDU's is that DEP mandated Pennsylvania American Water Company to build a bigger plant. Mr. Reed stated that it could be negotiated that the rate for the EDU's would remain the same as they are now.

Mr. Reed stated that this agreement would be an addendum so it does not have to go before the Public Utilities Commission for approval. Mr. Doratt suggested that any action on this be tabled until the next Board of Supervisors meeting scheduled on June 20, 2006, so the Board can discuss this issue with Mr. MacCombie and Mr. Pompo.

Mr. Hensel made a motion, seconded by Mr. Doratt to hire David Simmons as a full time road crewman, waiving the 90-day probation period at the hourly rate of \$17.24. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel stated that patrolman Scott viola has attended and completed EMT re-certification training on May 18th, 19th and 20th 2006.

Mr. Hensel made a motion, seconded by Mr. Doratt to purchase a new window air conditioner unit for the meeting room. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Public Comment:

Mr. Pompo- stated there is a work session scheduled for Wednesday, June 07, 2006 at 9:00 a.m. for proposed waste hauling contract.

Mr. MacCombie – MS4 Report due next week

Mr. Hensel – stated he received a letter of resignation from Mr. Tom Lowry that June 16, 2006 would be his last day at the Township.

Terry Muto – stated that lot owners at Bellaire Business Center are concerned that people cannot find their businesses. Would like to have ordinance in signs changed so businesses could be displayed on a bigger sign in front of the Business Center. Mr. Hensel advised Mr. Muto to send a proposal and the Board will address it.

John Lymberis – stated he is handing Mr. MacCombie approved planning module for Lafayette Square.

Allen Eagles – asked if the Board will agree with West Brandywine parking policy. Mr. Doratt said they would look at the policy. Asked to have the old information about the Town Watch taken off the Township web sight. Ms. Silvernail asked that Town Watch signs be taken down from Green Belt Drive Bridge, Quarry Rd and Green Belt, and Old Wilmington and Greenbelt.

Christy Flynn – Thanked the Board of Supervisors

Jason Duckworth – Thanked the Board of Supervisors

Gloria Gellman – stated that she is the president of the Sadsbury Village Homeowners Association. She states the homeowners are doing all they can to attack the parking situation. She states the residents are trying to abide by the no parking regulation and are trying to stay in their own driveways. Ms. Gellman also stated that they want to change the location of the playground. Ms. Silvernail instructed her to call before June 30, 2006 to be put on the Planning Commission agenda for July 11, 2006 concerning this matter.

Tammy Pawling – stated she thought the Township was out of EDU's. Mr. MacCombie stated that Springview Manor and Meeting House Lane are not counted by Mr. Reed, but they are spoken for. Ms. Pawling also stated that don't forget that John Newton wanted EDU's and was denied. She also stated that she has not seen any huge signs on any Corporate Center and a large sign at Bellaire would look tacky.

Libby Jaworski – asked if structures could be built on open space. Mr. MacCombie stated no.

Earl Taylor – thanked the Sadsbury Village residents for putting forth an effort to try to keep the streets clear for emergency vehicles.

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

Respectfully Submitted,

Linda Shank
Assistant Secretary

