

Board of Supervisors Regular Meeting held Wednesday May 17, 2006

The Board of Supervisors conducted a regular meeting held on Wednesday May 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. MacCombie Township Engineer and members of the community.

The moment of silence and pledge of allegiance were observed.

Mr. Hensel announced that the Board of Supervisors met in executive session on Tuesday May 9, 2006 at 9:00 a.m. to discuss personnel matters.

Township Police report. Chief Groce requested the re-hire of Kevin Simmons as a part time patrolman at the rate of \$15.42 per hour.

Mr. Hensel made a motion, seconded by Mr. Doratt, to re-hire Kevin Simmons as a part time patrolman at the rate of \$15.42 per hour. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Chief Groce requested that payment be made for the reflective lettering for the radar trailer to cost \$318.00 and the payment of \$570.00 for professional computer services and software installation.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve payment of \$318.00 for the reflective lettering of the radar wagon along with approval of \$570.00 for professional computer services and software. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Chief Groce requested that the Board approve the detailing of the police vehicles to cost \$55.00 per car, which includes the entire outside of the vehicle and inside fabric cleaning. Mr. Hensel questioned why would the police vehicles need detailed are they being sold? Mr. Doratt added that the inside of the cars need cleaned.

Mr. Doratt made a motion, seconded by Ms. Silvernail; to approve of the (3) police vehicles get detailed one time to cost \$55.00 each. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Engineer report. Mr. MacCombie reported that he has a document dated March 29, 2006 from Traffic Planning and Design, Inc. regarding the Cowan Estates property. Mr. MacCombie stated that this document is requesting the Township Chairman sign the agreement stating that the Township intends on taking the roads of Cowan Estates once the project has been completed. The Board requested that Mr. Pompo review the agreement before any action will be taken.

Township Solicitor report. Mr. Pompo reported that he is in receipt of a letter from Hudson Lawrence Voltz, P.C. regarding the dangerous conditions of a tree located on 61

Quaker Road. Mr. Pompo stated that after investigation the tree is not located in the right of way of the Township and that the sections of the tree that do overhang the right of way are not a danger. Mr. Pompo stated that the Township would take no action with regards to the tree as it is not the Township's responsibility. Mr. Pompo will respond to Hudson Lawrence Voltz, P.C. as well as the homeowners where the tree resides with a letter. Mr. Pompo stated that he has filed a civil action against Mr. Carr regarding the property at Old Mill Road. Mr. Pompo stated that he has sent 5 consultants a letter of request for proposals to update the Township's Park and Recreation Plan Open Space Plan, Mr. Pompo added that this was done in order to support the park fee in lieu of Ordinance. Mr. Pompo stated he should have proposals within 30 days.

New Business:

Tyler Codi stated that he is the homeowner of 317 Old Mill Road that has a failing sanitary sewer system. Mr. Codi stated that he has approached his neighbors requesting an easement to run a sanitary sewer system on their property, and the neighbor beside him is in the same situation as him and across the street would need a pump and the liability for one property owner to allow a neighbor run sanitary sewer to their property just isn't feasible. Mr. Codi stated that the house was built in the 1800's and he purchased the home a year ago. Ms. Silvernail stated that you must have known the sewer was failing, Mr. Codi replied that yes the system was rejected and a new system was designed and escrow money had been placed to take care of the new system and he was under the assumption that this was the only way the sewer would work on this piece of property. Mr. Codi stated that the escrow was placed with the intent of a stream discharge sewer. Mr. Pompo stated that this would be the last alternative for the Board of Supervisors and is the stream discharge the only solution? Mr. Codi stated yes. Mr. Pompo stated to the Board that if a stream discharge is the only answer the State requires the Township over see the site and an agreement between Mr. Codi, DEP and the Township would need to be placed to insure the maintenance is being taken care of. Mr. MacCombie stated that he is in receipt of a sanitary sewer-planning module for stated property. Mr. MacCombie stated that a review letter was issued with no response to the questions. Mr. MacCombie stated that he has not visited that site. Mr. Codi added that a house could not be built on this site now. Mr. Pompo asked Mr. Codi if a drip system had been investigated and Mr. Codi replied that the stream discharge is the only answer. The Board requested that Mr. Codi provide documents from his engineer providing all options of findings be provided to the Board. The Board requested Mr. MacCombie visit the site and report back to them.

MZ Builders requested to be placed on the meeting agenda to discuss their property on 19 Spruce Street. They were a no show.

Jason Duckworth representing Arcadia Land presented the Board with a request of final plan approval of Sadsbury Park Phases 2 & 3. Mr. Duckworth stated that the Homeowners Association documents were sent to Mr. Pompo for review; Mr. Pompo stated that he received these documents on Monday May 15, 2006 in the afternoon. Mr. Kaplan stated that this is not a condition for approval and that Mr. Pompo could review

the documents before the plans are recorded. Mr. Pompo stated that the said declaration are designed to cover phase I and extends to phase II and III. Mr. Hensel stated how could you use the same document for each phase when they are each different? Mr. Kaplan stated that for each phase different rules apply. Mr. Pompo stated that he has not reviewed the documents yet. Mr. Pompo stated that the clock date deadline is June 6, 2006 and that is already a scheduled Board of Supervisors meeting. Mr. Kaplan asked where is the requirement stated before final approval. Mr. Pompo stated the Conditional Use Decision and Order. Mr. Hensel asked about the bridge issue that was mentioned in the Conditional Use? Mr. Duckworth stated that money would be escrowed for the bridge in the future. Ms. Silvernail inquired about the steep slopes and the bridge? Mr. Duckworth stated there are no steep slopes. Mr. MacCombie states he has no problem with the bridge and the escrow money. Mr. Hensel discussed the lot line change. Mr. Kaplan stated that originally the town's homes were 24'; Ryan homes said smaller units, with 2,000 square feet per town home. Mr. Kaplan added that a condo association will be established and the change complies with the zoning. The Board authorized Mr. Pompo and Mr. MacCombie review the agreements and produce conditions.

The Board discussed whether to advertise an Ordinance pertaining to decreasing the membership of the Township Planning Commission from 7 to 5. Ms. Silvernail suggested posting the positions on the web page to see if any residents are interested before authorizing advertisement. The Board agreed and will discuss the findings at the next Board meeting to be held in two weeks.

Mr. Gary Moskovitz representing the Johnson's and Hostettler's request the advertisement of an Ordinance, which would amend the Township Zoning map, and classification of certain tax parcels. Ms. Silvernail asked whose property would be affected by the amendment? Mr. Moskovitz replied the Bedrick property, Harlan property, Johnson property, and Hostettler property. Ms. Silvernail asked who will pay for the advertisement and zoning map change and Ordinance? Mr. Moskovitz replied that he would do whatever the Board wishes. Mr. Moskovitz stated that the homeowners have done what the Board requested by going before the Planning Commission with the zoning change request and that the Planning Commission motioned to approve the request. Mr. Moskovitz stated that this land is unique and unlike any other in the Township. Mr. Pompo stated that a draft Ordinance must go before the Chester County Planning Commission along with a certified letter to all effected property owners, property must be posted. Mr. Moskovitz stated that the applicant would pay all costs associated with this change. The Board agreed to advertise the Ordinance to conduct a hearing to be held on July 5, 2006.

Larry Constable presented the Board with a sketch plan of a 6-lot subdivision of his property located at 52 Limestone Road. Mr. Constable stated that by submitting the sketch plan will give him the guide lines he needs for the first step. The Board reviewed the plan and suggested Mr. Constable submit a check for \$500.00 to establish an escrow account to cover any review fees and submit a plan to the Township engineer. A copy of the plan would be forwarded to the Chester County Planning Commission accompanied by a 247 form.

The Board discussed Resolution 2006-04 pertaining to an addition to the Agricultural Security Area being 10.158 acres belonging to City Gate Mission. Mr. Pompo stated that adopting this Resolution would allow Ag operations and would make the property exempt from nuisance complaints. Mr. Pompo stated that the Resolution should be advertised and property posted and an agricultural committee will conduct a hearing. Mr. Hensel stated that the Township has no Ag committee. Ms. Myers stated that Chester County Agricultural told her she did not need a committee, or hearing but to hold the application for 180 days and present it to the Board for adoption. Mr. Pompo stated that he will research and report back. No action was taken.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay Doug McGuigan on a claim in the amount of \$2,217.01 pertaining to the owed overtime. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board scheduled a public work session to discuss the trash bid results to be held on Friday May 26, 2006 at 9:00 a.m. This meeting is open to the public for discussions only.

Public Comment:

Stephanie Silvernail asked Mr. MacCombie if he would be available for a public work session to discuss the Act 537 plan. Mr. MacCombie replied yes and he will provide some dates to her.

Doug Doratt motioned to accept the resignation from Tom Lowry and start the process of getting him replaced. Mr. Hensel stated that Mr. Lowry is willing to work past June 1, 2006. No comments from Ms. Silvernail. The motion carried no second.

Julie Kirkpatrick of Lake Roeder Hillard & Associates representing John Newton and the Hershey Property. Ms. Kirkpatrick stated that these plans are a simple one-lot subdivision adds on to the Hershey Motor Company making a total of 13.72 acres leaving 63 acres remaining. Ms. Kirkpatrick stated that they received approval from the Township Planning Commission. Ms. Kirkpatrick requested a waiver from Section 109-16D (3) from providing a storm water management plan and Section 109-16D (9) from providing a conservation plan, Section 109-16D (16) from providing a water survey, Section 109-11B (6) relief from providing financial security since no improvements are proposed, Section 1304-A from providing screening and landscaping.

Mr. Hensel made a motion, seconded by Mr. Doratt, to grant the following waivers for the Hershey Property Subdivision: Section 109-16D (3) from providing a storm water management plan and Section 109-16D (9) from providing a conservation plan, Section 109-16D (16) from providing a water survey, Section 109-11B (6) relief from providing financial security since no improvements are proposed, Section 1304-A from providing screening and landscaping. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Kirkpatrick requested the final approval of the Hershey Property Subdivision. The Board requested that Mr. Newton place the monuments on the property before the plan is recorded. Mr. Newton agreed.

Mr. Hensel made a motion, seconded by Mr. Doratt, to give final subdivision approval of the Hershey Property contingent Mr. Newton place the monuments before having the plan recorded. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

John Lymberis asked questions regarding inspections, he added that reducing the Planning Commission members may create a problem with quorum.

Mike Medrick resident of Quarry Ridge made a comment regarding parking. He states he wants to have a party and have approximately 100 people with no place for them to park. Mr. Medrick stated that he is a former resident of West Brandywine Township and they also had issues with parking but did allow special event parking. Mr. MacCombie stated that he deals a lot with West Brandywine Township and will get a copy of the Ordinance that backs Mr. Madricks statement.

Alan Eagles asked if there is any way to get ahold of the Township Police Department on the non emergency number. He stated that nobody ever answers that phone when they call.

Susan Franco stated that if the Ordinance on parking that Mr. MacCombie is getting from West Brandywine works out for event parking that she will volunteer her time and assume full responsibility with taking the calls for event parking and will provide a report to the Police Department.

Greg Porter introduced himself as a new resident of Octorara Road.

George Dalmas requested to meet with John Lymberis and Vince Pompo after the adjournment of the Board meeting.

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

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer