

Board of Supervisors Regular Meeting Tuesday October 17, 2006

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

The moment of silence and pledge of allegiance were observed.

Township Police report. Chief Groce requested to purchase the following items for the 2007 Ford Police vehicle. 1 pair binoculars for \$200.00, 1 EMS medical bag to cost \$139.00, 1 tint meter to cost \$75.00, 2 police vests to cost \$70.00, 1 measure master to cost \$60.00, 1 portable breath tester to cost \$535.00 these items cost \$1,079.00 for the Boards approval. Chief Groce stated that Officer Imhoff would attend a class regarding electronic evidence collection. The class will be held at West Chester University on Wednesday November 8, 2006. Chief Groce stated that the class is being held at no costs to the Township or attendees.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the request to purchase 1 pair of binoculars at \$200.00, 1 EMS medical bag to cost \$139.00, 1 tint meter to cost \$75.00, 2 police vests to cost \$70.00, 1 measure master to cost \$60.00 and 1 portable breath tester to cost \$535.00 with a total cost to be \$1,079.00. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

Township Engineer report. Mr. MacCombie stated that he was asked to give the status of the grant for Bert Reel Park. Mr. MacCombie stated that he would check with Dennis O'Neil and report back to the Board. Mr. Doratt stated that he has been in contact with Pat O'Donnell one of the County Commissioners and he stated that the grant has not been awarded yet. Mr. MacCombie stated that he has completed a review of the Sadsbury Village Playground and basketball court within the open space behind units 1-6 on Greenhill Road. Mr. MacCombie recommended that the Board consider implementing the provisions of Section 7 of the grading Ordinance and require the contractor to provide escrow funds to protect against damage to any public improvements since the Township has recently accepted dedication of the roads within Sadsbury Village. Ms. Silvernail states that an escrow is appropriate. Mr. MacCombie recommends approximately \$10,000.00. Mr. Pompo stated that this provision could be made part of the approval process at the next regular night board meeting.

Township Solicitor report. Mr. Pompo reported that sewer rental fees for non-connected properties to the sewer system have been mailed. Mr. Pompo stated that the letter states that if you are not connected that the Township can collect sewer service rentals. Mr. Pompo stated that he received a few hardship cases of residents requesting to be placed on the sanitary sewer lien agreement. Mr. Pompo stated that he based the few cases he looked at against the poverty level, which also looks at the number of family members in the household. Mr. Pompo stated that the majority of the residents have

hooked into the public sewer system, which makes it unfair to them for those who have not complied. The Secretary is seeking direction on what to do, Mr. Pompo's letter said that the billing is to begin the third quarter and residents are calling the office stating that they need more time and cannot afford to tie in. Mr. Pompo answered with everyone else has followed the rules. Mr. MacCombie stated that years ago himself and Mr. Heineman attended a meeting at the Chester County Housing Authority years ago and there was a program that residents could take advantage of if they would give grant money to tie your sanitary sewer in, place a 5 year lien on the property, if you sold the property before the end of 5 years you had to pay the money back to them, if you kept the property after the 5 year period the lien would be removed. The Board agreed to enforce the sanitary sewer billing even if you are not tied into the sewer. Mr. Pompo reported that he is in receipt of the Quarry Ridge Community Association school bus stop benches agreement. Mr. Pompo stated that he did not see Susan Franco in the audience today, but he stated the he has made some minor changes to the agreement. Mr. Pompo asked Mr. MacCombie if he did an inspection on the location of the benches and if so are they where they belong. Mr. MacCombie stated that he did check the location of the benches and it will be within the Township right of way. Ms. Silvernail stated that the agreement should also state that if the benches were moved from the area a new agreement would need to be drawn up. Mr. Pompo stated that in reviewing the insurance the benches are falling into the common element. Mr. Pompo asked Mr. MacCombie if the benches are in the common element? Mr. MacCombie stated they are located ½ way in the Township's right of way. Mr. Pompo will request a rider to the insurance policy. No action was taken on the agreement at this time.

Township Zoning report. Mr. Bob Fitch reported that he is waiting for the receipt of a plans to be submitted for the following jobs: Harry's Bar, Grateful Dog, Township Complex, 32 Wick Drive, 205 Julie Drive, 143 Stewart Huston Road, Harlan and Johnson Property. Mr. Fitch reported Zoning issues are as follows: 3211 Lincoln Highway the operation of a corn maze a letter has been sent, 611 Bedrock Road for weeds and grass a letter has been sent, 10 Western Avenue a fence company has applied for a Variance.

New business:

Mr. Jeff Hammond representing Aerzen presented the Board with discussion regarding preparing the application for a building permit and stated that he does not want to build out the parking area at the time of construction. Mr. MacCombie stated that Cumberland had the same issues with not wanting to construct their entire parking area and an agreement was made with the Board for the company to post bond for the future parking area. Mr. MacCombie stated that the bond was based on the cost of improvements. The Board stated that precedence has been set and it wouldn't be fair to change if you did the procedures for one that way why would you give another development something different. Mr. Hammond stated that he has the final plans to be signed by the Board for Aerzen, but no Land Development Agreements or Financial Security Agreements have been prepared therefore Mr. Hammond is not prepared to move forward. Mr. Pompo stated to Mr. Hammond that the agreements must be on his desk the Thursday before the

Tuesday's Board meeting in order for him to review and make any recommendations to the Board.

Mr. Bruce Shapiro representing Sadsbury Park LLC. Is requesting approval of the final land development agreement and the financial security agreement for phase II. Mr. Pompo stated that he is in receipt of a letter of credit from Wachovia Bank in the amount of \$4,603,846.59. Mr. Pompo stated to the Board that he has reviewed the agreements and they are in order for approving if they so desire.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the Final Land Development Agreement and the Financial Security Agreements for Sadsbury Park LLC phase II. With there being no questions from the public, Mr. Hensel voting "aye", Mr. Doratt voting "aye", Ms. Silvernail voting "nay" the motion passed.

Mr. Pompo told the Board that he is still holding Sadsbury Park phase I plans because the letter of credit has not been received. Mr. Pompo states that nothing can happen to the land until the security has been posted with the Township. Mr. Duckworth stated that it is unknown why the Township has not yet received the letter of credit for this phase. Mr. Duckworth states that this hold up will not affect the new Township building moving forward and new drawings will be submitted to the Township before the next Board meeting for the Township complex. Mr. Pompo asked if he could have that statement in writing from Mr. Duckworth's legal counsel that the work will get completed in compliance to the conditional use decision and order.

The Board discussed the permit procedure for grading permit reviews. Currently Mr. MacCombie does the review of the grading plans and reports to the Board with a review letter. The current grading Ordinance states that only the zoning official can sign off on the grading permit applications. The Township Secretary states that is a problem, Jamie is doing the review the plans are coming back to the office unsigned meaning they are unapproved, she doesn't want to give the plans to the current Zoning Officials for signature because there will be another review fee involved. The Board agreed that Mr. MacCombie should have the authority to sign off on all grading plans that he reviews. The Board agreed to amend the grading Ordinance to allow for Mr. MacCombie sign off on grading permits. Mr. Pompo will advertise the amendment.

The Board discussed an Ordinance pertaining to amending Chapter 101 Article III sewer rents from quarterly to monthly invoicing. Mr. Pompo stated that this Ordinance was advertised in the Daily Local News as required. Mr. Pompo stated that the Ordinance needs amended due to the current agreement between Pennsylvania American Water Company and Sadsbury Township.

Mr. Hensel made a motion seconded by Mr. Doratt, to adopt Ordinance 2006-08 pertaining to Chapter 101 Article III sewer rents from quarterly to monthly invoicing. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Public Comment:

Alan Eagles stated that he arrived to the Board meeting late and wondered about the Quarry Ridge Park Bench Agreement. Mr. Pompo stated some changes will need to be made and the Secretary will make a copy of the rough draft for Mr. Eagles.

John Lymberis stated that he is granting the Township a 60-day extension for Cowan Estates Development.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer