

## **Board of Supervisors Regular Meeting held Tuesday October 3, 2006**

The Board of Supervisors conducted a regular meeting held on Tuesday October 3, 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, Mr. Fitch Township Zoning Officer/Building Inspector and members of the community.

Mr. Hensel announced that the Board met in executive session on Thursday September 21, 2006 at 9:00 a.m. to complete a road inspection of Township roads.

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 Mr. Doratt, 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 5,374 miles were patrolled and 344 incidents were handled for: 1 criminal mischief, 1 theft, 12 suspicious persons, 94 stationary patrols, 5 911 hang ups, 39 property checks, 21 alarms, 21 assists to other departments, 5 animal, 10 domestic, 16 accident, 1 harassment, 4 disturbances. 82 citations were issued for the month. 13 criminal arrests were made for: 1 DUI, 2 drug related, 2 public drunkenness, 2 DC, 4 warrant, 1 burglary. The Chief stated 1 truck inspection was performed. The Chief reported that "no parking" warnings have been given to those that live in Sadsbury Village within the past few weeks and the warnings are down from approximately 40 to 12. The Chief reported that 171 alarm letters have been sent out and approximately 30 have resulted in the property owners being cited under the false alarm Ordinance.

**Township Engineer report.** Mr. MacCombie reported that a field meeting was held on September 29, 2006 regarding the Sadsbury Village Enhancement Project. Mr. MacCombie would like to schedule a meeting with the effected residents to review and discuss the project. The Board agreed to schedule November 15, 2006 at 7:00 p.m. to conduct a public meeting regarding the Sadsbury Village Enhancement Project. Letters are to be sent to the effected property owners. Mr. MacCombie stated that he has prepared the following construction escrow releases for the Boards approval: Sadsbury Village release of \$13,110.20, Total System release of \$8,569.50, and Meeting House Properties release of \$6,706.84.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release to Sadsbury Village in the amount of \$13,110.20 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 to Total Systems in the amount of \$8,569.50 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 to Meeting House Properties in the amount of \$6,706.84. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board asked Mr. MacCombie if he has heard anything with regards to the Old Mill Road stream discharge request that the Board received several months ago. Mr. MacCombie replied that it is his understanding that no escrow money has been submitted by the homeowner as he was requested to do in order to proceed. The Board stated that the sewer system is in failure and is probably discharging in to the stream. Mr. MacCombie reminded the Board that the homeowner did not want to pay any additional costs other than what he received in escrow from the settlement of the purchase of the home. Ms. Silvernail stated that this would be a health department issue. Mr. Pompo stated that there is no evidence that the property owner is polluting the stream.

**Township Solicitor report.** Mr. Pompo reported that he is in receipt of a letter from Donald Hedges an attorney representing the property owner of the lot within Spring View Manor. Mr. Pompo stated that he property owner gave permission for the Township’s sanitary sewer contractor to use the lots for storage. Mr. Pompo is requesting a time frame of when the project will be completed so that he can inform the property owner’s attorney. Mr. MacCombie stated the time frame of the sanitary sewer completion is 3-4 months at the most. Mr. Pompo stated that the Township has agreed to restore the property back to the condition in which it was in prior to the project. Mr. Pompo discussed an amendment to the sanitary sewer ordinance that currently reflects a quarterly billing, however with the PAWC contract billing would be done on a monthly basis, therefore the Ordinance needs to be amended and authorization to advertise.

Mr. Hensel made a motion, seconded by Mr. Doratt, to authorize the advertisement of an Ordinance that amends the sanitary sewer billings from quarterly to monthly. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Gloria Gehman a resident of Sadsbury Village complained about PAWC water usage billings and that she has been over billed since she has moved into Sadsbury Village. The Board suggested that she write a complaint letter to the PUC.

Susan Franco asked if the rate would increase now that PAWC will be doing the billing? The Board stated the sewer usage rates would remain the same.

Alan Eagles asked if he would receive a sewer bill now when he gets his water bill? The Board answered yes.

**Township Road report.** Mr. Doratt reported that all Township roads are in good shape, roadside mowing has been completed along Old Mill Road and the roadsides are safer with the grading done. All Township equipment is checked daily for belts, fluids and hoses. Mr. Hensel is spending hours of his own time repairing the roadside mower and Mr. Doratt repaired the Dodge pick up truck shifter on his own time. The International truck is inspected and ready for winter. Total equipment miles are 771 and hours are 37. General maintenance was performed on all Township parks.

**Planning Commission report.**

**Township Zoning report.** Mr. Fitch stated that he wants to conduct a contractor interested meeting with refreshments to be held on October 24, 2006. Mr. Fitch stated that the meeting would be a get to know you informational meeting. Mr. Doratt said he thought it was a great idea and would help the residents. Mr. Fitch asked at what location should he have the meeting? Mr. Pompo stated that they could use the Township building or contact the fire company. Mr. Pompo added you can advertise the meeting but not as a Board meeting. Mr. Doratt volunteered to contact Dave Reynolds. Mr. Fitch reported that Gardener Electric went out of business and they were currently working at 32 Wick Drive, 2 Smith farm Drive, the Nathan Trotter Building. Mr. Fitch stated he would proceed with the final inspections. Mr. Pompo stated that the Township couldn't pay any additional fees with regards to electrical inspections. Mr. Fitch stated that a certified letter has been sent to the owners of the corn maze, which happened to be the wrong address and ask the Township for assistance with this matter. Mr. Fitch reported that a certified letter also went out to 613 Bedrock Road for violation of weeds. Mr. Fitch stated that 19 Spruce street a new single-family dwelling received a U & O on September 8, 2006 and 63 Octorara Road received a U & O on September 19, 2006.

**Pomeroy Fire Company report.** Mr. Taylor reported that a total of 7 alarms were answered for the month of September. The alarms were for: 1 ambulance assist, 1 auto accident, 2 automatic alarm, 1 electrical fire, 2 trees and wires. Total time in service was 1 hour 7 minutes.

**Sadsburyville Fire Company report.** Mr. Doratt reported that a total number of alarms answered for the month of August was 20. The Alarms were for 2 auto accidents, 1 building, 1 ambulance assists, 2 CO2 detector, 8 automatic alarm, 2 fields, 1 public service, 1 trees and wires, 1 pedestrian struck total hours in service 6 hours and 23 minutes. Mr. Doratt reported that a total number of alarms answered for the month of September was 13. The alarms were for 6 auto accidents, 2 automatic alarm, 1 tree and wires, 2 assists to 44 for 2 auto accidents, 2 standbys assist to 34. Total time in service was 6 hours 48 minutes.

### **Payment of Bills:**

Mr. Hensel made a motion, seconded by Mr. Doratt, to pay the September invoices in the amount of \$48,133.44. 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 September payroll in the amount of \$35,522.88. 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 sanitary sewer invoices in the amount of \$20,433.54. 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 September invoice to N. Abbonizio in the amount of \$79,517.10. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

### **Tabled Business:**

Some Sadsbury Village homeowners requested that any future discussions or presentations or votes regarding the Sadsbury Village playground take place at a regular scheduled evening Board of Supervisors meeting. Gloria Gehman president of the homeowners association stated that she is still waiting for the plans so that she can submit them to Mr. MacCombie, so whatever time of the month Mr. MacCombie does the review will decide when it gets on the agenda. Ms. Gehman stated that she is not trying have decisions made in the morning meeting on purpose. Mr. Steiner resident of Sadsbury Village stated that the homeowners association does things undercover and does not inform the entire development of when meetings occur. Mr. Pompo stated that he has not reviewed the homeowner documents, but did forward a letter of recommendation to move the playground not based on the review of any homeowner documents. The Board agreed to keep any decision making on the moving of the playground in Sadsbury Village to a Board of Supervisors evening meeting.

The Board discussed the letter received from Pennsylvania American Water Company requesting permission to connect a property to the sanitary sewer located at 110 North Sandy Hill Road. Mr. Pompo stated that if the Board chooses to grant this request an amendment to the existing agreement with PAWC would need done. Mr. MacCombie stated that Steve Gibbs representing PAWC stated that if the Board allows the connection they would not allow anyone else to connect without Sadsbury Boards approval. Ms. Silvernail said that sets a president, then where does it stop? If you say yes to one how can you deny another? Mr. Pompo stated that the agreement is limited to (2) developments located in West Caln.

Mr. Hensel made a motion, seconded by Mr. Doratt, not to grant Pennsylvania Americans request to connect a property to sanitary sewer located at 110 North Sandy Hill Road.

With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the request from Christopher Franz for Mr. MacCombie to write a letter regarding the future sewer of D & S Developers. A suggestion was made to D & S to provide a secondary on site sewage area and therefore it would make the Chester County Health Department moot. Mr. Franz states in his September 27, 2006 letter that a secondary sewage area cannot be located without losing one of the buildings. Mr. MacCombie stated that currently no plan shows that sewer is extended to the D & S property, it currently is showing the sewer at a point where it would be too far for D & S to connect or the Township make them connect. Mr. MacCombie stated that there are no future plans for sewer.

Mr. Hensel made a motion, seconded by Mr. Doratt, to grant preliminary land development approval contingent upon D & S comply with Section 109-15c(2) to provide all on site sewage disposal to the Chester County Health Department and that PAWC has sufficient water capacity to serve this proposal pursuant to Section 109-15C(5) and that the Township Fire Marshal provide comments at this stage to ensure that the proposed design allows for adequate access for emergency equipment. With there being a question from John Lymberis being answered by Mr. Pompo. With the Board voting “aye”, the motion passed unanimously.

The Board discussed the status of the agreement between Quarry Ridge Homeowners Association and Sadsbury Township regarding the park benches that have been placed. Susan Franco stated she has provided the Board a copy of the insurance and will get the agreement to the Township Secretary. Mr. Fitch stated did the Quarry Ridge Homeowners Association get a use and occupancy permit to place the benches? Susan Franco stated no but she would comply with whatever permits are needed.

After discussion Mr. Hensel made a motion, seconded by Mr. Doratt, to waive the Use and Occupancy Permit for the homeowners association regarding the park benches placed within Quarry Ridge contingent upon the approval of insurance and maintenance agreement. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

### **New Business:**

The Board discussed setting a rate for Supervisors to attend special meetings as per the Act 101 of 2006. Mr. Doratt stated that the Board gets a total compensation of \$1,845 per year that is to include all meetings and time spent doing Township business. Mr. Pompo states that the Act allows for the Board to set their own rate. Ms. Silvernail asked if they had the right to refuse the compensation? Mr. Pompo said yes any Supervisor has the right to refuse compensation. Mr. Doratt stated a fair rate would be \$75.00 an hour. The Board agreed and Ms. Gehman and Ms. Franco agreed that was a fair rate. Mr. Pluck suggested placing the line item on the 2007 budget. Mr. Hensel asked if an Ordinance would need to be prepared? Mr. Pompo stated he would look into it.

Mr. Hensel made a motion, seconded by Mr. Doratt, to advertise setting the Supervisors compensation to attend court or any council of government meeting at \$75.00 an hour. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board scheduled October 31, 2006 Trick or Treat Day for kids 12 and under. The time will be 6:00 p.m. to 8:00 p.m.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the Supervisors and their guest officials attend the County Convention to be held at the Mendenhall Inn on November 9, 2006 at \$50.00 per person to be paid for by the Township. 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 regular Supervisors meeting and open a public hearing to consider the adoption of an Ordinance to amend definitions and revising Section 1103 of the floodplain overlay district for compliance with the national flood insurance program.

Mr. Hensel made a motion, seconded by Mr. Doratt, to reconvene the regular Board meeting.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to adopt Ordinance 2006-07 amending definitions and revising Section 1103 of the floodplain overlay district for compliance with the national flood insurance program. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Brian Southard representing DLM is requesting approval of the Land Development Financial Security Agreement and the Land Development Agreement for Phase I of Sadsbury Park. Mr. Pompo stated that he has reviewed all the documents and states they are in order. Mr. Pompo asked Mr. Southard if he had the original letter of credit? Mr. Southard stated "no" the bank should have it to me by October 9, 2006. Mr. Pompo suggested to the Board that they can approve the Land Development Financial Security Agreement and Land Development Agreement for Sadsbury Park Phase I but it will not be released until the letter of credit is received. Mr. Pompo added that he is still holding the signed plans for Sadsbury Park Phases II & III because the financial security has not been posted yet.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the Land Development Security Agreement and the Land Development Agreement for Phase I of Sadsbury Park, contingent not to release until the original letter of credit is received. With there being no questions from the public, Mr. Hensel voting "aye", Mr. Doratt voting "aye", Ms. Silvernail voting "nay", the motion passed.

Jack Steffard representing Natural Lands Trust presented the Board with a re-submission of a minor subdivision lot line change of the Karilliam property. Mr. MacCombie

reviewed the plans and stated that they are complete and can be submitted. The Board will submit the plan to Chester County Planning Commission and the Township Planning Commission for review and comments.

The Board received a letter from Valley Township requesting a joint meeting to discuss the Chester County Airport Apron Project. The Board suggested conducting a joint meeting at the next morning Board meeting. The Secretary is to schedule the meeting.

**Public Comment:**

Susan Franco stated that she has been in contact with Chief Mango to discuss Town Watch issues and Identity Theft. Ms. Franco is requesting to present the Board and residents with a power point presentation regarding identity theft.

Earl Taylor stated that there is a Sadsbury road sign located east of 30 that is in the wrong location. The sign is near the concrete plant. The sign should say West Sadsbury. Mr. Taylor added that it is confusing when you enter Gap and see that sign.

Elmer Pluck asked when bulk trash pick up would be? The Board stated the scheduled date is October 27, 2006. Mr. Pluck asked what items cannot be put out? The Board stated you couldn't put out old tires, paint cans, construction debris, tree limbs, etc.

John Lymberis stated that he is having an open house on October 16, 2006 4-6pm of his self-storage units and hopes that everyone will come.

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

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer