

**Board of Supervisors Meeting held Wednesday November 7, 2007**

The Board of Supervisors conducted a regular meeting held on Wednesday November 7, 2007 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 & Zoning Officer, Mr. Hawkins Township Building Inspector and members of the community.

A moment of silence and pledge of allegiance was observed.

Mr. Hensel announced that in the beginning of the meeting the Board conducted an executive session to discuss security matters.

Mr. Hensel made a motion, seconded by Ms. Silvernail, 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.

Mr. Hensel opened the bid packages for the Bert Reel Park Improvements they were read as follows:

Bertolet Construction Corp. 100 S. Church Street Wernersville, Pa. 19565	\$244,704.00
L.J. Paoella Construction, Inc. 278 Bridgewater Road Brookhaven, Pa. 19015	\$276,817.70
Martell Construction Co. Inc. 15 South Miller Ave. Penns Grove, New Jersey 08069	\$321,000.00
Krasman Construction 108 Brior Lane Elkton, Maryland 21921	\$180,197.50
E & L Construction Group PO Box 418 Flint, MI 48501	\$216,900.00

Purcell Construction  
PO Box 188 560 N. 5<sup>th</sup> Street  
Denver, Pa. 17517

\$187,099.00

After all the bids were opened and read out loud, Mr. Lymberis asked what the bid entailed. Mr. MacCombie stated a snack bar, bathroom, fencing, mulch, edging, basketball court, water, electric, walking trail improvements, safety improvements, sanitary sewer connection, etc. Mr. MacCombie will review all the bid packages and make a recommendation to the Board.

**Township Police report.** Sergeant Ranck reported that for the month of October 4,860 miles were patrolled and 445 incidents were handled for: 2 theft, 10 suspicious persons, 134 stationary patrols, 4 911 hang ups, 123 business checks, 9 alarms, 5 assist to other departments, 7 animal, 7 domestics, 5 accidents, 4 criminal mischief, 8 disturbance. Sergeant Ranck reported that 99 citations were issued for: 87 traffic, 12 summary citations, 19 criminal arrests for 5 DUI, 3 disorderly conduct, 4 criminal warrant, 2 simple assault, 1 terroristic threats, 1 burglary, 1 thefts, 1 drug offence, 1 obstructing law enforcement. Sergeant Ranck reported 10 juvenile arrests for 4 township ordinance, 3 burglaries, 2 trespassing, and 1 harassment. Halloween and mischief night were very quiet. Sergeant Ranck stated that currently the police department is using a mobile video camera unit and Sergeant Ranck is requesting approval for the purchase of this camera unit to cost \$3,020.00.

After discussion, Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the purchase of the video camera for the police department to cost \$3,020.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Township Engineers report.** Mr. MacCombie reported that a meeting has been scheduled for 9:00 a.m. with Pen Dot to discuss the Sadsbury Village Enhancement Project moving forward, Mr. MacCombie will report to the Board with all the information gathered from this meeting. Mr. MacCombie stated that Burkholder Paving has completed the Old Mill Road resurfacing project, Mr. MacCombie has recommended that the Board pay Burkholder Paving \$41,650.87 which includes a 10% retainage amount from the original contract amount. Mr. MacCombie stated that he has prepared a letter of credit reduction for Cosmos Properties LP in the amount of \$67,411.61 for the Board consideration.

Mr. Doratt made a motion, seconded by Ms. Silvernail, to approve the letter of credit reduction to Cosmos Properties LP in the amount of \$67,411.61, per Mr. MacCombies recommendation. With there being no questions from the public, Mr. Doratt voting “aye”, Ms. Silvernail voting “aye”, Mr. Hensel abstained, the motion passed.

Mr. MacCombie reported that Abbonizio is near completion with the sanitary sewer restoration. He reported that Octorara Glen’s paving improvements done by Burkholder Paving are near done, Wagontown Construction has a small punch list of items that need addressed. Mr. MacCombie stated that his intent is to cover all the major public improvements and if money is left over they will look into the tree restoration later. Mr.

Hensel asked who was responsible for the winter maintenance of the road ways in Octorara Glen. Mr. Pompo stated that it could be put on the homeowners association, although the developer was in default, the best thing to do is for the Township to assume responsibility. Mr. Hensel asked how the dedication process would work. Mr. Pompo stated that it is likely not to work nor get a deed since the developer defaulted. Ms. Silvernail stated that the burden should not be placed on the homeowners; if the developer would not have defaulted the Township would have taken the responsibility of the roads. Mr. MacCombie reported that the condition diagram has been drawn for the traffic signal placement at AIM Boulevard/Independence Way and will be forwarded to Pen Dot.

**Township Solicitors report.** Mr. Pompo stated that he received notification that Chester County Tax Assessment has granted the Township a tax exemption for the new building. Mr. Pompo stated that it was brought to his attention the Township's situation with unpaid sanitary sewer and trash collection liens. Mr. Pompo stated that the next step of the collection process procedure followed is Ordinance 1998-07 which was enacted to collect outstanding fees. Mr. Pompo stated that the process takes from beginning to end approximately 6-8 months to collect the debt by a sale. Mr. Pompo stated that he has placed a lot of liens but never went to sheriff sale with any of the Township residents. Mr. Pompo stated that if the Board decides to pursue the collection process perhaps it can be done by oldest liens to newest liens. The Board directed the secretary to draft a firm collection letter giving the outstanding residents 30 days to make payment arrangements or pay in full before collection procedures start. Mr. Pompo discussed with the Board Ordinance 2007-02 pertaining to amending Chapter 118 Article II of the Emergency and Municipal Services Tax, Mr. Pompo stated that if you make less than \$12,000.00 a year the employee would be exempt from the \$52.00 tax. The Township will take the \$52.00 tax in payments instead of all at once.

Mr. Hensel made a motion, seconded by Mr. Doratt, to adopt Ordinance 2007-02 pertaining to the amending of Chapter 118 Article II the Emergency and Municipal Services Tax. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo discussed Ordinance 2007-03 pertaining to amending Chapter 118 Article III Realty Transfer Tax. Mr. Pompo stated if the Township wants to continue to collect this tax it must adopt said ordinance.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to adopt Ordinance 2007-03, pertaining to amending Chapter 118 Article III Realty transfer tax. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Building Inspector report.** Mr. Hawkins presented the Board with a situation of an applicant that applied for a building permit when indeed he only needed a zoning permit, the applicant paid the required \$150.00 non refundable fee for a building permit application submittal, however he only needs a zoning permit that costs \$75.00, the applicant wants a refund. Mr. Pompo stated that as long as the Township is not being charged any additional review fees from Code Inspections then the Board can authorize

refunds be made. Mr. Hawkins reassured the Board that Code Inspections is not charging the Township any additional monies beyond the \$75.00.

Mr. Hensel made a motion, seconded by Mr. Doratt, to refund \$75.00 to those residents that have paid the \$150.00 non refundable application fee for a building permit and only required a zoning permit. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Road report.** Mr. Doratt reported that Old Mill Road has been resurfaced and backfilled from Friendship Way to the bridge on the North side. The road crew is in the process of patching pot holes throughout the Township. All Township equipment is checked daily for fluids, belts and hoses. The road crew moved furniture from the old building into the new building, installed a new concrete walk way at the rear entrance of the new building. Total equipment hours are 27 and vehicle miles are 734.

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

**Township Saldo Committee report.** Ms. Silvernail reported that the Subdivision Land Development Ordinance Review Committee met on October 16, 2007. The committee reviewed the remaining comments from Mr. MacCombie and incorporated them into the draft Saldo ordinance. Mr. Grafton will edit the draft document and have it to the Township by November 1<sup>st</sup>. The Board of Supervisors will receive a draft as well as Chester County Planning Commission, Mr. Pompo, and Mr. MacCombie for their review and comments. Mr. Grafton mentioned that the County grants are available for zoning ordinance updates for the 2008 year if the Board of Supervisors is interested the grant application must be completed and returned prior to the end of 2007.

**Township Zoning report.** Mr. MacCombie reported that he has been contacted with regards to the Turkey Hill property on Route 10 & 30, the firm is interested in the placement of a Walgreens or a CVS, and Mr. MacCombie informed them of currently no public sewer on that site. Mr. MacCombie stated that he responded to a request made from Mildred Garris with questions regarding her property.

Mr. MacCombie stated that he spoke to Herb MacCombie regarding Gene Lafferty's request for the Township to reimburse him for 2 pear trees, notary fee and the \$1.00 owed for his easement. Mr. Herb MacCombie stated that in deed damage was done on the property due to the sanitary sewer project and Mr. MacCombie tried to give Mr. Lafferty the money owed to him but Mr. Lafferty wanted the Township to reimburse him.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to reimburse Mr. Gene Lafferty an amount of \$59.10 for (2) pear trees, notary and \$1.00 for easement purchase. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Pomeroy Fire Company report.** Mr. Earl Taylor reported that 6 alarms were answered for the month of October for: 2 auto accidents, 1 building, 1 automatic alarm, 1 stand by,

1 ambulance assist. Total time in service was 1 hour and 47 minutes. Mr. Taylor also reported that Jeff Sellers has stepped down as Pomeroy Fire Company Chief and Doug McGuigan is now the acting Chief, Earl Taylor Deputy Chief, Dan Tribbett Assistant Chief, Andy McEwing Captain, TBA Lieutenant, Todd Pechin Chief Engineer, Ray Campbell Safety Officer, Scott Kreger Ambulance Captain, Rob Shimer Ambulance Lieutenant, Dale Kreider Ambulance Lieutenant.

**Sadsburyville Fire Company report.** No report given

**Township Emergency Coordinator report.** Mr. Earl Taylor reported that he spoke with Chris Franz a representative for D & S regarding Knox boxes, hydrants and fire company connections. Mr. Taylor also spoke with a representative of Aerzen regarding Knox boxes and fire department connections. Mr. Taylor reported that (3) automatic alarms at Penguin Industries were reported and the fire company had no access to the entry of the building, to Mr. Taylor's knowledge there was no hidden key holder on the premise. In order for the fire departments to gain access into buildings without Knox boxes, the fire company has selected the Knox box public safety key box system; this will allow the fire company to access to a key for a non destructive entry into a building. Mr. Taylor is requesting that the Township create an ordinance for those businesses that cannot provide a key holder within a reasonable amount of time.

**Payment of Bills:**

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay the October invoices in the amount of \$82,112.03. 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 October payroll in the amount of \$39,234.13. 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 October sanitary sewer invoices in the amount of \$12,941.24. 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 Rodger Munson \$1,200.00 to upgrade (2) new Dell desktops for the Township Administration Office. 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 Burkholder Paving in the amount of \$41,650.87 for the Old Mill Road resurfacing project, with a 10% retainer to be paid at the next months meeting. 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 release \$38,574.06 out of the Octorara Glen escrow account to Wagontown Construction per Mr. MacCombie's recommendation, 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 Code Inspectors \$19,816.23 for services rendered June, July and August. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**New Business:**

The Board discussed the options for a security system being placed at the new building; Mr. Hensel stated that the Board met in executive session to discuss in detail the location and operation of the security system.

Mr. Hensel made a motion, seconded by Mr. Doratt, to hire CNAT Group install the surveillance system at the Township building to cost \$9,225.00, with \$400.00 dollars being taken out of the police budget. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Burrell an engineer representing Lance Castle to present the Board with a submittal of a land development plan for an existing building located along Lincoln Highway. Mr. Burrell stated that the owner is Lance Castle and proposes to construct a parking lot and access walkways to the existing building. The existing building was a barn dwelling being converted into a winery retail area (Black Walnut Winery). He stated that the Zoning Hearing Board granted variances for the intended uses and the site is located along the Sadsbury Village District. Mr. MacCombie asked if they planned any building improvements, expansions. Mr. Burrell stated “no” Mr. MacCombie stated that possibly a grading permit submittal would be needed instead of a land development submittal, because of no building improvements just parking. Ms. Silvernail asked how many parking spaces? Mr. Burrell stated 22. Mr. Burrell stated that the site improvements will consist of off street parking, access drive and walkways and permanent stormwater management controls. After lengthily discussions the Board agreed to waive the land development submittal process for Black Walnut Winery.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to waive the land development plan submittal contingent upon a satisfactorily review from Mr. MacCombies office and to look back on the conditional use hearing decision and order, and have the plan presented before the Township Planning Commission. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the use of the meeting room and whether or not to charge rent. Mr. Pompo stated that it is a decision of the Board, his opinion is if it is a Township function not to charge, other users, they could charge if they desire to. Mr. Taylor stated that once the Township starts allowing others to use the Board room, you need to keep in mind for extra cleaning, electric and heat, charging rent could help with those items. The Board stated that it could be left open for donation. Elmer Pluck stated what type of use, is it corporate? If that is the case Mr. Pluck is against allowing the use for free, on the other hand girl scouts, boy scouts etc would be acceptable. Mr. Hensel asked Mr. Taylor what they charge for rent of the hall. Mr. Taylor replied that is for a different use. The Board took no action on this matter and tabled discussion until the next regular meeting.

The Board discussed Resolution 2007-13 pertaining to Sadsbury Arcadia Associates final plans. Mr. Pompo stated that Sadsbury Arcadia Associates prepared a recorded set of plans which include phase 2 only entitled Sadsbury Park, phase 2 subdivision and land development plan prepared by Lake Roeder, Hillard Associates; dated October 2, 2006 revised through August 8, 2007 consisting of twenty five sheets. The plans have been reviewed by the Board and Township staff and depict various minor modifications from the original plans. Similarly in the future the applicant intends to submit a recording set of plans for phase 3 in accordance with the approval of the original plans. When the Township receives an irrevocable letter of credit in the amount of \$4, 785, 467, .84 the Township shall at the next regularly scheduled meeting of the Board sign the plans and record them with the Chester County Recorder of Deeds.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve Resolution 2007-13 pertaining to Sadsbury Arcadia Associates final plans will not be released until the financial security agreement is executed and delivered to Sadsbury Township along with a certification from the bank that the account has been funded.

The Board discussed Resolution 2007-14 pertaining to revising the schedule for the development of Sadsbury Park by establishing that the time period to complete the improvements shown on the preliminary plan set forth in section 508(4)(iv) of the Pennsylvania Municipalities Planning Code shall commence upon the recording of the phase 2 final plan set. Mr. Pompo stated that the time clock is running on all phases of this project. Robert Silvernail asked when the time clock started. Mr. Pompo answered the clock started November 15, 2005. Ms. Flynn stated that currently the economy is at a difficult market and this project is a large community and being a traditional neighborhood with more detail.

Mr. Hensel made a motion, seconded by Mr. Doratt, to adopt Resolution 2007-14 to revise the schedule for the development of Sadsbury Park by establishing that the time period to complete the improvements shown on the preliminary plan set forth in Section 508 (4) (iv) of the Pennsylvania Municipalities Planning Code shall commence upon the recording of the Phase (2) final plan set.. With there being no questions from the public, Mr. Hensel voting “aye”, Mr. Doratt voting “aye”, Ms. Silvernail voting “nay”, the motion passed.

The Board discussed the maintenance agreement for 2007-2008 for Comfort Pro, Inc. to complete the maintenance inspection on all (4) gas heaters, (2) wall heaters, (4) air conditioning units, (2) filter changes to cost \$1,025.00.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to accept the maintenance agreement 2007/2008 from Comfort Pro, Inc. for the yearly maintenance on all heating and air conditioning equipment. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

After discussion Mr. Hensel made a motion, seconded by Mr. Doratt, to approve \$957,512.79 be moved from a CD certificate to a money market. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board reviewed a delinquent real estate tax document from the Chester County Tax Claim Bureau. The Bureau is unable to collect taxes on liens from mobile homes that have been removed or destroyed, abandoned or sold. The County is requesting the Board approve an affidavit to remove the tax liens off certain parcels.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the removal of tax liens for parcels mentioned in the October 31, 2007 document from the County of Chester Tax Claim Bureau. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Joe Rosella representing Keystone Ranger is requesting final approval of the #3 revised hangers along with approval of the cost estimate. Mr. Hensel asked Mr. Pompo or Mr. MacCombie if they had any comments to this request. Mr. Pompo and Mr. MacCombie replied that they have no issues with this project other than the minor conditions of Mr. MacCombies review letter dated October 30, 2007.

Mr. Hensel made a motion, seconded by Mr. Doratt, to grant Keystone Ranger final approval of the #3 revised hanger along with the cost estimate, contingent upon the all issues of Mr. MacCombies review letter dated October 30, 2007 comply, all outstanding review fees be paid and all outside agencies approval. With there being no questions from the public, Mr. Hensel voting "aye", Mr. Doratt voting "aye", Ms. Silvernail abstained, the motion passed.

The Board discussed the outstanding performance of the road department and discussed merit raises for Dave Turner to be .50, Gary Dunmyre .25, Dave Simmons .25.

Mr. Hensel made a motion, seconded by Mr. Doratt, to give the following merit raises: Dave Turner .50, Dave Simmons .25, and Gary Dunmyre .25. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

### **Public Comments:**

Earl Taylor asked if the building at Keystone Helicopter will be marked with numbers to find them in the case of an emergency. The Board replied "yes" the buildings are being numbered.

Mike Clingon an Octorara Glen resident asked when the final top coat will be placed on the walking trail. Mr. MacCombie stated that the limestone screenings that were placed on the trail is the final coat.

Maggie Salewski asked if re-seeding will be done by the basin. Mr. MacCombie stated "yes", the seeding will be done in the spring, along with the planting of any trees if money is left over.

Earl Taylor stated that the road is breaking apart on Old Wilmington Road, he realizes that it is a state road, but is there anything that can be done? The Board suggested calling Art Hershey and complaining to begin the process of getting the repairs done.

Ralph Garris reminded the Board of Supervisors that a promise was made years ago to the residents that the Township would never sell their homes for sewage liens.

Susan Franco requested that additional monies be placed in the budget for education to allow the Planning Commission members attend courses. Ms. Franco attended a neighborhood watch for Compass Road and asked if the residents can adopt the road to clean up the road side? Mr. Pompo replied that the adopt the road program applies to Township roadways as well. Ms. Franco asked if a sign could be placed saying who adopted that roadway. The Board stated that will have to be looked into, with the size of a sign. Ms. Franco added that 22 families signed up for the neighborhood watch.

Vicki Horan asked the Board why they gave Arcadia an extension.

Ms. Horan asked Ms. Silvernail why she was opposed to the vote. Ms. Silvernail stated that Arcadia should move forward with their project and not have to wait an additional (2) more years.

Elmer Pluck asked when the Board will place a PA system in the meeting room; he added it was difficult to hear in the back of the room. The Board replied that they will bring the PA system from the old building to the new building. Mr. Pluck asked why the Township is spending money on security cameras, the Township does not need them, and Mr. Hensel replied that if something happens to any of the employees they will have it recorded on camera. Mr. Pluck said that the Board room is not big enough and when are you going to get more chairs?

Jerry Ranck said he would not make the future meetings and wanted to thank Doug Doratt for his years of service being a Supervisor, and congratulated Vicki Horan on her win.

Robert Silvernail asked why grant Arcadia an extension, is there a benefit for the Township by giving them more time? Jason Duckworth replied that the benefit of more time is ensuring the fulfillment of the plan.

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

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer

