

## **Board of Supervisors Meeting Tuesday October 2, 2007**

The Board of Supervisors conducted a regular meeting held on Tuesday October 2, 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 litigation.

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 Ms. Silvernail, 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 during the month of September 4,976 miles were patrolled and 592 incidents were handled the categories are: 3 theft, 13 suspicious persons, 173 stationary patrols, 6 911 hang ups, 213 business checks, 10 alarms, 11 assists to other departments, 5 animal, 4 domestics, 8 accidents, 8 criminal mischief, 9 disturbance, 6 burglary. The Chief reported that 116 citations were issued for the month for 91 traffic and 25 summary citations, 28 criminal arrests were made for 5 DUI, 12 disorderly conduct, 2 criminal warrants, 1 sale of tobacco to minors, 2 scattering rubbish, 1 open container and 5 public drunkenness, 5 juvenile arrests for curfew, disorderly conduct, and underage drinking, 1 loitering and prowling. Chief Groce stated that Jeff Criswell has completed his 6-month probation period and is recommending hiring Mr. Criswell as a part time patrolman for a probation period of 6 months.

Mr. Hensel made a motion, seconded by Mr. Doratt, to hire Jeff Criswell as a part time patrolman for a 6-month period. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Engineer report.** Mr. MacCombie stated that he is in the process of preparing a bid package for a natural gas generator for the new Township building. He added that the Bert Reel Park Improvements bid package has been advertised to go out to bid and opened at the November 7<sup>th</sup> Board of Supervisors meeting. Mr. MacCombie stated that the Township has completed restoration on Old Mill Road to prepare for the road-resurfacing project to begin next week along Old Mill Road. Mr. MacCombie stated that he has prepared a punch list for Octorara Glen and has received proposals from Wagontown Construction Inc. to clean out the outlets, replace top inlets, saw cut crack in curbs, parge cracks and chips in curbs, replace curbs and patch paving, replace

driveway aprons, install new sidewalk at basin area and restore grass, base repair in roadway areas, clean up basin, regrade, install dissipater and stabilize, clean out roadside swale at Octorara Road and line with stone, spread topsoil pile, remove excess and stabilize disturbed areas, install walking trail and stabilize disturbed areas to cost \$42,305.56. Mr. MacCombie also received a proposal from Burkholder Paving to mill the entrances, remove wedges and prep, and sweep streets, tack streets, pave and seal curb and joints to cost \$67,960.00. Mr. MacCombie recommended that they accept these proposals based on the money that the Township has received from the developers escrow account. Mr. Pompo added that the developer is in default; therefore the Township does not have to seek other proposals nor bid the job.

Mr. Hensel made a motion, seconded by Mr. Doratt, to authorize the acceptance of the proposals from Wagontown Construction at \$42,305.56 and the proposal from Burkholder Paving in the amount of \$67,960.00, to complete the punch list for Octorara Glenn Development prepared by Mr. MacCombie. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Maggie Salewski asked about the final planting of the trees? Mr. MacCombie stated he will look into the agreement and if the plan calls for trees that did not get planted than and excess money will go towards that.

Sharon Scott asked who the Engineer was that created the punch list and who is the developer? Mr. MacCombie stated that he is the Township’s Engineer and the name of the developer is Octorara Glen. Ms. Scott asked how much Mr. MacCombie charges per hour? Mr. MacCombie stated \$110.00.

**Township Solicitor report.** Mr. Pompo discussed with the Board an Ordinance that would allow Chester County Recorder of Deeds and Pennsylvania Department of Revenue to collect the Townships Realty Transfer Tax. The Ordinance would authorize the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the Township’s Realty Transfer Tax; establish interest rates and penalties and miscellaneous rules and regulations.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to authorize the advertisement of an Ordinance that would authorize the Department of Revenue and the Chester County Recorder of Deeds to collect the Township’s Realty Transfer Tax. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo discussed with the Board the need to advertise an Ordinance that would change the current EMT Tax to the Municipal Services Tax. Mr. Pompo stated that Act 7 of 2007 makes certain changes such as an exemption of those who work and make less than \$12,000.00 a year and the new Ordinance allows for employers to collect the tax in payments instead of all at once.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to authorize the advertisement of the current EMT Taxes to be changed to the Municipal Service Tax. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo discussed with the Board the dedication of lot 6A the new Township building. Mr. Pompo stated that a Resolution has been prepared for the Boards approval that would accept the following: maintenance agreement, financial security agreement, funds to build a road department garage, \$55,000 escrow for parking lot and a 5 year agreement, all punch list items to be secured, emergency access agreement as well as the assignment of warranties and guarantees. Mr. Pompo stated that there are no other outstanding issues to be addressed and recommends the Board’s approval.

Mr. Hensel made a motion, seconded by Mr. Doratt, to adopt Resolution 2007-12 that accepts the dedication of lot 6A the new Township building. With there being questions from Heather Hershey regarding the lighting at the new facility, she states they look awful and when will the emergency road get built? Mr. Pompo answered when lot 6B or 7 get developed, the owner will have the right to place the access road at that point. Tony Pr asked when would the dirt be removed? Mr. MacCombie replied it has been removed, Mr. Przychodzien asked when the seeding will be completed? Mr. MacCombie stated that the seeding has been done as well. Heather Hershey invited the Board to come and see all the dirt and dust from the site. Mr. Przychodzein asked why didn’t they use hydro seed? With there being no further questions, Mr. Hensel voted “aye”, Mr. Doratt voted “aye”, Ms. Silvernail voted “nay”, the motion passed.

**Township Road report.** Mr. Doratt reported that the road crew replaced numerous street signs throughout the Township during the month of September. Preparation for paving Old Mill Road has been completed. All fluids, belts and hoses are checked daily in all Township equipment. Total vehicle miles are 724 and total hours are 40. The Board announced that Old Mill Road would be closed for the paving project on October 7, 2007 and October 8, 2007 from 7:00 a.m. to 3:00 p.m. The Road Crew knocked on doors to inform the residents of the paving project and the Kraft Busing Company has been contacted.

John Coldren asked when Morris Lane would be paved? Mr. Hensel answered when the sanitary sewer job has been completed.

Elizabeth Harrington a 212 Julie Drive resident commented that last winter the snow plowing was horrible because of a neighbor having 5 cars lined up along the curb and the snow plow could not get in to plow. Ms. Harrington also stated that if the snowplow cannot get into the area neither can emergency vehicles. Can the Township please do something about this situation this winter? The Board answered that if the situation occurs again they will deal with it.

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

**Township Saldo Committee Report.** Ms Silvernail reported that the SALDO Committee met on September 20, 2007 at 7:00 p.m. She stated that the committee is in the process of final draft review. Comments from Chester County Planning Commission, Mr. Pompo and Mr. MacCombie have been received. Article I comments were noted and addressed but not including Article IV. Some comments will be deferred to Mr. Pompo. The next scheduled meeting is to be held on Tuesday October 16, 2007 at 7:00 p.m.

**Township Zoning report.** Mr. MacCombie reported that he sent the corn maze owners a certified letter and it was never picked up. Mr. MacCombie did a field inspection of 609 Bedrock Road to discover that a discharge pipe was located 6 inches from Mr. Felices fence and found no violations at this time. Mr. Felice stated that his neighbors see discharge coming from the pipe, what should he do? Mr. MacCombie stated to take a picture.

**Pomeroy Fire Company report.** Mr. Taylor reported that for the month of September a total number of alarms were 11 answered for: 2 automatic alarm, 1 debris on road, 1 fuel spill, 1 gas leak inside, 2 house, 1 shed, 2 standby and 1 trash. Total hours in service were 6 hours 59 minutes.

**Sadsburyville Fire Company report.** Mr. Weaver reported for the month of September a total number of alarms was 10 for: 1 auto accident, 1 ambulance assist, 1 debris on roadway, 1 automatic alarm, 1 residential rescue, 2 pedestrian struck, assist to 44 for 1 building, 2 assists to 35 for buildings. Total hours in service were 9 hours and 5 minutes.

**Pomeroy Volunteer Ambulance report.** Mr. Taylor reported that a total of calls for the month of September was 35 for: 15 Sadsbury, 2 West Sadsbury, 6 Parkesburg, 4 Valley, 1 Coatesville, 1 Highland, 3 East Fallowfield, 1 Atglen, 1 Lancaster County Sadsbury. The call types were for: 27 medical, 2 vehicles, 3 fires, and 1 pedestrian, 3 recalled.

**Township Emergency Coordinator Report.** Mr. Taylor reported that he has received a locking door Knox box for the new Township building. Mr. Taylor met with representatives from AIM and the Morris Farm Industrial Development to gather emergency contact information. Mr. Taylor stated that some companies have the Knox box installed but others don't, seems the buildings were wired from them but the contractors never installed them. Mr. Taylor reported that a letter has been forwarded to Gateway Church regarding the Emergency Services issues for the church so that they can move forward. Mr. Taylor has discussed hydrants and Knox boxes with representatives of Wilkinson Associates with regards to the proposed flex warehouse along Valley Road. Mr. Taylor and the Chief Engineer from Pomeroy Fire Company attended an underground pipeline safety awareness presentation in Lionville.

Jane Heineman commended Earl Taylor for attending the underground utility safety course. She added it would be good for the public works department to attend these classes when they are available as well.

**Township Park Committee report.** Mr. Doratt stated that the last meeting for the park committee would be conducted this month. The Committee will go into recess over the winter months and reconvene in the spring. Mr. Doratt stated if anyone is interested in joining the park committee to contact the girls in the Township office.

### **Payment of Bills**

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay the September invoices in the amount of \$75,740.23. 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 September payroll in the amount of \$36,105.41. 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 sanitary sewer invoices in the amount of \$13,805.25. 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 Atlantic Inland settlement invoice of \$37,583.79. With there being a question from Jane Heineman wanting to know why a “settlement”, Mr. Hensel explained that Atlantic Inland was our Zoning Officer/Building Inspector and there was a dispute with the amount billed. With there being no further questions, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to release \$11,302.45 from the Bureau of Firefighters Relief Association to Pomeroy Fire Company. 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 \$11,302.45 from the Bureau of Firefighters Relief Association to Sadsburyville Fire Company. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

### **New Business:**

Scott Weaver representing Sadsburyville Fire Company asked when the opti com on the traffic signal at Old Wilmington Road and Lincoln Highway would be repaired? The Board replied that Dave Turner has been in contact with Pennsylvania American Water and the work should be completed within the next week. Mr. Weaver asked when the (2) opti com units would be placed in the QRS and 31 equipment, he asked if he should contact Metropolitan. The Board requested that Mr. Weaver give all information to the Township to schedule the units be placed.

The Board discussed an Ordinance establishing an office of Township Manager. Vicki Horan urged the Board to wait until 2008 so that the new Supervisor can have a say in the decision. Ms. Silvernail stated that upon finding out about this Ordinance at which she knew nothing about, there was a meeting inviting a Township Manager from another municipality at which she was not notified.

Ms. Horan stated that she reviewed the pending Ordinance that East Fallowfield has and it is exactly worded as ours except it was written so that the current administration could not apply for the job why? Mr. Hensel answered so that the Managers position could not be Secretary-Treasurer-Manager; he added that the Manager should be independent. Mr. Doratt agreed to keep the job titles separate.

Ms. Horan asked if it was a full time position or part time? Mr. Hensel stated part time for now.

Mr. Felice added that the reason to postpone the vote till 2008 is the change in direction of the Board.

Ms. Horan stated that her or Tony Przychodzein would be at the table, so why not wait? Ms. Silvernail stated that she does not know what the costs of the Managers position would have on the budget as it could possibly increase taxes. Mr. Hensel stated that he would not increase taxes to hire a Manager.

Tom Greenfield commented that a manager would have a lot of responsibilities.

Don Roberts commented that someday the Township may need a manager, what is the special need to be done right now? Mr. Hensel answered it is in the planning stage. Ann Garrett commented that he overall opinion is that the Board already has someone in mind for the manager's job.

John Lymberis commented that with the growth on the industrial end it has created an administrative need.

Tony Przychodzein commented that why create the position when you outsourced the sanitary sewer billing?

Heather Hershey said why couldn't the residents vote on whom they want as Township Manager? Mr. Hensel stated that it is a position that is established by the Board of Supervisors. Ms. Hershey opposes his comment.

Earl Taylor stated that he sees the Emergency Services need growing within the Township and states that someday a manager will be needed down the road.

Courtney Sarbum commented that there are 550 municipalities in the state of Pennsylvania and only 269 have managers.

Tammy Pawling stated that the Township is growing and someday the Township may want to hire a manager, most Township's our size do not have a manager. Ms. Pawling added that to hire a position at her workplace, it would take at least 9 to 12 months to design a job description; a study would be done to seek the affordability of the position. Ms. Pawling added that the Township couldn't spend money without raising taxes for such a title.

The Board made no decision on Ordinance of Township Manager and tabled until the November night meeting.

**Public Comment:**

Sharon Scott commented that she is a lifelong resident of East Fallowfield, used to sit on the Board of Supervisors. Ms. Scott went on to make many negative comments regarding her East Fallowfield experiences being a Supervisor.

Elmer Pluck asked whose idea was the position of Township Manager? Mr. Hensel stated his idea. Mr. Pluck asked if they had someone in mind for the position? Mr. Hensel stated "no".

Vince Pompo stated that if the Township plans to have the next Board meeting at the new location, it would need advertised.

Richard Felice recommends a Township Manager, he stated that Pennsylvania American has bad water and asked if the Board is holding up the Chester County Airport Plans? The Board stated that they are not holding up the plans of the airport, Washington Lane is in our Township and the airport does not want to follow the options they were given.

Vicki Horan agreed that Pennsylvania American Water Company water is bad; they have to change their water filter every (2) months.

Susan Franco stated that she was a resident of East Fallowfield in 1993 and takes issues with Sharon Scott's comments.

Kathleen and Paul Jensen commented it was their first Township meeting; they are new residents of the Township.

Ann Garrett stated why a manager if the Board is overwhelmed with work why not put 5 supervisors on board.

Scott Weaver stated that a tree on his property is leaning into his garage; Mr. Weaver stated that the tree is within the Township's right of way and would like to have someone look at it.

Eric Hawkins Township Building Inspector reported that he visited the corn maze on September 22<sup>nd</sup> and they were open for business but had no customers. Mr. Pompo asked

what exactly is the violation, if you can't have a corn maze in an agricultural area then where else can you have one? Mr. Hawkins replied that no permits were obtained to establish this business. Mr. MacCombie stated that Pen Dot has no problems with the entrance off business 30. The Board agreed not to go any further with pursuing the corn maze business.

Robert Silvernail stated that the Board should have had a discussion to create a draft Ordinance for the establishing a Township Managers position; he asked what was the date that the Board discussed drafting such an Ordinance and the date the Board took a vote to have the draft created? The Board stated there was no date.

Sharon Scott passed a document to Ms. Silvernail and Ms. Horan.

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

Respectfully Submitted,

Lisa J. Myers  
Secretary/Treasurer