

Board of Supervisors Regular Meeting held Tuesday April 3, 2007

The Board of Supervisors conducted a regular meeting held on Tuesday April 3, 2007 commencing at 7:00 p.m. Chairman Hensel called the meeting to order. Present were Supervisors Ms. Silvernail, and Mr. Doratt, Mr. Thompson substitute for Mr. Pompo Township Solicitor, Mr. Herbert MacCombie Township Engineer & Zoning Officer, Mr. Hawkins Building Inspector was absent, and members of the community.

Mr. Hensel announced that the Board met in executive session prior to the Board meeting regarding the Barkman Landfill issues.

A moment of silence and pledge of allegiance was 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 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. Chairman Hensel handed a set of keys to the Township's 1994 Ford Crown Vic to the Chief of Bernville Borough Police Department and stated to him that the Board made a unanimous decision to donate the 1994 Ford to Bernville Borough Police department since they had recently damaged their only police cruiser. Bernville Borough Police Chief Todd Graeff thanked the Board and showed much appreciation to the Township for the gracious donation. Chief Groce stated that for the month of March 4,108 miles were patrolled and 319 incidents were handled for: 2 theft, 3 suspicious persons, 97 stationary patrols, 3 911 hang ups, 63 business checks, 7 alarms, 7 assist to other departments, 3 animal, 6 domestics, 15 accidents, 2 criminal mischief, 1 disturbance. There were 64 traffic citations issued for the month of March. 9 criminal arrests for 2 DUI, 1 prostitution, 1 criminal warrants, 2 misdemeanor vehicle charges, 1 obstruction of emergency services. Chief Groce requested to send Sergeant Ranck, Officer Imhoff, Officer Yanak and himself to attend the annual Act 180 two-day class. No registration fees are required. Chief Groce also requested to have Officer Imhoff attend a one-day commercial vehicle recertification class with no registration fees required. Mr. Hensel asked Chief Groce the status of why the newly hire officer Lawson is not on the April schedule? Chief said he would look into it.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve sending Sergeant Ranck, Officer Imhoff, Officer Yanak and Chief Groce to the annual Act 180 two-day class with no registration fees due. 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 approve sending Officer Imhoff to attend a one-day commercial vehicle recertification class with no registration fees required. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Township Engineer report. Mr. Herbert MacCombie reported that he has reviewed a grading permit from AIM for additional landscape berms to be placed within the Bellaire Business Center; the project is to be done in phases. Mr. MacCombie stated that a construction release of the proposed Sadsbury Township certificate in the amount of \$128,700. has been reviewed as well as a construction release for Aerzen in the amount of \$5,317.16 for the Boards consideration. Mr. MacCombie stated that he is aware that a Resolution regarding application for permit to install and operate traffic signals at the area of Lincoln Highway and AIM Boulevard/Independence way. Mr. MacCombie stated that his office would prepare the required drawings in conformance with the instructions provided by PenDot. Mr. MacCombie stated that the Township would need to provide the last three years of accidents that occurred in the said area. Pen Dot will begin a traffic study to determine whether signalization of this intersection is warranted. Mr. MacCombie stated that the study would take approximately 2 weeks to complete once they receive all of the appropriate information. Mr. Hensel stated that the Township placed the speed machine along the Lincoln Highway in the area of AIM Boulevard-Independence Way and a speed was clocked on the machine at 5:45 a.m. at 122 miles per hour. The Board stated that they have received numerous complaints regarding truck, traffic, and speed along that stretch of the highway. Mr. MacCombie reported that the sanitary sewer project will resume sometime late in May to do the final paving. Mr. MacCombie stated that the Board made the right decision of not finishing the paving due to the settlement that occurred over the winter. Mr. Hensel asked if Mr. MacCombie had an idea when the Township Building will be completed? Mr. MacCombie stated possible July.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release for Arcadia in the amount of \$128,700. per Mr. MacCombies recommendation. With there being no questions from the public, with Mr. Hensel voting “aye”, Mr. Doratt voting “aye”, Ms. Silvernail voting “nay”, the motion passed.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release for Aerzen USA in the amount of \$5,317.16. With there being no questions from the public, Mr. Hensel voting “aye”, Mr. Doratt voting “aye”, Ms. Silvernail abstained, the motion passed.

Solicitor report. Mr. Thompson stated that he had nothing to report.

Township Road report. Mr. Doratt reported that potholes have been filled throughout the Township; Compass Road was backfilled to make it safer and stop the road from caving in. The road crew checks all belts, hoses on all equipment daily. Total vehicle miles are 1795, total equipment hours is 39 hours. Penn Power Systems repaired the

generator at the Township pump station on March 26, 2007. A new backstop was installed at Bert Reel Park baseball field and fences were extended to improve safety to the players and fans. The bases were re-set and the infield was seeded.

Township Planning Commission report. Ms. Silvernail reported that the Planning Commission met on March 13, 2007. Old Business conducted was discussion regarding the Washington Lane Traffic Study and comments from the public were recognized. The Planning Commission made a recommendation to the Board of Supervisors to investigate the feasibility of rerouting Washington Lane through the Bellaire Business park with fund from All County Partnership used for construction; Washington Lane should be restricted to residential traffic only after the construction of a commercial traffic connector road through Bellaire Business Park; signs warning of low flying aircraft be posted along the applicable stretch of Washington Lane, preferably at the expense of Chester County Airport; Sadsbury Township investigate the rerouting of Washington Lane to remove it from existing runway safety areas. New business discussed was the Sadsbury Village Enhancement Plan update. Mr. Dennis O'Neil representing MacCombie Engineers stated that a grant of \$440,000 has been received for traffic improvements on Business Route 30 from Morris Lane to Octorara Road. Mr. O'Neil answered all residents concerns and comments. Joe Rosella from D.L. Howell & Associates project engineer consultant for Morris Farm Subdivision lot 6 plan #1 shows a two story building on a 10,000 square foot footprint, with more than 100 parking spaces. Plan #2 includes a single story building of 18,000 square feet requiring only 90 parking spaces. Mr. Claypoole announced that the Planning Commission would serve as the Act 209 Advisory Board due to insufficient applications being received.

Township SALDO Committee report. Ms. Silvernail reported that the committee met on March 22, 2007. The committee reviewed draft Article II Definitions, sections 200 & 201, and Article III Plan processing, section 300-305. The remainder of Article III will be reviewed at the next meeting as well as Article IV, Development Design Standards. The next meeting will be held on April 26, 2007 at 7:00 p.m.

Township Zoning report. Mr. MacCombie reported that Total Systems has been in contact with his office regarding the placement of a sign on a rock. Mr. MacCombie stated that the code is very specific on explaining the code. Mr. MacCombie suggested that the company come before the Board with their request. Mr. MacCombie reported that he has a request to place a sign in the open space of the Sadsbury Crossing Development and asks if Sadsbury Crossing was the original name of the development. Mr. MacCombie answered numerous general zoning questions.

Mr. Doratt announced that associates of Sadsbury Village have come forward to request to purchase a Township Zoning Ordinance at \$40.00. Ms. Silvernail added that the SALDO Committee is currently working to update the Subdivision Land Development Ordinance therefore any one interested in purchasing one may want to wait for the updated version.

Pomeroy Fire Company Mr. Earl Taylor reported that 13 alarms were answered for the month of March for: 1 automatic alarm, 1 assist ambulance, 3 auto accidents, 1 building, 1 dwelling, 1 house, 2 mobile home, 1 odor investigation, 1 stand by, 1 water rescue. Time in service was 16 hours and 17 minutes. Mr. Taylor announced that Scott Weaver has gone above and beyond his duty to assist in a water rescue accident. The Board thanked Scott Weaver for an excellent job.

Sadsburyville Fire Company. Mr. Doratt reported that 20 alarms were answered for the month of March for: 8 auto accidents, 1 automatic alarm, 1 fields-woods-trash, 4 automatic alarms and 1 auto accident assists to 28, 1 dwelling assists to 43, 2 auto accidents assists to 44, 1 standby assist to 76, 1 auto accident assist to 35. Total time in service was 12 hours and 8 minutes.

Emergency Services Coordinator Update: Mr. Taylor stated that HAZMAT classes are currently being conducted. Mr. Taylor stated that street signs are missing at Spruce Street, Chestnut Street, & Middle Street. Mr. Hensel stated that Mr. Turner would take care of it. Mr. Turner stated he would make it a priority. Mr. Taylor expressed concerns with houses that do not have a reflective number posted and how important it is to have reflective house number for emergency personnel to better find you in the case of an emergency.

Mr. Hensel made a motion, seconded by Mr. Doratt, to pay the March invoices in the amount of \$62,453.79. 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 March payroll in the amount of \$38,479.07. 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 March sanitary sewer invoices in the amount of \$64,300.38. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Tabled business:

The Board discussed the Resolution regarding the Council of Governments that was presented by Susan Franco at the last Board of Supervisors meeting. Ms. Franco stated that after Mr. Pompo’s reaction to join COG she suggested the Board going ahead to adopt the Resolution to join the COG organization than for the Township to join an inner municipal agreement that has no restrictions or dues but allows for municipalities to share ideas and save money on purchasing power. Ms. Silvernail asked how much does it cost to join this program? Ms. Franco stated that each Municipality that joins splits costs equally with each. Mr. Hensel stated that currently the Township is part of the piggyback program and is an active member of co-stars program that costs the Township no fees or dues. Mr. Doratt suggested that he would like to sit in on a meeting before the Board makes a decision whether to join or not to join. Ms. Franco stated the next meeting is

being held at West Brandywine Township. Mr. Thompson stated that this organization you can either opt in or out at any time.

New Business:

The Board discussed Ordinance 2007-01, which amends the sanitary sewer use Ordinance Chapter 101-13 fees established by amending the minimum tapping fee from \$2,445.00 to \$2,541.02 per EDU. Mr. MacCombie explained to the Board that the tapping fee has not increased since 1999. Mr. MacCombie stated that calculations were done to show the reason for the \$96.02 increase and is available for view at the Township building.

After discussion, Mr. Hensel made a motion, seconded by Mr. Doratt to adopt Ordinance 2007-01 to amend the sanitary sewer Ordinance Chapter 101-13 fees established by amending the minimum tapping fee from \$2445.00 to \$2,541.02 per EDU. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed Resolution 2007-06 to adopt a transportation impact fee Ordinance establishing and appointing a traffic impact advisory committee. Ms. Silvernail added that this Resolution is a requirement to start the ball rolling in establishing the Act 209 Advisory Committee. Ms. Silvernail added that with the adoption of this Resolution a meeting would be scheduled to conduct the first meeting to organize.

After discussion, Mr. Hensel made a motion, seconded by Ms. Silvernail, to adopt Resolution 2007-06 appointing a traffic impact advisory committee. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed Resolution 2007-07 response territories for emergency service providers. Ms. Silvernail read a paragraph from the Resolution that states that Station 29 Pomeroy will provide fire protection service for all that part of the Township South of Reel Street, all properties having driveways and access from Reel Street, South of the intersection of Quarry Road and Greenbelt Drive and North of the intersection of Quarry Road and Greenbelt Drive on Greenbelt Drive. Station 31 Sadsburyville will provide fire protection service for all that part of the Township North of Washington Lane and all properties having driveways and access from Washington Lane. Ms. Silvernail questioned if Quarry Ridge is included in this paragraph and if so shouldn't it state so? Mr. Taylor stated “yes” Quarry Ridge is included in the territory but not to include in the paragraph. Mr. Kreger added that when a call gets dispatched its likely that both fire companies will show up in Quarry Ridge. Mr. Taylor stated whoever gets there first sets up command.

After discussion, Mr. Hensel made a motion, seconded by Mr. Doratt, to adopt Resolution 2007-07 response territories for emergency service providers. With there being no questions from the public, the Board voting “aye: the motion passed unanimously.

The Board discussed Resolution 2007-08 an application for a permit to install and operate traffic signals at the Bellaire Business /Independence Way and Lincoln Highway. The Board stated that there have been recent traffic accidents in that area, a lot of speeding vehicles and truck traffic complaints. Mr. Kreager asked who is funding the traffic signal? Mr. Hensel stated that money has already been escrowed for the project. Mr. Taylor asked if an opti com unit would be placed on the traffic signal? Mr. Hensel stated, "yes".

After discussion, Mr. Hensel made a motion, seconded by Ms. Silvernail, to adopt Resolution 2007-08 an application for a permit to install and operate traffic signals at AIM Boulevard/Independence Way and Lincoln Highway. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Robert Florian presented the Board with a notice that he has met the conditions of the grading permit requirements for Belvedere Avenue. Mr. MacCombie stated that he has completed a site inspection and found that: 1. The Silk fence is not installed properly, 2. He clearly located one monument of the property line and found a steel and re bar flagged to be placed as property markers, Mr. MacCombie is uncertain if the land has been surveyed as requested by a professional? 3. Mr. MacCombie reported that the ground is not stabilized; there is no ground cover. Mr. Florian replied by stating that he placed the pins on his ground by the measurements of his original deed of land. Mr. Florian added that he knows there are (4) permanent markers there. Mr. Florian stated where the silk fence is placed the land is rocky. Mr. Florian stated that he has been there for (7) years and has show very little washing of any debris and he was in the process of stabilization the land when he was told by the Township to stop. Mr. MacCombie stated that the railroad is not in their own easement so therefore you cannot go by any measurements off a deed to find a property line, regarding the silk fence he added it maybe on rocky ground but it can be backed up by dirt. Ms. Silvernail stated that she is not going to agree with anything that Mr. Florian wants to do until it is done right and to her satisfaction. The Board agreed to do a field inspection with Mr. MacCombie on April 9, 2007 at 7:00 a.m. Mr. Florian also made a request to be waived from the 2007 trash collection fees for his business at 21 Middle Street. Mr. Hensel asked Mr. Florian if he has a dumpster located at this site? Mr. Florian stated "no" this business does not create trash and whatever trash would come out he takes to the landfill. Mr. Hensel stated the only way the Board will grant a waiver from the trash service is: 1. proof of trash service contract with another hauler. 2. Certified billing of service. Mr. Hensel added without this they would not grant the waiver request.

Gary Hudson representing the Chester County Airport Authority stated that he has not received the recommendation letter from the Township Planning Commission from their last meeting. The Board stated that they have yet to receive the letter either. Mr. Hudson stated that the motion and conditions are part of the draft minutes of the Planning Commission that were made available to the public. Mr. Hensel asked Mr. Thompson if the Board could act on a recommendation letter that they have not received. Mr. Thompson replied "no" the Board should not act upon any letter from the Planning

Commission when the minutes are still in draft form and have not been approved by the Planning Commission. Mr. Kelly representing Valley View stated to the Board that he has been awaiting a decision from the Board on the direction they are taking toward the Washington Lane Project. Mr. Hensel replied that the Board has already granted preliminary plan approval for Valley View so they can either move forward or re-submit and start over if they are not satisfied with the Boards decision. Mr. Kelly stated that since they were granted preliminary approval the Township moved forward with a traffic study and he feels why should they put there plan in place and in the future the roads could be tore up if there are safety issues with the road and Chester County Airport. Mr. Hensel stated for them to resubmit new plans save the money they were going to put toward Washington Lane. Mr. MacCombie stated that Washington Lane does not have safety issues. Mr. MacCombie stated that it was suggested to the airport to have a tunnel placed underneath the runway that is going to be extended. Mr. Jones the Engineer for the Chester County Airport project stated that the tunnel could not be placed because of money issues it could not be placed to meet the proper requirements. Mr. MacCombie stated that he wants to review the plans that backs that comment up. Mr. Thompson stated that preliminary plan approval was given. Ms. Silvernail stated that the roads within Bellaire Business Center are private and not Township owned.

Mr. Hensel made a motion, seconded by Ms Silvernail, not to accept the Planning Commissions recommendation draft regarding the Washington Lane relocation. With there being no questions from the public, Mr. Hensel voting “aye”, Ms. Silvernail voting “aye”, Mr. Doratt voting “no” , the motion passed.

The Board discussed the fee increase of P & B maintenance from \$380.00 to \$405.00 for the monthly maintenance for the pump station. This increase covers vehicle and business insurance and fuel costs. Mr. Hensel added that this is the first increase since the pump station has been in operation.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to accept the fee increase of P & B Maintenance from \$380.00 to \$405.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed signing a property damage release for Safe Auto Insurance regarding property damage from a motor vehicle accident that occurred on November 12, 2006 along Helen Street and Valley Road. Mr. Hensel explained that when the accident occurred it created property damage to our Township signs and this letter is a result of an invoice that the Township mailed to the driver of the vehicle.

Mr. Hensel made a motion, seconded by Mr. Doratt, to sign the property damage release for Safe Auto Insurance to settle with \$142.91. With a question from Elmer Pluck asking if there was damage done to any Township vehicle? Mr. Hensel stating “no”. With there being no other questions, the Board voting “aye”, the motion passed unanimously.

John Lymberis presented the Board with a land development waiver request in order to construct an addition at 2979 Lincoln Highway the former Rouge Hair Design building.

Mr. Lymberis gave a description of placing an addition of approximately 600 square feet; it is a 1-story addition behind the building and will meet all code requirements. Mr. Lymberis stated that he has an interested eye doctor that needs a bigger space in order to move his business in to the Township. Ms. Silvernail stated that she has concerns with the addition being only 8' away from the building behind, what if there is a fire? Mr. Lymberis stated he will follow all code relating to fire code as well and the building in the rear has a sprinkler system. Ms. Silvernail added she has concerns with almost doubling the building and the size of the addition gives her concerns. Mr. MacCombie stated that Mr. Lymberis would be required to meet all set back and zoning. Mr. Doratt stated that he is in favor of granting the waiver to allow the addition and thinks that the eye doctor is a great application for the location. Mr. Thompson stated that if Mr. Lymberis reduced his addition from 600' to 500 square foot it would not require a land development waiver. Tony Prychodzien asked where will all the water run off go into the trailer park? Mr. MacCombie answered that all permits will be required as well as grading. Mr. Newton stated he is in favor of the eye doctor coming into Sadsbury as it will be an opportunity to fill a vacant store especially with the Sadsbury Village Enhancement Project. Mr. Prychodzien stated that the same developer has the land directly behind his home and there are rainwater issues with that. Mr. MacCombie stated that the water problem that exists there has been happening for at least the past 100 years.

Ms. Silvernail made a motion, seconded by Mr. Doratt, to approve the waiver request of John Lymberis to construct a 600 square foot addition contingent upon Mr. Lymberis complying with all code requirements. With there being no questions from the public, Mr. Doratt voting "aye", Ms. Silvernail voting "aye", Mr. Hensel abstained the motion passed.

The Board discussed purchasing a HP Compaq Business notebook with a nylon case, extra battery and an auto smart adapter to cost \$1,352.00 for use by the highway department. Mr. Hensel stated that Act 138 of 2004 amended the Liquid Fuels Tax Municipal allocation law to allow \$1,000.00 be spent per year on computer hardware and software.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the purchase of a HP Compaq Business notebook with a nylon case, extra battery and an auto smart adapter to cost \$1,352.00. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Hensel announced that May 4, 2007 is the spring bulk trash pick up for the Township. Trash Collection is not an option to opt in or out of. It is mandatory that all parcels with dwellings must use the Township trash collection service.

Mr. Hensel made a motion, seconded by Mr. Doratt, to authorize the advertisement of the Act 209 Advisory Board to meet on April 9, 2007 at 7:30 p.m. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Public Comment:

Earl Taylor asked when the GIS information would be available to the Fire Companies? Mr. Hensel stated that he is sure they are still in the process of flagging and mapping.

Alan Eagles asked if the Township's trash collection contract could be amended? Mr. Hensel stated "no".

Mr. Hensel stated that the Board is in receipt of (2) quotations from Signal Service. One is for furnishing all labor equipment and material to install an emergency generator back up switch to the existing traffic controller cabinet for the traffic signal at Old Wilmington Road and Lincoln Highway. The cost to do this work is, \$1,500.00. Mr. Hensel stated that in case of the traffic signal going out due to a power outage a generator could be placed to keep the light in operation. The second quote Mr. Hensel got was to change all the signals to LED modules, these modules are guaranteed for 5 years and helps with energy costs. The total costs to replace the bulbs to LED are \$4,570.00. Mr. Hensel stated that this item does not need to be done at this time. The Board agreed to install an emergency generator back up switch for the signal at Old Wilmington Road and Lincoln Highway.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to accept the quote from Signal Service in the amount of \$1,500.00 to install an emergency generator back up switch to the existing traffic controller cabinet for the traffic signal at Old Wilmington Road and Lincoln Highway. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Alan Eagles asked if the position on the Zoning Hearing Board has been filled? The Board stated not at this time, they are still reviewing applications.

Susan Franco stated that all fire hydrants in Quarry Ridge have been painted. Asked if the Township could take the big dead animal that is lying just outside of the Quarry Ridge Development along Old Wilmington Road. The Board answered that the Township cannot take the dead animal to call the game warden to have it picked up.

Earl Taylor again wanted to show thanks to Scott Weaver for his emergency work performed when diving into the water to pull a man out of a vehicle.

Scott Kreager asked if the speed limit could get reduced at Route s 10 & 30 down from the posted 55 mph? The Board stated that is a State Highway.

Joe Discullio stated that he received his conditions of approval of his subdivision plan for Pomeroy Partnership from Mr. Pompo and does not agree with a letter received from Mr. MacCombie dated March 23, 2007 stating that a condition of his approval is to note that the water main extension, water services and sanitary sewer laterals need to be completed prior to construction of the curb, sidewalk and driveway aprons. Mr. Discullo stated that this letter with conditions was after the fact. Mr. Hensel stated that it makes sense to

place these items now. Mr. Doratt said that the conditions were not mentioned the night they approved the subdivision.

Mr. Hensel made a motion, seconded by Mr. Doratt, to uphold the original decision of approval of the subdivision land development of Pomeroy Partnership. With there being no questions from the public, Mr. Hensel voting “aye”, Mr. Doratt voting “aye”, Ms. Silvernail voting “no”, the motion passed.

Ken Heath, an Octorara Glenn resident expressed concerns with their development not being completed such as the paving is not done, the storm drains are not draining and are not complete; residents cannot get hold of the contractor. Mr. MacCombie stated that the contractor cannot pave in the winter but they did place trees in the fall. Mr. MacCombie stated that he will contact the contractor, and assured the residents that there is enough money in the escrow if the contractor defaults.

Robert Silvernail commented to call Arcadia about these issues. Mr. MacCombie replied that is not Arcadia’s project.

Jay Groce announced that Officer Lawson was sworn in today and should be placed on the scheduled in the near future.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer