

Board of Supervisors Regular Meeting held Tuesday December 18, 2007

The Board of Supervisors conducted a regular meeting held on Tuesday December 18, 2007 commencing at 9:00 a.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, and members of the community.

The moment of silence and pledge of allegiance were observed.

Mr. Hensel announced that he would open the bid packages for an emergency generator and automatic transfer switch. The bids were as follows:

Modern Group	\$18,900.00
Hannum Electrical	\$38,000.00

Mr. Hensel will turn the bid packages over to Mr. MacCombie for review and recommendation.

Township Engineer report. Mr. MacCombie reported that he has prepared the legal descriptions for the Octorara Glen development. Mr. MacCombie handed the legal descriptions to Mr. Pompo. Mr. MacCombie stated that the condition diagram for the traffic signal at Bellaire Business Center and Independence Way have been submitted to PenDot. Mr. MacCombie submitted the Bert Reel Park Improvements bid information to Mr. John Earl project manager of DCNR requesting acceptance of a change to the proposed scope of work due to the bid quotes being in excess of the project funding of \$139,000.00. It is now proposed that the improvements would be limited to a total of \$116,000.00 which include the park activity center, handicap accessible path and wheel chair seating area by both baseball bleachers, geotextile fabric, baseball field safety improvements, handicap accessible picnic tables, project sign. Project items eliminated were to reconstruct the basketball court, handicap access to basketball court, tot lot improvements. Mr. MacCombie met with Pennsylvania American Water Company regarding flows and the upgrade of the plant, Mr. MacCombie stated that it appears that Sadsbury Township has no available flow after Pennsylvania American Water Company upgrades their plant. Mr. MacCombie stated that Ted Reid told him no flow would be available to the Township until the year 2017. Mr. MacCombie informed Mr. Reid that the Township is in the process of updating the Act 537. Mr. MacCombie stated that he is confused as to why the Township would be in the process of updating the Act 537 if the flows will not be available to the Township until 2017. Mr. MacCombie stated that the updating of the Act 537 will include the Route 10 & 30 corridor. Mr. MacCombie stated that Mr. Reid told Mr. Garris years ago that when the sanitary sewer plant expanded that additional flows would be available to the Township, now plans have changed. Mr. Pompo commented that the Township should move forward with the updating the Act 537 so that the Township will be prepared when the time comes. Mr. Hensel stated after the New Year that a committee will be formed to serve on the update of the Act 537.

Township Solicitor report. Mr. Pompo reported that creditors of Octorara Glen have placed an attachment on Township funds remaining for this project. Mr. Pompo said that legally the account cannot be frozen. Mr. Pompo stated that it is unfortunate that Sovereign banks legal department is located in Boston MA and will not unfreeze the

account with out a court order or letter from the creditor. Mr. Pompo has filed an emergency petition for an immediate hearing which has been scheduled for the first week in March. Mr. Pompo stated that the Township cannot spend any of the Township's money to complete the project. Mr. MacCombie stated that the Township owes Burkholder Paving approximately \$67,000.00 and Wagontown Construction approximately \$3,300.00. Mr. Pompo stated that the contractors that are temporarily not being paid for work they completed, should be contacted by the Township and explained the situation. Mr. Pompo filed for creditor to pay all Township attorneys fees related to this matter. Mr. Pompo stated that the bank will not budge until they get assurance of this matter being settled. Mr. Pompo stated that he requested the legal descriptions from Mr. MacCombie; he was in the process for dedication of the roads and was going to take legal action against Octorara Glen to pay all expenses. Mr. Pompo stated that Octorara Glen owns (1) undeveloped lot and wants to move foreword for the Township to claim the last owned lot of Octorara Glen. The Board discussed what the lot would be worth with sewer and water, it was said approximately \$110,000.00. Mr. Pompo said that property value would pay the outstanding costs Octorara Glen left behind such as the 18 month maintenance bond and all things that should have been done and were not. The Board agreed to have Mr. Pompo move forward with said action. Mr. Hensel asked who should take care of the roads in Octorara Glen. Mr. Pompo stated that the roadways are not dedicated to the Township yet and the Board could have the homeowners association under write the cost such the same as the Township does for Bellaire Business Center.

Tabled business:

Mr. Doratt mentioned the request of Ann McGrail to have a waiver granted to her for (2) tapping fees. Ms. Silvernail stated that she wants to see sewer budget wise how things go in 2008 and requested more time to consider Ms. McGrails request. Mr. Lymberis stated that the McGrails volunteered easements on their property to make the sanitary sewer project happen. Mr. MacCombie stated that he recalls the only payment made for an easement for the sanitary sewer was the Carr property in Stottsville.

The Board discussed amending the Township's Park and Recreation Ordinance. Mr. Pompo said the Township does have a park ordinance but it is outdated and in order for the police to enforce rules in the park the current ordinance must be updated. Mr. Doratt said should the Board revise the Ordinance instead of creating a new one? Mr. Pompo stated that it does not make a difference; the Ordinance must be advertised regardless. The Board reviewed a copy of the East Bradford Park Ordinance and agreed to implement it with changes such as "no hunting on the park grounds", adding a specific time allowable to be in the park. The Board discussed if a permit would be needed to use the pavilion in the park, currently no permit is required, the administration office collects a fee of \$50.00 rental and if the pavilion is left clean a refund is given back of \$25.00. The Board agreed to leave that as it is. After discussion the Board agreed to have Mr. Pompo make the proper changes and provide a draft copy at the next Board meeting for discussion.

New Business:

Bob Ferrucci representing Keystone Ranger Hanger #3 made a request for approval of the Subdivision Land Development Agreement and the Financial Security Agreement.

Mr. Pompo stated that the original letter of credit has not been received for this project; however; the Board can authorize the agreements publically and once the letter of credit is received can sign the agreements and plans for recording.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the Subdivision Land Development Agreement and Financial Security Agreement for Keystone Ranger Hanger #3 along with signature of the final plan contingent upon the receipt of the original letter of credit. 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 quote from Municipal Maintenance Company to repair the comminutor at the Sadsbury Pump Station to cost \$6,413.00. Mr. MacCombie stated that a 2x4 was found jamming the comminutor. Mr. Doratt asked if there was a screen that could be placed before the comminutor to stop this from happening again. Mr. MacCombie stated that the comminutor acts like teeth and chops up rags, diapers etc. before it reaches the pumps and currently the comminutor is out of service therefore objects are being process right through the pumps. The Board requested that Lisa Myers get a report and send it to the Township’s insurance company as a claim.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to approve Municipal Maintenance Company to complete the repairs to the comminutor at the Sadsbury Pump Station to cost \$6,413.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Susan Franco requested the Boards approval of her being invited to be a member of the Chester County Airport Authority with regards to the feasibility and technical committee. Ms. Silvernail asked Ms. Franco why the entire Planning Commission was not invited to take part of this technical committee. Ms. Franco stated that she has attended all airport meetings and she proves to be an interested community member. Ms. Franco stated that Gary Hudson invited her to be part of the committee. Mr. Pompo stated that legally there is no problem with Ms. Franco’s request. Ms. Franco stated that the Township Planning Commission also recommended her for the position. Mr. Hensel stated that he does not want to have a conflict of views and he is already a committee member representing the Board of Supervisors. Ms. Franco stated that she has concerns with the safety issues; she added that when she attends these meetings she does not represent herself as a Township representative. Mr. Pompo stated that from a practical standpoint (1) person should serve on the committee, the conflict of (2) could be determent. Ms. Franco stated that by her going as a Planning Commission representative, the Planning Commission has no powers to make decisions only recommendations to the Board of Supervisors. The Board agreed to table any decision regarding this request.

Public Comment:

Mr. MacCombie reported that Mr. Thompson has been in contact with him regarding the Zoning Hearing Decision of Eldridge Fence Company. The applicant’s attorney is requesting an extension of time for the Decision and Order. Mr. Hensel stated that the Zoning Hearing Board had already given 8 months for the Eldridge Fence Company to comply. The Board will be setting a precedent for others to request the same action. Mr. MacCombie stated that no reason was given for the extension of time. The Board agreed

that they want a reason for the extension and proof needed to show that they have another location or they will not grant their extension.

Vince Pompo thanked Doug Doratt for his years of service and said it was a pleasure working with him.

Stephanie Silvernail stated that she has received complaints regarding the helicopter run ups at 10:00 p.m. and if Mr. Ferrucci had any knowledge of this? Mr. Ferrucci stated that he would need dates in order to go back and check the log on activity. Mr. Ferrucci added that Brandywine Hospital does special maneuvers in the evenings. Ms. Silvernail also thanked Doug for his years of service and said it's been great working with him and wished him good luck.

Dale Hensel thanked Doug Doratt again for his years of service.

Alan Eagles asked if there will be any positions available on the Planning Commission in 2008. Ms. Silvernail stated yes, there is one position open.

Susan Franco gave Lisa Myers a sketch plan of proposed signs for Compass Road, the cost of the signs are \$25.00 per piece. The signs are adopt a highway and litter control for the Compass road community group.

John Lymberis remembers Pennsylvania American Water Company saying that the township has more flows than they are using and they will not give the Township additional flows until Sadsbury uses what it has. Mr. Lymberis thanked Doug Doratt for his years of service; he will be missed and always kept the best interest of the Township. Mr. Doratt is also a lifelong resident of Sadsbury.

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

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer