

## **Board of Supervisors Regular Meeting held Tuesday June 19, 2007**

The Board of Supervisors conducted a regular meeting held on Tuesday June 19, 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, Mr. Hawkins Building Inspector and members of the community.

The moment of silence and pledge of allegiance were observed.

**Township Engineer report.** Mr. MacCombie provided to the Board the MS4 Storm Water Report and has filed a copy with Pennsylvania Department of Environmental Protection. Mr. MacCombie reported that all safety issues with regards to the Sadsburyville Village Enhancement Project have been submitted to the District Safety Review Committee at PenDot. Mr. MacCombie stated that the Bert Reel Park bathroom facilities plans would go out to bid next month.

**Township Police report.** Chief Groce requested the Board hire Daniel Mackley for a part time patrolman position; all background checks have been completed successfully. Chief Groce recommended that Mr. Mackley be hired at the rate of \$15.05 per hour with a 6-month probation period. Chief Groce stated that 15 basketball hoops have been found in the streets throughout the Township, all addresses have been documented and warning letters are to be mailed.

Mr. Hensel made a motion, seconded by Mr. Doratt, to hire Mr. Daniel Mackley as a part time patrolman at the rate of \$15.05 per hour with a 6-month probation period. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail reviewed and discussed the recommendations and actions from the June 12, 2007 Planning Commission meeting:

- **D & S Developers:** Ms. Silvernail stated that a clean letter from Mr. MacCombie is a must. Mr. MacCombie stated that he is awaiting a letter from Chris Frantz attorney for the applicant. Mr. MacCombie stated he is aware of phasing issues with this project. A letter from Pennsylvania American Water of water service and Peco are also needed.
- **All County Partnership:** Ms. Silvernail read that the Sadsbury Township Planning Commission advises the Board that they do not object to acceptance by the Township Engineer and Solicitor of the proposed reduction in EDU requirements from 40 EDU to 27 EDU for the Valley View Business Park.
- **Arcadia Land Company:** Ms. Silvernail stated that the applicant presented a proposed change for the approved land development plan, resulting in the

elimination of the currently planned approved 50 unit multifamily dwelling, substituting instead 36 townhouses. The applicant cited market demand as a driving force for the requested change. Discussion by the commission included concern that actual construction of this phase of the proposed development was far enough into the future that market demand could change several times before commencement of construction and multiple changes of this sort would not be prudent. The Commission put forth no recommendation on this proposed change, instead suggesting that the applicant concentrate on earlier phases of the development before proposing changes to later phases. Mr. Hensel stated that he attended this meeting and does not recall the comment that states instead of suggesting that the applicants concentrate on earlier recommendation on the proposing changes to later phases. Susan Franco, a Planning Commission member, stated that Mr. Hensel is correct and that was not discussed in the Planning Commission meeting. Mr. Hensel stated that the Planning Commission will need to make the proper corrections to the recommendation and actions from June 12, 2007 Planning Commission Meeting.

**Township Solicitors report.** Mr. Pompo stated that a Zoning Hearing has been scheduled for June 21, 2007 for a special exception of JYF. Mr. Pompo asked if the Board would require legal representation at this hearing. Ms. Silvernail stated that the Board saw the sketch plan and has no objections. Mr. Pompo stated that he forwarded the Ordinance that applies to the basketball court issues to the Board and Chief Groce. Mr. Pompo stated that he has prepared two documents for the Boards review and comments. The documents are the Installation and Maintenance Agreement for Individual On Lot Disposal System and an Ordinance that would govern the management of on lot subsurface sewage disposal facilities within the Township. The Board stated that they are in receipt of both documents but did not get a chance to review them yet. Mr. Pompo asked the Board if he could release the documents subject to change. The Board stated yes and will discuss at the next meeting.

**Township Building Inspector.** Mr. Hawkins reported that 25 projects have begun with new permits. Mr. Hawkins has received complaints regarding tall weeds and grass; those have been put on notice. Mr. Hawkins is pursuing the Octorara Road complaint regarding a warehouse.

### **Tabled Business:**

Ms. Amy Magee a West Caln resident is requesting to tap into the Townships sanitary sewer line that runs through her yard. Ms. Magee has a system that is in failure. DEP has been in contact with Mr. MacCombie and Mr. Pompo. Mr. Pompo informed Clinton Cleaver that the Township has entered into an agreement with West Caln Township and Pennsylvania American Water Company. Mr. MacCombie stated that engineering wise he has no problems but if the Township allows the connection other areas may fall into the same seniaro. Mr. Pompo stated that options to allow this connection are: amend the agreement to allow for the situation, prove the system is a hazard to the public and have DEP issue the order to require connection, keep a paper trail of health department

violations. Mr. Pompo stated that Sadsbury needs written permission from West Caln Township and Pennsylvania American Water Company allowing for the connection, West Caln must be kept in the loop. Mr. Pompo stated that if DEP does not order the connection and the Board grants permission the homeowner will be responsible for all costs to the amendment of the agreement. Mr. Pompo stated that he has no problem with the State issuing an order for Sadsbury Township to allow the connection. The Board agreed. Mr. Pompo stated that all health department records and violation notices must be submitted to West Caln and Sadsbury Township Mr. Pompo will communicate this matter with Mr. Cleaver.

### **New Business:**

Ms. Ahern representing Gateway Church was present to discuss the on lot sewer agreement. Ms. Ahern stated that she knows that the Board did not get time to review the material regarding the on lot agreement however would the Board send a letter to DEP stating that they are currently reviewing an on lot agreement? Mr. Lymberis stated that he is also in the need of an on lot maintenance agreement.

The Board discussed the current web site and the issues of it not being updated. Ms. Silvernail stated that for approximately a year Ms. Myers has requested updates be done to the web page and the changes do not get done in a timely manner or the entire update request never gets completed. Ms. Silvernail stated that she e-mailed the web master on Thursday June 14, 2007 and requested a response back and has not received a response yet. Mr. Hensel asked Ms. Myers if the current web master was under contract with the Township, Ms. Myers replied that she did not set the account up and that Chief Groce was in charge of the web page at the time. Chief Groce answered that no contract is in place. The Board agreed to shop for a new web master. Alan Eagles suggested govlink is a self managed web site and West Brandywine and West Caln are current users.

Joe Rosella representing AIM Development Corporation presented that Board with a preliminary plan submission for lot 29A in the Bellaire Business Center. Mr. Rosella stated that the plan presents a lot line change showing 1 unit on 2 lots within the light industrial zoning. Mr. Rosella stated the primary use for the land is an office warehouse use. Mr. Rosella requested to move forward with this plan. The Board requested that Ms. Myers forward the plan to the Township Planning Commission.

Mr. Bill Colby representing Valley View discussed with the Board their subdivision modification preliminary plan approval. Mr. Colby stated that as a result of the reallocation of 7 EDU's from Valley Township to Sadsbury Township All County had sought an additional 33 EDU's from Sadsbury Township for this project. Mr. Colby stated that All County no longer requires an additional 33 EDUs from Sadsbury Township because a potential buyer of one of the lots of the project is no longer interested in purchasing from All County, therefore All County is able to reduce the number of EDU's required for the development of the project from a total of 40 EDU's to a total of 27 EDU's. All County is will request 20 additional EDU's instead of 33. All County understands that the additional 20 EDU's may be available from unallocated

capacity owned by Sadsbury. The current 7 EDU's will be used: 5 for lot 1, 1 for lot 2 and 1 for lot 3. The Board had no objection with Mr. Colby's request to decrease the EDU's from 33 to 20. Mr. Kelly stated that the sanitary sewer planning modules were submitted approximately 1 year ago and is in limbo. Mr. Kelly is requesting to move forward with the 7 EDU's owned by All County therefore the planning modules will need modified and the Resolution and transmittal letter will need adopted by the Board of Supervisors.

After discussion Mr. Hensel made a motion, seconded by Mr. Doratt, to amend the condition of approval set fourth in the preliminary plan approval May 2, 2006 to change the condition to represent a decrease in allocation from 40 EDU's being 10,0000 gallons per day to 27 EDU's being 6,750 gallons per day. 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 Resolution 2007-10 regarding plan revision for new land development for All County Partnership. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed a letter received from Albert Sommer requesting relief from a sanitary sewer invoice due to a leaky pipe. The Board discussed Mr. Sommers request and has no proof that the water did no go into the sanitary sewer lines, the Pennsylvania American Water Company invoices show no credit for the use. The Board agreed not to grant Mr. Sommer relief

Mr. Hensel made a motion, seconded by Ms. Silvernail, not to grant Mr. Sommers request of relief from a sanitary sewer invoice. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed a letter from Tina Ruddell requesting the speed limit be reduced to 25 mph along Friendship Way. The Board recalls having the speed machine placed around that location to clock speeders before. The Board agreed to place the speed machine at the Friendship Way location and get a report from Chief Groce on the results.

Mr. Gary Hudson representing the Chester County Airport Authority was present to address the complaints regarding aircraft noise. Mr. Hudson stated that he was unaware of any problems in Sadsbury; Ms. Silvernail stated that she received a complaint from a resident along Lincoln Highway of aircraft flying low over her home. Mr. Hudson stated that a bi plane has been at the airport giving rides and doing stunts and the majority of the complaints have been from that particular plane. Mr. Pompo stated that as a good neighbor could the airport not accommodate this person. Mr. Hudson stated "no". Mr. Hudson stated that he has received 29 complaints within a 3-year period. Mr. Pompo asked if it was true that when complaints come into the airport they are told to get the number off of the plane? Mr. Hudson stated "yes" that is what they tell people or even to film the plane with a camcorder, cause he has no way to track it otherwise. Mr. Pompo asked if the plane number is not disclosed do they still answer the complaint? Mr.

Hudson answered “yes”. Mr. Hudson supplied the Board with a list of complaints he has received over the 3-year period. Mr. Hudson also stated that after the pilot has taken off they have to think of safety first. After review of the complaints Mr. Pompo stated that 20% of the complaints listed are from low flying planes and Mr. Pompo suggested that they re visit their policy by not allowing pleasure activity such as stunt planes and suggested being a good neighbor. Mr. Hudson stated that the airport couldn’t pick and choose who they allow to use their facilities that would be discrimination. Mr. Pompo stated that he couldn’t believe that the airport does not have control on which they allow to fly out of their airport. Mr. Hudson stated that he has to follow grant insurances and if they do not they will loose valuable funding. The Board requested that Mr. Doratt set a meeting up between the authority and Sadsbury Township to discuss these issues further.

The Board discussed the process of purchasing furniture for the new Township building under the State Contract Costars. Mr. Hensel made a motion, seconded by Ms. Silvernail, to purchase office furniture under the state contract not to exceed \$45,000. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Public Comment:**

Susan Franco thanked Officer Yanak for the arrest of the paint vandal and thanked the Board of Supervisors for following up on the basketball court issues. Ms. Franco asked if the Board can get stickers from PenDot that say “Keep Kids Alive 25”, the Board directed the Secretary to look into the stickers.

Alan Eagles made a comment regarding the speeding within Quarry Ridge.

John Jaros representing JYF discussed the procedure of sewer capacity allocation. Mr. Jaros requested to meet with Mr. Pompo and Mr. MacCombie. Ms. Silvernail and Mr. Doratt agreed to allow Mr. Jaros to meeting with the Township consultants.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer

