

**Board of Supervisors Regular Meeting held Tuesday August 5, 2008**

A regular meeting of the Board of Supervisors was conducted on Tuesday August 5, 2008 commencing at 7:00 p.m. Chairwoman Ms. Silvernail called the meeting to order. Present were Supervisors Mr. Hensel and Ms. Horan, Mr. Herbert MacCombie Township Engineer/Zoning Officer, Mr. Pompo Township Solicitor, Mr. Hawkins Township Building Inspector was absent and members of the community.

Ms. Silvernail announced that the Board met in executive session on Friday July 11, 2008 at 9:00 am, Thursday July 24, 2008 at 10:30 am and August 5, 2008 at 6:30 pm to discuss police personnel issues.

The moment of silence and pledge of allegiance were observed.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to waive reading the previous meetings minutes. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to adopt the minutes of the previous meeting. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail opened sealed bids for the 1992 Dodge Truck, they read as follows:

Marks Motors	\$275.00
Doratt Automotive	\$575.00
Rodgers Auto Sales	\$362.00

The Board discussed accepting the highest bid at this meeting. Mr. Hensel commented that the highest bid is more than the Township would get to scrap the vehicle.

Ms. Silvernail made a motion, seconded by Ms. Horan, to award the 1992 Dodge Truck bid to Doratt’s Automotive for \$575.00 “as is”. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Township Police report.** Sergeant Ranck reported that for the month of July the police patrolled 4,961 miles and took 169 complaints from the public for: 9 theft, 9 suspicious persons, 3 911 hang ups, 9 alarms, 11 assist to other departments, 6 animal, 3 domestics, 5 accidents, 6 criminal mischief, 3 disturbance. Sergeant Ranck reported 20 traffic citations were issued for the month and three criminal arrests for 1 DUI, 1 bench warrant, 1 burglary. Patrol activities included 49 traffic checks, 35 property checks. Three juveniles were arrested in an adjoining Township for thefts from vehicles in Quarry Ridge, the juveniles were charged. Sergeant Ranck stated that the new 2008 Ford police

car is in and he is requesting to have the equipment moved from the 2000 Ford. Sergeant Ranck stated the costs involved are:

Transfer vascar	\$250.00
Strip new car	\$272.00
Remove radios and transfer	<u>\$1,670.00</u>
Total	\$2,192.00

Sergeant Ranck stated this amount brings the purchase of the car to \$32,263.00, the budget allows for \$35,000.00.

The Board discussed this purchase being the standard equipment transfer and with costs are within the budget.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the costs to transfer the old equipment into the new vehicle and strip to cost \$2,192.00. With there being no questions from the public, the Board voting “aye” the motion passed unanimously.

The Board discussed a request from Chief Groce to update the police web site.

Ms. Silvernail made a motion, seconded by Ms. Horan, to allow for the police web site update not to exceed \$200.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Township Engineer report. Mr. MacCombie reported that a proposal from Krasman Construction to repair the I beam for the salt shed at the old Township building. The proposal costs are \$2,750.00.

Ms. Silvernail stated that it was mentioned to have Krasman Construction repair the salt shed but the Board requested a quote in writing.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to allow Krasman Construction repair the salt shed at the old Township building to cost \$2,750.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie reported that the Pennsylvania Department of Conservation and Natural Resources is offering a Tree Vitalize Movement, a program that benefits what trees offer to all of us. Mr. MacCombie stated that any interested residents can see the Township Secretary for an application or visit the Township’s website where the application will be posted. There are no costs involved. Mr. MacCombie stated that he has prepared a construction release for Krasman Construction in the amount of \$78,386.13 for the Boards consideration for approval contingent upon the return of Jamie MacCombie.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the construction release of \$78,386.13 for Krasman Construction contingent upon Jamie MacCombie’s

signature upon return from his vacation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he has prepared a construction release for Black Walnut Winery in the amount of \$14,550.50 for the Boards consideration for approval.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the construction release to Black Walnut Winery in the amount of \$14,550.50 per Mr. MacCombies recommendation, with there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he has prepared a construction release for Gateway Church in the amount of \$165,031.59 for the Boards consideration for approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release for Gateway Church in the amount of \$165,031.59 per Mr. MacCombies recommendation. With Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel abstained, the motion passed.

Mr. MacCombie reported that he has an application for the National Railroad Passenger Corporation; he stated that Amtrak is requesting that the Township complete an application and submit it with a \$1,000.00 check to them. This fee is to offset administrative costs associated with the review of the license agreement. The Township is requesting an easement for the sanitary sewer project from Amtrak. Ms. Heineman asked if this was a one time fee. Mr. MacCombie stated “yes”.

Ms. Silvernail made a motion, seconded by Ms. Horan, to pay the \$1,000.00 application fee to the National Railroad Passenger Corporation for a license agreement to Amtrak for the sanitary sewer crossing. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Township Solicitor report.** Mr. Pompo reported that he has not received the stormwater nor the sanitary sewer easement agreements from Octorara Glen. Mr. Pompo did receive a request to change language on the Townships standard documents. Mr. Pompo stated that he does not recommend changing the language. He stated the first change they are requesting is concerning the rights of the Township and that the Township cannot be sued by a Township resident. The second change they are requesting is the rights of the homeowner against the Township if sewer does not run property, Mr. Pompo stated that the standard agreement states that the Township is responsible for the sewer system and if the Township does not maintain the sewer lines would be a liability and the DEP has the power to order the Township and penalize the Township if we do not maintain the lines. Ms. Silvernail stated that she does not want to change the language; safeguards are in place, should we not do our job and keep the sanitary sewer lines flowing. Mr. Pompo said he would send a letter to the Octorara Glen Homeowners Association explaining the agreements. A gentlemen present from the Octorara Glen Homeowners association said that would be fine.

**Township Road report.** Mr. Turner reported that the road crew filled numerous pot holes throughout the Township. Parking changes have been made at the Sadsbury Village Development. All roadside mowing is completed and Octorara Glen track improvements have been made. All fluids, belts, and hoses are checked daily. The concrete pad was poured at the Township building to house the new generator, which is now in place. Total equipment hours are 35.2 and vehicle miles are 718. Cathy Kryzanauskas stated concerns of the roadways within Springview Manor Development, she said the roads are cracked and grass is growing in the roads. Mr. MacCombie stated that the Township is aware of the road conditions within the Township, a road survey has been completed and roads were placed on a list of most required attention to least amount of attention. Mr. MacCombie stated that the roads in Springview Manor are not on the budgeted list for repair this year. The Township, Mr. Drozd, Engineers, road crew are all preparing a 5 year plan budget.

**Planning Commission report.** Mr. Lymberis reported that the Planning Commission met on July 8, 2008. Old business discussed was Gateway Community Church, site lighting change. A special meeting was scheduled to continue discussions regarding the site lightening change. New business discussed was the final land development of Morris Farm for lot 6, the applicant was not present therefore there was no discussion. The Planning Commission met on July 4, 2008 for a special meeting to discuss the site lightening change for Gateway Church. The following comments were made:

1. the two proposed 25' high 400 watt lights at and along the main entrance driveway area leading to the parking lot shall be placed with two 20' high, 250 watt lights as originally planned, which lights may be repositioned from the proposed plan as deemed necessary by a lightening consultant and provided that no light shall be directed beyond the centerline of Cowan Road at the property entrance.
2. the proposed 25' high 400 watt lights at the temporary cul de sac shall be replaced with one 20' high 250 watt light as originally planned which light may be repositioned from the proposed plan as deemed necessary by a lighting consultant and provided that no light shall be directed beyond the centerline of Cowan Road.
3. the two proposed 400 watt lights on the rear of the exterior of the building shall be replaced with a maximum of three adjustable wall flood fixtures as described by Mike Heisey of Heisey Electrical Contracting on the rear exterior of the building mounted no higher than 12 feet from the building grade level out put of the fixtures not to exceed 400 watts in the aggregate none of the fixtures to exceed 150 watts individually
4. the review and approval of the Township Engineer.

**Township Zoning report.** Mr. MacCombie reported that he has reviewed an application for a car dealership to occur along Route 30, he stated the applicant needs a Zoning Hearing, reviewed an application for a temporary banner sign for Keystone Ranger, horse shed application for Compass Road was rejected, mobile home application for Lincoln Crest, Somewhere Saloon code violations with parking and noise and outdoor service.

**Pomeroy Fire Company report.** Mr. Taylor reported that for the month of July a total of 15 alarms were answered for: 1 house, 1 trash, tree, 1 assist ambulance, 2 automatic alarm, 3 trees and wires, 2 auto accident, 2 building, 1 garage, 1 standby. Mr. Taylor reported the alarms were for 11 Sadsbury, 1 Coatesville, 1 Parkesburg, 1 East Fallowfield, 1 Atglen Boro, 1 Valley. Total time in service was 14 hours and 28 minutes. Mr. Taylor reported that the Township has had many arson fires within the Township and thanked all the volunteers for 1 night out at which members patrolled the Township. Mr. Taylor added to be aware of your neighbors, leave outdoor lights on and many residents have installed outdoor motion detectors. He stated in the 30 years he has been a firefighter he has never experienced anything like this. Ms. Silvernail stated that she received a letter from residents that were fire victims; the letter thanked the volunteer fire fighters for their quick response and kindness. Mr. Taylor added that the fire company added a 2004 ambulance to their fleet and took the old ambulance out of service.

**Sadsburyville Fire Company report.** Mr. Grossman reported for the month of July 18 alarms were answered for: 2 auto accidents, 1 automatic alarm, 2 fields and woods, assist to 28 1 auto accident, 2 investigations and 1 gas leak, assists to 43 1 garage, assist to 29 2 buildings, 2 trees and wires, 1 trash, 1 assists to 44 1 automatic alarm, 1 ambulance assist, assist to 35 1 out building. Total time in service was 10 hours and 16 minutes.

**Park Committee News:** Ms. Horan stated that currently there is no sign in the Bert Reel Park and would like to coordinate with members and the current Ordinance to create new sign language. Ms. Horan added that the new bathroom facility is completed. Mr. Pluck asked how the Township is going to deal with locking the facility each evening and unwanted people. Ms. Horan stated that the park committee will create a list of concerns for the Board of Supervisors and police to discuss. Ms. Horan added that Community Day at the park is scheduled for August 23, 2008 from 9-3. Ms Horan requested that the road crew put the Community Day sign up.

### **Payment of Invoices:**

Ms. Silvernail made a motion, seconded by Mr. Hensel, to pay the July invoices in the amount of \$82,090.69. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to pay the July payroll in the amount of \$37,207.12. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to pay the sanitary sewer invoices in the amount of \$28,584.83. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Ms. Horan, to make the yearly contribution to Parkesburg Library in the amount of \$1,500.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Ms. Horan, to make the yearly contribution to Coatesville Library in the amount of \$1,500.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to make the yearly contribution to Sadsburyville Fire Company in the amount of \$12,000.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to make the yearly contribution to Pomeroy Fire Company in the amount of \$12,000.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**New Business:**

Art Herling and consultants from D. L. Howell to submit a preliminary 3 lot subdivision along Maple Avenue. “No Show”.

Ms. Nicole Kline and Chris Williams consultants for McMahon Transportation Engineers & Planners presented that Board with a Roadway Sufficiency Analysis. Mr. Williams stated that Roadway Sufficiency Analysis has been prepared in accordance with the requirements set forth in Pennsylvania Act 209 on behalf of Sadsbury Township Chester County Act 209 was signed into law effective December 19, 1990. It amends the Pennsylvania Municipalities Code Act 247 of 1968 as amended to permit municipalities to access transportation impact fees on new development within their boundaries, provided that they have adopted a municipal transportation impact fee ordinance in accordance with the procedures set forth in the Act. In 2002 Act 68 further modified the Pennsylvania Municipalities’ Code to add additional provisions and clarify existing provisions of the law. Impact fees under Act 209 may only be used for those costs incurred for improvements designated in the adopted transportation capital improvements plan of the municipality that are attributable to new development. The impact fees cannot be used for municipal, non transportation related capital improvements; for the repair, maintenance, or operation of existing or new municipal transportation capital improvements; or for the upgrade or replacement of existing municipal transportation capital improvements due to operational or safety deficiencies not related to new development. The Act specifically and only applies to off site transportation capital improvements attributable to new development; it neither applies to, nor restricts the procedures or powers of the municipality to require on site transportation improvements to remedy impacts of new development, nor is it intended to replace the municipality’s ordinance requirements for submission of traffic impact studies. Ms. Kline went on to explain in detail future traffic developments. She stated that roads studied showed the following improvements to be completed by 2017 they went as follows:

Pa Route 10	Stop sign	No improvements
US 30 and Route 10	Traffic signal	Widen northbound Pa Route 10 Octorara Trail to provide an additional northbound through lane and dual left turn lanes. Widen eastbound and west bound US Route 30 Lincoln Highway to provide an additional through lane in each direction. Modify traffic signal timing and phasing
PA Route 10 and Hershey Lane/Leike Road	Stop sign	Signalization Widen PA Route 10 to provide separate northbound and southbound left turn lanes
PA Route 10 Octorara	Stop sign	Signalization
Octorara Road and Sadsbury Road	Stop sign	No improvements
US Route 30 and Compass Road	Stop sign	No improvements
US Route 30 and Quaker Road	Stop sign	No improvements
US Route 30 and Old Mill Road	Stop sign	No improvements
US Route 30 and Octorara Road	Stop sign	No improvements
US Route 30 and Old Wilmington Road	Traffic Signal	Widen Old Wilmington Road to provide separate northbound and southbound left turn lanes. Utilized the connection to be made through Lafayette Square for westbound US Route 30 Old Wilmington Road. Modify the traffic signal timing.
US Route 30 and First Avenue	Stop Sign	No improvements
US Route 30 and AIM Boulevard/Independence Way	Traffic Signal	Widen US 30 to provide tow through lanes in each direction. Modify the traffic signal timing.

US Route 30 and Washington Lane	Traffic Signal	Widen eastbound US Route 30 to provide an additional eastbound through lane. Modify the traffic signal timing.
Old Wilmington Road and Bonsall School Road	Stop Sign	No improvements
Old Wilmington Road and First Avenue	Stop Sign	No improvements
Old Wilmington Road and Quarry Road	Stop Sign	No improvements
Old Wilmington Road and Greenbelt Drive	Stop Sign	No improvements
Old Wilmington Road and Valley Road	Stop Sign	No improvements
Valley Road and Strasburg Road	Stop Sign	Construct a single lane roundabout

Ms. Silvernail asked if improvements get completed as developers develop their property. Ms. Kline said “yes” the money goes toward traffic improvements. Mr. Bill Owens commented that a roundabout at the bottom of Strasburg Road in the winter time is a bad idea if you’ve ever been down that hill in winter months. Mr. Williams stated that a traffic signal at that location is also a possibility. Ann Garrett commented that she does not agree that no improvements are to be done at either end of First Avenue. Ms. Kline commented that Sadsbury Park Development is supposed to re align that intersection. Ms. Boswell commented that Mr. Lymberis is willing to fully cooperate with a connection to be made through Lafayette Square as long as the roadways get accepted as public roads. Mr. Pluck asked if condemnation will be needed in order to complete these improvements. Mr. Williams said “no” some easements will be needed.

The Board discussed Resolution 2008-00 pertaining to adopting the roadway sufficiency analysis. The Board expressed concerns with making a decision to adopt this Resolution at this time and agreed to table until the September 2, 2008 Board of Supervisors meeting for discussion of adopting Resolution 2008-00 and conducting a public hearing.

Mr. Larry Constable presented that Board with a preliminary 5 lot subdivision of his property. Mr. Constable stated that the plans are consistent with the conditional use decision and order. The Board agreed to accept the plans contingent upon the completeness of the package.

Ms. Silvernail discussed a letter received from B & J Excavating Inc. requesting the Township’s permission to close Washington Lane from Rockdale Road to Lincoln Highway for utility and widening work, the anticipated road closure will be 5 to 6 weeks. Mr. MacCombie stated that complete closure of the road is not necessary; if they think it is, would the road be opened on a daily basis, would the road be closed down, if so where’s the detour? Ms. Silvernail stated that B & J Excavating Inc. sent no

representatives to appear at the meeting to answer questions. The Board agreed not to allow the closing of the road.

Mr. Eric Vosberg representing Triple H Construction and Gateway Church presented the Board with a request of the site lighting changes. Mr. Vosberg stated that changes have been made to reflect the Planning Commission letter dated August 5, 2008. Mr. Vosberg stated that the primary reason for the change is future costs. Mr. MacCombie stated that he has already received a complaint from a resident. Mr. Vosberg stated that lights will be used for the scheduled Sunday and Wednesday service. Ms. Silvernail reminded Mr. Vosberg of the Decision and Order which states no lights after 10 pm. The Board stated that they would like to have extra screening and landscaping to offset the large posts on the facility. Mr. Jamie MacCombie is on vacation and the Board decided not to make a decision at this time. Mr. Vosberg stated that he would comply with all items and would agree to what ever Mr. MacCombie s letter stated.

After Discussion Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the site lighting change plan contingent upon Mr. Vosberg/Triple H Construction agreeing with all items of a final review letter from Mr. MacCombie , and contingent upon Triple H Construction agreeing and complying with extra landscaping, and must comply and agree to follow the Decision and Order of the Conditional Use Hearing and all the recommendations of the Township Planning Commission, motion will be void if any conditions are not followed. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel abstained, the motion passed.

Keith Walker presented the Board with a request of a time extension to remove some vehicles off of his property and build a shed to house others. Mr. Walker said he has 7 acres of land with a home that sits approximately 200 feet back off the roadway. Mr. Walker said that the vehicles are on approximately 5 acres of land, he added that his son had a body shop that closed and stored the vehicles on his property. Mr. Walker said he is not running a junk yard business and the vehicles years are 1955-1999 models and he wants to comply. Ms. Silvernail said that the Township received a complaint last March and the property is a residential area and a junk yard is not permitted. Ms. Silvernail stated that numerous mailings of Zoning Code Violations have been sent to Mr. Walker over a long period of time and the Township has not received a response until tonight, Mr. Walker claimed to have not received any mail from the Township. The Board agreed that all vehicles, parts of vehicles, trailers etc. must be removed from the site immediately or the Township will begin to fine Mr. Walker. No time extension was granted.

Ms. Silvernail requested that all committees, commissions and consultants that want to be part of the Township’s fall newsletter to have your articles to the Township Secretary by August 31, 2008.

The Board scheduled a fall trash pick up date to be November 7, 2008.

**Public Comment:**

Elmer Pluck stated that the park rules are being broken. Ms. Horan said that the police department will need to make more park patrols. Mr. Pluck asks who was going to keep the bathrooms clean and is the Township going to remove the porta pots from the park? Ms. Horan said the park committee needs to create a punch list of items that need attention at the park.

Susan Franco volunteered for the tree revitalization program. She thanked the road crew for posting the signs in Quarry Ridge, and thanked the police for patrolling more in the development.

Alan Eagles requested an inspection of 611 Bedrock Road for tall grass. Mr. Eagles asked if the parking issues in Quarry Ridge are open for discussion. The Board stated “no”, if there is a problem in Quarry Ridge, we will have the police enforce the no parking rule.

Cathy Kryzanauskas stated that (1) homeowner in Spring View Manor is not connected to the public sewer yet, can't the Township take this resident to court to make them tap in. Mr. Pompo stated “yes” the resident can be fined or court ordered to tap in. The Board recommended moving forward to get this (1) resident connected. Cathy also commented that every weekend fireworks are routinely being set off in Spring View Manor.

Jay Gregg asked if the Township police is under the 24/7 coverage? Ms. Silvernail said “no”, they are currently being scheduled for 8 hour shifts and placing them when needed during the overnight hours and the Township is not neglecting the fact that there are issues in Pomeroy. Mr. Gregg asked when the police schedule changed from 24/7. Ms. Silvernail said in the late fall of 2007. Mr. Gregg asked if the current budget allows for 24 hour coverage. Ms. Silvernail said “no”. Mr. Gregg asked if there are future plans for 24 hour coverage. Ms. Silvernail stated that the Board is doing the best it can with coverage and the current budget. Ms. Franco stated that some residents are placing motion detectors to scare off strangers.

Tammy Pawling thanked the Board for sending the building inspector to inspect the garage property beside her home, the garage has had huge wooden boxes sitting outdoors and a car, the owner used weed kill that killed all living flowers and vegetation outdoors.

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

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer

