

Regular Board of Supervisors Meeting held Tuesday June 3, 2008

A regular meeting of the Board of Supervisors was conducted on Tuesday June 3, 2008 commencing at 7:00 p.m. Chairwoman Ms. Silvernail called the meeting to order. Present were Supervisors Mr. Hensel and Ms. Horan, Mr. MacCombie Township Engineer/Zoning Officer, Mr. Pompo Township Solicitor and members of the community.

Ms. Silvernail announced that the Board met in executive session on Tuesday May 20, 2008 at 6:00 p.m. to discuss personnel matters.

Ms. Silvernail announced that the Board met in executive session on Tuesday June 3, 2008 at 6:30 p.m. to discuss open records policy.

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 directed Mr. MacCombie to open the bid packages for the resurfacing and street improvements for the year 2008. The results were as follows:

Burkholder Paving 621 Martindale Road Ephrata, Pa. 17522	\$100,208.25
Macanga Paving Contractors 919 Camaro Run West Chester, Pa. 19380	\$113,369.50
Charlestown Paving & Excavating, Inc. PO Box 434 Devault, Pa. 19432	\$120,512.30

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize Mr. MacCombie to review the bid documents and make a recommendation for the next Board of Supervisors meeting. 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 adjourn the regular Board of Supervisors Meeting to conduct the continuation of the Conditional Use Hearing for the 6

lot Subdivision of Larry and Sue Constable. 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 reconvene the regular Board of Supervisors meeting. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Township Police report. Chief Groce reported that for the Month of May the police department patrolled 3,986 miles and handled 144 complaints from the public for: 5 theft, 4 suspicious persons, 5 911 hang ups, 3 alarms, 6 assist to other departments, 3 animal, 10 domestic, 5 accidents, 3 criminal mischief, 3 disturbance, 2 harassment. There were 28 traffic citations and 14 parking tickets, 2 criminal arrest on warrants, 1 DUI, 2 disorderly conduct, 1 harassment, 1 criminal mischief. Mileage patrolled included 69 traffic checks and 100 property checks. Chief Groce reported that a speed study was completed for Washington Lane, the results were: traveling Southbound on May 13th to 18th 2,258 cars traveled on Washington Lane with an average speed being 35 miles per hour and 85% traveled 45mph. Northbound on May 13th to 18th 2,895 cars traveled an average speed of 27 mph and 85% traveled 34 mph. The Chief stated that 1,088 cars traveled Washington Lane slightly over the speed limit at which they do not ticket anyone traveling up to 10mph over.

Township Engineer report. Mr. MacCombie reported that Krassman Construction the contractor hired to complete the Bert Reel Park improvements is requesting an extension of time for the completion of the project. Mr. MacCombie stated he is requesting until August 17, 2008. Mr. Hensel asked what percentage is completed to this point. Mr. MacCombie stated 50% is complete. Ms. Horan stated that the project must be complete before the Township Community Day at the park. Mr. Pluck stated that the contractor is moving right along considering all the bad weather and mud.

Ms. Silvernail made a motion, seconded by Ms. Horan, to grant Krassman Construction an extension until August 17, 2008 to complete the Bert Reel Park Improvements. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he has prepared two construction releases for the Boards consideration, one being Gateway Church in the amount of \$111,272.37 and one being Morris Farm in the amount of \$80,047.25.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release for Gateway Church in the amount of \$111,272.37 per Mr. MacCombies recommendation. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel voted “nay”, the motion passed.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the construction release for Meeting House Properties being \$47,973.06 from the general escrow account and a release of \$32,074.19 from the base escrow account 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 did a site inspection at the Sadsbury Village entrance way for a potential of an additional parking area. Mr. MacCombie stated that the cart way is 36’ at the entrance way of Blackberry Lane and Greenhill Road. Mr. MacCombie recommended that the Board consider allowing the additional parking. Mr. MacCombie stated that by allowing the parking it would give an additional 30 parking spaces, 15 at Green Hill Road and 15 at Blackberry Lane and would not be a safety hazard. Ms. Horan asked if there would be any liability issues should a drunken person come in and hit a car. Mr. Pompo stated by allowing the additional 30 spaces, it would not change. Mr. Pluck asked what if a car gets abandoned there or breaks down. The Board stated that it would be a police issue to have an investigation done and tow. Mr. Pluck asked what about the winter months? Mr. MacCombie stated that the Township can declare the roadway an emergency route and not to allow parking. Mr. MacCombie stated that parking will not be allowed within 20’ of the entrance nor 15’ from the fire hydrant and parking must be on the right side of the roadway. Ms. Horan suggested the Township mark the road. Mr. MacCombie stated that if the Board decides to allow the additional parking the Ordinance pertaining to parking will need amended. Mr. Hensel asked what happens when the front lots get developed. Mr. MacCombie stated it’s likely to lose some of the created parking spaces and the Ordinance would need to be amended again. Robert Silvernail asked how many parking spaces would be created. Mr. MacCombie said 30. He asked if that will help. Mr. MacCombie said “yes” it will help. Mr. Steiner asked if the Township would allow additional parking in the cul-de-sacs. Mr. MacCombie said “no” that would only create problems. Susan Franco thanked the Board for considering extra parking for the residents. Mr. Pluck asked if there could possibly be future parking from the developer. Mr. MacCombie stated it is possible. Mr. Groce stated that the entrance way could be posted with signs and paint stalls on the road. Mr. MacCombie stated “not a bad idea”. Mr. Sheffield a Sadsbury Village resident requested that a sign be placed for motor vehicles only so that residents don’t park trailers or campers there.

Ms. Silvernail made a motion, seconded by Ms. Horan, to allow the additional parking on Blackberry Lane and Green Hill Road in the Sadsbury Village Subdivision and to authorize Mr. Pompo to update the Ordinance to state the changes. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”. Mr. Hensel voting “nay”, the motion passed.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize advertisement of the amendment of the parking Ordinance for the next Board of Supervisors meeting. With there being no questions from the public, the Board voting “aye” the motion passed unanimously.

Township Solicitor report. Mr. Pompo stated that he received a letter from James Marlowe attorney for Mr. and Mrs. Eldredge regarding an extension of time request for moving the fence company to their new location in West Sadsbury Township. Mr. Pompo stated that he confirmed the location being in West Sadsbury Township to be

accurate at which the Eldredges settled on May 7, 2008. Mr. and Mrs. Eldredge have applied to West Sadsbury Township for a special exception. Mr. Pompo stated they are moving forward. Ms. Silvernail stated that the process has moved forward but the letter from the attorney does not specify the amount of time needed and the Board is not going to continue to give extensions month after month. Mr. Pluck asked where the Eldredges are keeping their equipment now. Ms. Silvernail stated on the farm on Western Avenue. The Board discussed that the Zoning Hearing Board gave a decision and order and the Board has already granted one extension. The Board was in agreement not to grant the extension.

Ms. Silvernail made a motion, seconded by Mr. Hensel, not to grant an extension of time to Mr. and Mrs. Eldredge of Western Avenue. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo discussed with the Board a settlement of agreement and general release between Commonwealth General Contractors and Wayne Carmint Landscaping. Mr. Pompo stated that when the Township acquired escrow fund from the Octorara Glen Development default, Wayne Carmint Landscaping garnished the Township escrow fund, Mr. Pompo warned the attorney for Wayne Carmint that the Township's escrow account is not subject for garnishment, but the attorneys still moved forward with the garnishment. Mr. Pompo took legal action against Wayne Carmint Landscaping Inc, Commonwealth General Contractors and Leonard Windish the attorney representing the landscaping company for approximately \$14,000.00 that covered all the expenses for the Township attorney. Leonard Windish, the law firm for Wayne Carmint negotiated the legal expenses down to \$10,000.00. The Township attorney agreed to settle on that amount as full satisfaction.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to accept the Settlement Agreement and General Release discharging Leonard Windish P.C. and Wayne Carmint Landscaping Inc. the negated settlement of \$10,000.00 to be paid to Lamb McErlane P.C. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo discussed the Sadsbury Township joining in with (3) other municipalities to file against Pennsylvania American Water Company protesting the rate increase. Mr. Pompo stated that other Township's are Valley, Caln and West Brandywine. Mr. Pompo stated that the costs would be shared across the board. Ms. Silvernail stated that Sadsbury Township is not the highest bulk user and seems to be unfair that Sadsbury would have to pay equally with the other Township's that are larger users. Ms. Silvernail stated that there will be a rate increase by January 1, 2009 and if the Board wants to join with the other Township's to protest there is not much time to respond. High Swartz LLP would represent the Townships with an approximate cost to be \$75,000-\$90,000 and does not include the costs of expert testimony. The Board agreed to get the opinion of Joe Drozd the Township's financial consultant. Mr. Pompo recommended that if the Township does move forward with this action to have an agreement with terms stating that the Township can withdraw from the matter at any time. Ms. Silvernail asked if

negation could be done on a usage amount instead of equal parts, with Valley being the biggest PAWC bulk user.

The Board discussed conducting a special Board of Supervisors meeting to make a discuss and make a decision on whether the Township will join the protest. The Board agreed to schedule the special meeting to be Friday June 6, 2008 at 9:00 a.m. to continue discussion.

Mr. Pat O'Donnell requested to be placed on the Friday agenda to request an extension of time for SSC and the reservation of capacity. The Board stated that the special meeting is not about the SSC matter. Several months ago the Township notified SSC and SSC never got back to the Township and never requested to be placed on the agenda. The Board suggested that SSC request to be placed on the next regular Board meeting agenda.

Mr. Pompo reported that a zoning application was received for a bill board sign located at Routes 10 & 30. Mr. Pompo stated that this sign is non-conforming and they want to make it larger with a digital readout. Mr. Pompo stated that Lamur Advertising has an application before the Zoning Hearing Board to challenge the zoning ordinance. Mr. Hensel stated that by replacing the current bill board with a digital read out at that intersection could be dangerous.

After discussion Ms. Silvernail made a motion, seconded by Mr. Hensel, to authorize Mr. Pompo appear to represent the Board of Supervisors at the Zoning Hearing against the digital billboard sign. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo reported to the Board of Supervisors that Valley Township denied the Chester County Airport South Apron Project

Township Road report. The Road crew completed roadside mowing and filled pot holes throughout the Township. Fluids, belts and hoses were checked daily in all vehicles. Track improvements were made at Bert Reel Park. Equipment hours were 50 and vehicle miles were 733.

Township Planning Commission report. Mr. Lymberis reported that the commission met on May 13, 2008 at 7:30 p.m. Discussed under old business were Morris Farm and the lot line change for lots 5 & 7 of Whitmer Properties. Mr. Russella advised the committee that the Board of Supervisors agreed to review the plan as a preliminary/final. The commission recommended the Board approve the preliminary/final plan. New business discussed was Gateway Church lighting plan change. Mr. Vosberg from Triple H Construction represented the church. He stated that the lightening plan was revised to show 11 400 watt 25 foot high fixtures, as opposed to 19 250 watt 20 foot high fixtures. This request was made in order to conserve energy use and costs long term, and save money on installation costs. The commission required additional information, examples and explanations from experts in the lighting field to make a proper decision, considering

it would potentially impact nearby residents. The commission discussed the Larry and Sue Constable subdivision. Ken Crossan represented the applicant; the plan shown was reduced from a 6 lot subdivision to a 5 lot subdivision in order to comply with the Township requirements. The commission recommended that the driveways be shifted to individual access points as opposed to shared.

Township Zoning report. Mr. MacCombie reported that his office reviewed applications for the following projects: decks, Eldredge Fence, and Lamaur Signs. Mr. MacCombie stated that a junk yard is in operation at Stove Pipe Hill with at least 30 vehicles. Mr. MacCombie stated that he has send notices that are being ignored; he suggested taking the next step. The Board recommended that Mr. MacCombie move forward to bring the property on Stove Pipe Hill in compliance with the Township's Zoning Ordinance.

Pomeroy Fire Company report. Mr. Taylor reported that a total of alarms answered for the month of May was 6 for; 2 ambulance assist, 2 automatic alarm, 1 auto accident, 1 fire. Total time in service was 1 hour and 31 minutes. Mr. Taylor stated that fire Chief Doug McGuigan passed away after 42 years of service with Pomeroy Fire Company. Mr. Taylor thanked the police department and road crew for traffic control during the funeral.

Sadsburyville Fire Company report. Mr. Grossman reported that a total number of alarms for the month of May was 13 for 2 auto accident, 1 automatic alarm, assist to 28 4 automatic alarms, 1 auto accident, 2 smoke investigations, assist to 29 1 automatic alarm, 1 smoke investigation, assist to 35 1 auto accident. Total time in service was 4 hours and 2 minutes. Mr. Grossman reported that Sadsburyville Fire Company is acquiring a new command vehicle which is a 2008 Ford Expedition that was purchased with grant money from PEMA for fire company business. He stated that the vehicle will be driven by the fire chief and parked at his residence, due to unpredictable nature of an emergency event. The vehicle will be run in accordance with all other vehicles owned by the fire company and they are requesting the Township insure the vehicle. The Board asked if the vehicle will be used for personal use. Mr. Grossman stated no, only for emergencies. The Board agreed to insure the vehicle only if it is used for fire company business and no personal business.

Township Emergency Services Coordinator. Mr. Taylor stated that the Township has (2) missing fire hydrants one at Spaulding and one at Helen, he would like to have them put back. The Board requested the Secretary contact Pennsylvania American to find out why they were removed.

Payment of bills:

Ms. Silvernail made a motion, seconded by Mr. Hensel, to pay the May invoices in the amount of \$65,832.47. 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 pay the May payroll in the amount of \$34,076.04. 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 May sanitary sewer invoices in the amount of \$20,845.18. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Tabled Business:

The Board discussed an amendment to Ordinance 2005-05 by revising sections 6.0 pertaining to definitions and by adding a new section 7.0 pertaining to prohibitions. Mr. MacCombie stated that this amendment is a MS-4 requirement. Mr. Pompo stated that by adding the amendment it gives the Township authority to enforce should there be offenders. The Board stated that fees should be added to the Ordinance to cover all costs of any offenders.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize Mr. Pompo to add fees and provisions and advertise the amendment to Ordinance 2005-05. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. William Borrell a Township resident appeared before the Board to request approval of having a low impact business to sell firearms. Mr. Borrell stated that he will only sell the guns at shows and exchange money and weapon at trade shows. Mr. Borrell stated that he has scheduled a security company to come out and give him a quote on activating a system. Mr. Borrell also intends on purchasing a gun safe to store the weapons. The Board stated that Mr. Borrell would be required to obtain a gun safe and a security system in his home and allow the Township Zoning Official do an inspection of his property to make sure he followed through; Mr. Borrell stated he had no problems with that.

Ms. Silvernail made a motion, seconded by Ms. Horan, to permit Mr. Borrell have a low impact business of weapons to be sold at trade shows provided that no ammo is to be sold or kept at the home, that Mr. Borrell obtain a gun safe for storage and a security system for his home and will allow the Township Zoning Official complete an inspection for compliance, if complaints come in from the neighborhood the Township will reverse their decision. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New Business:

Mr. Joe Russella representing Whitmer Properties presented the Board with a request of final approval for the lot line change for lots 5 & 7 Morris Farm. The Board discussed with Mr. Russella a letter dated June 3, 2008 from the office of Lamb, McErlane P.C. and the review letter dated April 11, 2008 from the office of Herbert MacCombie.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to grant final approval for the lot line change for lots 5 & 7 of Whitmer Properties contingent upon compliance with the review letters of Herbert MacCombie dated April 11, 2008 and Lamb McErlane review letter dated June 3, 2008 and that no plans will be signed until a review of the plans has been completed by Jamie MacCombie. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed complaints coming from residents and non residents of the helicopter noise after dark. Ms. Franco stated that the helicopter noise is always at night. Mr. MacCombie suggested that someone contact Keystone to request a representative attend the next Township meeting for a discussion regarding their hours of operation. The Board directed Lisa Myers contact Keystone.

Public Comment:

Maggie Salewski asked when the walking trail will be complete. Mr. Hensel stated concerns that he had with having our Township road department going onto private property to do work. Mr. MacCombie stated that there is approximately \$3,000. Left in the escrow account and the road department was told to track their hours and material and the monies would come right out of the escrow money. Mr. Pompo stated that the paperwork for dedication is in the process.

Elmer Pluck thanked Board members for attending the funeral of Doug McGuigan; he commented that the current Board is doing an outstanding job.

John Lymberis made comments with concerns for the SSC agreement that is due to expire June 30, 2008. Mr. Pompo stated that he sent a letter on March 17, 2008 and got no response back.

Ted Reed requested that the Board consider granting a 60 day extension for the SSC agreement. The Board took no action on this request.

Susan Franco complained about the tall grass, and trash at 611 Bedrock Road. Ms. Franco asked if the Township would do regular inspections of this property. Ms. Silvernail stated “no” by the Township completing such a request it would seem like the Township is spying on them; it is up to the homeowners’ association.

Terry Muto said that he is in the process of obtaining quotes for the new traffic signal at AIM Boulevard and Independence Way and the quotes are much higher then thought.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer