

## **Board of Supervisors Meeting held Wednesday November 5, 2008**

A regular meeting of the Board of Supervisors was conducted on Wednesday November 5, 2008 commencing at 7:00 p.m. Chairwoman Ms. Silvernail called the meeting to order. Present was Supervisor Ms. Horan, Supervisor Hensel was absent, also in attendance was Mr. Herbert 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 Monday October 6, 2008, Thursday October 23, 2008 at 6:00 pm to conduct interviews. The Board also met on Friday October 23, 2008 at 9:00 am to discuss police matters and October 28, 2008 at 10:00 am to discuss police matters.

Ms. Silvernail made a motion, seconded by Ms. Horan, to waive reading the previous meetings minutes. With there being no questions from the public, Ms. Silvernail voting "aye" and Ms. Horan voting "aye", the motion passed.

Ms. Silvernail made a motion, seconded by Ms. Horan to adopt the minutes of the previous meeting. With there being no questions from the public, Ms. Silvernail voting "aye", and Ms. Horan voting "aye", the motion passed.

Ms. Silvernail opened and read allowed sealed bids for the Scag mower and 2000 Ford Crown Victoria in as is condition. The bids were as follows:

### **Scag Mower:**

J. MacCombie	\$400.00
John Keating	\$701.02
Anthony Jacks	\$505.00
Suburban Habitats	\$50.00
Larry Vandyke	\$100.00
Rodgers Auto	\$380.00
Fred Adams	\$919.00

### **2000 Ford Crown Victoria:**

Bay Ridge Motors	\$495.00
Fred Adams	\$726.00
Rodgers Auto	\$630.00
Brian Gathercole	\$1,500.00
John Keating	\$401.52
PCE Auto Sales	\$697.00

The Board discussed the bid amounts and agreed to award to the highest for each item.

Ms. Silvernail made a motion, seconded by Ms. Horan, to accept the bid amount of \$1,500.00 from Brian Gathercole for the 2000 Ford Crown Victoria in as is condition. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

Ms. Silvernail made a motion, seconded by Ms. Horan, to accept the bid amount of \$919.00 from Fred Adams for the Scag mower in as is condition. With there being no questions from the public, with Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

**Township Police report.** Sergeant Ranck reported that for the month of October 3,204 miles were patrolled and 157 complaints from the public were answered for: 5 theft, 3 suspicious persons, 2 911 hang ups, 23 alarms, 4 assist to other departments, 3 animal, 9 domestics, 10 accidents, 1 criminal mischief, 1 disturbance, 1 harassment. Sergeant Ranck reported 12 traffic citations written for the month and 1 PFA violation, 2 thefts by unlawful taking, 1 simple assault/harassment, 1 driving while suspended DUI, 1 parking ticket. Patrol activities included 18 traffic checks and 8 property checks. Sergeant Ranck reported that there were no complaints or incidents for mischief night nor trick or treat. He thanked Pomeroy and Sadsbury Fire Company for assisting them and keeping things safe.

**Township Engineer report.** Mr. MacCombie reported that he and Herbert MacCombie attended a meeting with Higgins Contracting and Paul Lutz, Manager with PenDot; regarding the proposed traffic signal for AIM Boulevard and Independence Way. The projected time of this traffic signal is before Christmas. Mr. MacCombie reported that members of his staff met with Amtrak regarding the sanitary sewer easement that is needed to complete the current project. Mr. MacCombie reported that Amtrak was not willing to give the Township an easement, the Engineers met with an Amtrak representative from Washington and Amtrak has agreed to give the Township an easement. Mr. MacCombie reported that the project is currently on hold until Amtrak completes the easement agreement paperwork. Mr. MacCombie stated he was approached by Mr. Muto to have the Township enter into an agreement for salting and plowing as was done in the past for salting only. Ms. Silvernail said the Township has downsized on vehicles and has a limited staff and it would be tight for the road crew to cover that area if it would be a bad winter. Ms. Silvernail said the Township has been lucky that the past few years have been mild. Mr. Turner said his opinion is not to take the project this year. Mr. MacCombie said Mr. Muto has no problems if the Township doesn't want to salt and plow this season, he wanted to offer the Township first, but will hire a contractor. The Board agreed to pass on the offer but appreciates Mr. Muto offering it to the Township first. Mr. MacCombie prepared a construction release for Wexcon for the sanitary sewer project in the amount of \$145,062.14 for the Boards consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release to Wexcon Construction in the amount of \$145,062.41 as per Mr. MacCombies

recommendation. With there being no questions from the public, with Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

Mr. MacCombie prepared a construction release for Burkholder Paving for the 2008 road resurfacing project in the amount of \$8,738.10 for the Boards consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release to Burkholder Paving for the 2008 road resurfacing project in the amount of \$8,738.10 as per Mr. MacCombies recommendation. With there being no questions from the public, with Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

Mr. MacCombie prepared a construction release for Gateway Community Church in the amount of \$33,196.49 for the Boards consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release to Gateway Grace Church in the amount of \$33,196.49 as per Mr. MacCombies recommendation. With there being no questions from the public, with Ms. Silvernail voting “aye” Ms. Horan voting “aye”, the motion passed.

Mr. MacCombie prepared a letter of credit reduction for Cosmos (Cowan Estates) in the amount of \$4,717.00 for the Boards consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the letter of credit reduction for Cosmos (Cowan Estates) in the amount of \$4,717.00 as per Mr. MacCombies recommendation. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

Mr. MacCombie prepared a construction release for Sadsbury Self Storage in the amount of \$27,363.34 for the Boards consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release to Sadsbury Self Storage in the amount of \$27,363.34 as per Mr. MacCombies recommendation. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

**Township Solicitors report.** Mr. Pompo stated that Arcadia has provided an extension letter for Phase 4 final plan application extension of review period until December 5, 2008. Mr. Pompo stated that the applicant was asked to post the security of the re-paving of Quarry Road and the amount is needed to be escrowed. Mr. MacCombie stated that the base of the road is breaking up and will need repaired. The Board discussed with so much time passing that the developer agreements and plans would need to be re-executed along with the homeowners documents. The Board, Mr. Pompo and Mr. MacCombie agreed that they will need to take a fresh look at all these plans because as time goes by things change. Mr. MacCombie stated that EDU’s are needed for this project and the EDU’s must come from the Township and not PAWC, Mr. MacCombie added that the Township has flow available for their development.

**Township Road report.** Mr. Turner reported that the road crew removed tree hazards from Greenbelt Drive and has began backfilling along Leike Road since the new paving has created a drop off the road. Mr. Turner reported that the center lines have been painted on Township roads to improve visibility. All fluids, belts and hoses are checked on a daily basis in Township vehicles. Total equipment hours are 27.5, total vehicle miles are 528.

**Township Planning Commission report.** Mr. Lymberis reported that the Planning Commission met at their regular scheduled meeting on October 14, 2008 at 7:30 pm. Old business discussed was the preliminary subdivision and land development of Larry and Sue Constable. Mr. Ken Crossan represented the applicant and Mr. MacCombie's review letter was discussed. The Planning Commission recommended to the Board of Supervisors that they approve the preliminary plan subject to certain conditions and they investigate the property to determine if the current use of the garage on proposed lot 3 is compliant with present zoning. No new business was discussed at this time. The Planning Commission requests from the Board of Supervisors to approve Jane Heineman attend the Chester County GIS Conference on November 17, 2008 as a representative of Sadsbury Township and pay the fee of \$50.00. The Planning Commission is requesting that all 2009 meetings be scheduled for 7:00 pm on the second Wednesday of each month, this will allow for attendance by Jamie MacCombie for consultation as necessary and requested by the commission. Mr. Lymberis reported that Susan Franco and Jay Gregg are interested in re-appointment to the Planning Commission for terms to begin January 1, 2009. Ms. Silvernail said that the changing of the meeting date and time and any re-appointments will be made at the Boards reorganizational meeting.

**Township Zoning report.** Mr. MacCombie reported that Eldredge Fence Company has moved. Mr. MacCombie stated that the National Guard has been in contact regarding lot (3) of the Valley View subdivision, this lot is located along Washington Lane. Mr. MacCombie stated that the plans show a small shed on the property to store weapons.

**Pomeroy Fire Company report.** Mr. Taylor reported that a total of 18 alarms for the month of October were answered for: 2 auto accidents, 2 automatic alarms, 3 dwellings, 1 motorcycle accident, 1 gas leak outside, 1 odor investigation, 1 standby, 1 debris on roadway, 2 ambulance assist, 2 house, 1 brush, 1 water heater. Assist to other departments: 1 Christiana Boro, 9 Sadsbury, 2 Highland, 2 Valley, 2 Parkesburg, and 2 East Fallowfield. Total time in service was 16 hours and 28 minutes.

**Sadsburyville Fire Company report.** Mr. Grossman reported that for the month of October a total number of alarms was 18 answered for: 4 auto accidents, 2 automatic alarms, 1 fields woods, 1 haz mat, assist to 28 for 2 dwellings, 1 auto accident, 1 vehicle, 1 odor investigation, assist to 43 for 1 standby, assist to 44 for 2 dwellings, 1 ambulance assist, assist to 35 for 1 auto accident. Total time in service was 10 hours and 27 minutes.

**Township Emergency Services Coordinator report.** Mr. Taylor reported that he and Fire Chief Kevin Suplee met with Christy Flynn of Arcadia to discuss a conditional use

issue of phase 4A of their construction; the condition is over an access right of way between Sadsbury Village and new construction. Arcadia would like to keep vehicles out of that area but not limit emergency service access to the area. Chief Suplee suggested a gate with a siren at this location. Mr. Taylor reported a gas main was hit during reconstruction of a driveway into the AIM facility. The gas main break caused the traffic to be removed from this area and rerouted which caused a traffic snarl in the village of Pomeroy and Pomeroy Heights areas, an ambulance was needed to aid an injured person, access to the emergency call was difficult. Mr. Taylor said that the more homes get built the worse it's going to get. Mr. Taylor stated that the Knox Box Ordinance was passed, and wonders how it will get relayed to those business's that it applies to? The Township Secretary said she will mail the Ordinance to all businesses in the Township. Mr. Taylor requested the Township help them financially to place the Knox box kit in one truck for Pomeroy Fire Company and one truck for Sadsburyville Fire Company, Mr. Taylor is to get prices for the Board. Mr. Taylor said that Gateway Church needs another hydrant at the driveway entrance.

### **Payment of bills:**

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the payment of the October invoices in the amount of \$66,831.66. With there being no questions from the public, with Ms. Silvernail voting "aye", and Ms. Horan voting "aye", the motion passed.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the payment of the October payroll in the amount of \$27,529.42. With there being no questions from the public, with Ms. Silvernail voting "aye", and Ms. Horan voting "aye", the motion passed.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the October sanitary sewer invoices in the amount of \$35,604.14. With there being no questions from the public, with Ms. Silvernail voting "aye", and Ms. Horan voting "aye", the motion passed.

### **New Business:**

Ken Crossan representing Larry Constable requested that the Board approve the preliminary subdivision land development of Larry Constable. Mr. Crossan stated that the Township Planning Commission made a recommendation to the Board for preliminary approval contingent upon Mr. Constable defining the use of the garage/barn on the property. Mr. Constable stated that currently he rents the building out to a contractor that uses the site for storage only. Ms. Silvernail asked if the farmhouse was occupied. Mr. Constable said "yes" it is rented as well by a different tenant. Mr. MacCombie stated that the garage/barn is an accessory building structure according to the Township's Zoning Ordinance, this building must be occupied by the same tenant as the farm house, he stated that each structure cannot be used by different tenants, they must be occupied by (1), whoever rents the house can use the barn/garage cannot separate the use.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to grant preliminary subdivision land development approval to Larry Constable contingent upon

all items be addressed in Mr. MacCombie's review letter dated October 13, 2008, and that the issue with the garage/barn being used as an accessory use only. With there being no questions from the public, with Ms. Silvernail voting "aye", Ms. Horan voting "aye", the motion passed.

The Board discussed the acceptance of the Pennsylvania American Water Company rate increase agreement as Mr. MacCombie spoke about in the last Board meeting. Mr. Pompo stated that the Board discussed and accepted this agreement in the last Board meeting and now must accept the agreement by motion.

Ms. Silvernail made a motion, seconded by Ms. Horan, to accept the Joint Petition for Settlement of Rate Investigation for Pennsylvania Public Utility Commission versus Pennsylvania American Water Company. With there being no questions from the public, with Ms. Silvernail voting "aye", Ms. Horan voting "aye", the motion passed.

The Board discussed the approved costs to the Pennsylvania American Water Company rate increase challenge has exceeded the original approved amount of \$25,000.00 by an additional amount of \$4,305.75. Ms. Silvernail stated that all Townships' involved in this matter all paid the exact amount.

Ms. Silvernail made a motion, seconded by Ms. Horan, to pay the amount of \$4,305.75 towards the rate increase challenge which exceeds the original amount of \$25,000.00. With there being no questions from the public, with Ms. Silvernail voting "aye", Ms. Horan voting "aye", the motion passed.

The Board discussed approving Jane Heineman and Dave Turner to attend a one day GIS Conference on Wednesday November 17, 2008 to cost \$50.00 each.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the payment of \$50.00 each for Jane Heineman and Dave Turner to attend a GIS Conference on Wednesday November 17, 2008. With there being no questions from the public, with Ms. Silvernail voting "aye", Ms. Horan voting "aye", the motion passed.

The Board discussed authorizing the old Township building space for rent. Mr. Pompo said that the Township can provide a simple commercial lease; the Board needs to decide how to take care of the utilities. Ms. Silvernail said that the water, sewer, and electric would be paid by the renter. The Board discussed having the electric from the garage split from the office space. The Board gave direction to the secretary to get some quotes, and if the proposals to separate the electric are too expensive the rent can be adjusted to pay the utilities. Ms. Franco said that the parking would be limited; the Board said that possibly an accounting firm or similar might have interest in renting the space. Mr. Pluck said the meeting room could be broken down into several offices with cubicles.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the advertisement of the old Township building for rent in the Community Courier. With there being no

questions from the public, with Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

The Board discussed cancelling the scheduled budget meeting work session on November 18, 2008 at the request of Joe Drozd. Mr. Drozd recommended scheduling November 25, 2008 at 9:00 am. The Board discussed scheduling the meeting to be this date.

Ms. Silvernail made a motion, seconded by Ms. Horan, to schedule a budget work session to be on Tuesday November 25, 2008 at 9:00 am. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

**Public Comment:**

Earl Taylor stated that he placed an article in the Township newsletter with regards to fire lanes and reminded everyone the importance ”not” to park in them.

John Lymberis asked if the Township would consider selling the old building. The Board stated at this time the road department does not have a place to store their equipment and the Township does not have the funds to build at this time. Mr. Pompo added that if the Board ever did decide to sell the property, it has to be sold by sealed bids because it is Township property.

With there being no further public comment, Ms. Silvernail made a motion, seconded by Ms. Horan, to adjourn the public meeting. With there being no questions from the public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, the motion passed.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer