

Board of Supervisors Regular Meeting Tuesday April 1, 2008

A regular meeting of the Board of Supervisors was conducted on Tuesday April 1, 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, Mr. Pompo Township Solicitor, and members of the community.

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 construction of the sanitary sewer extension Phase 2B Morris Lane and Lincoln Highway, Phase 3B Stovepipe Hill Road, North Street and Old Wilmington Road. Mr. MacCombie read the bids as follows:

Pact Construction of Ringo NJ	\$679,755.00
Dagostino Company of Hatfield PA	\$600,334.00
Doli Construction of Chalfont PA	\$662,233.00
Anrich Inc of Wayne PA	\$619,803.75
N. Abbonizio of Conshohocken PA	\$622,452.00
Wexcon Inc. Mohrsville PA	\$590,688.75

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize Mr. MacCombie to review all the bid packages for completeness. 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 close the regular Board of Supervisors meeting to open a Conditional Use Hearing for Larry Constable's 6 lot subdivision.

Ms. Silvernail made a motion, seconded by Ms. Horan, to reconvene the regular Board 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 March the police patrolled 3,294 miles and handled 131 complaints for: 4 theft, 8 suspicious persons, 4 911 hang ups, 11 alarms, 2 assist to other departments, 4 animal, 3 domestics, 11 accidents, 2 criminal mischief, 3 disturbance, 4 harassment and 1 burglary. There were 27 traffic citations issued for the month. Patrol activities included: 170 traffic checks and 354 property checks. Chief Groce requested the Board to adopt the revised amended Personnel Manual updating the conditions of employment and performance evaluations. Mr. Hensel stated that he just received the changes and has not had an opportunity to review the material. Ms. Silvernail tabled any action regarding the Township Police Personnel Manual until the next regular meeting.

Township Engineer report. Mr. MacCombie reported that Krassman Contractors has begun the Bert Reel Park project. Mr. MacCombie stated that he has received approval from Pen Dot to install a traffic signal at the location of AIM Boulevard and Independence Way; the plans are on file with the Township Secretary. Mr. MacCombie stated that he has received (4) quotes for the installation of the Township generator. Mr. MacCombie made a recommendation to the Board to hire Charles Higgins with the lowest proposal of \$6,698.00.

Ms. Silvernail made a motion, seconded by Ms. Horan, to accept the proposal of Charles Higgins to install the Township generator to cost \$6,698.00. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that the MS-4 program is advising that the Township consider updating our storm water management Ordinance in the near future to comply with state regulations. Mr. MacCombie reviewed and prepared a construction release for Gateway Church in the amount of \$43,575.62 for the Board's consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release for Gateway Church in the amount of \$43,575.62 per Mr. MacCombie's recommendation. With there being no questions from the public, Ms. Silvernail voting "aye", Ms. Horan voting "aye", Mr. Hensel abstained, the motion passed.

Mr. MacCombie stated that he has reviewed the part (1) sewer allocation application of York Equality and has found it to be in order and recommended that the Board approve the application.

Mr. Hensel made a motion, seconded by Ms. Horan, to approve the Part (1) sewer allocation application of York Equity. With there being a question from John Lymberis being "Is that going to meet the flow requirements?" Mr. MacCombie replied "yes". With Ms. Horan voting "aye", Mr. Hensel voting "aye", Ms. Silvernail abstained, the motion passed.

Mr. MacCombie told the Board that the traffic counter has been re-installed along Lincoln Highway in the village of Sadsburyville. The previous study showed no data.

Township Solicitor report. Mr. Pompo reported that he is in receipt of a signed snow removal agreement from Octorara Glen, if the Board wishes to make a motion to accept the agreement.

Ms. Silvernail made a motion, seconded by Ms. Horan, to accept the Road Snow Removal and Salt Application and Liability Indemnification Agreement with Octorara Glen Homeowners Association. With Ms. Silvernail voting "aye", Ms. Horan voting "aye" Mr. Hensel voting "nay" the motion passed.

Mr. Pompo suggested that the Octorara Glen Homeowners Association begin to have formal meetings with the election of officers. Currently the roadways still legally belong to Octorara Glen LLC. Mr. Pompo discussed with the Board an Ordinance amending Chapter 94 Parks and Municipal Facilities. Mr. Pompo stated that this Ordinance has been advertised as required. He added that this Ordinance updates the Township's rules and regulations of Township Parks. Ms. Horan asked what form the rules are posted to be publically seen. Mr. Pompo stated that a sign should be placed at the entrance of the park. Ms. Horan suggested giving the adjacent homeowners to the park lands a copy of the Ordinance. Elmer Pluck stated that the windows in the refreshment stand have been broken out.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Ordinance 2008-01 pertaining to Chapter 94 Parks and Municipal Facilities. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo discussed the Knox Box draft Ordinance which was provided to the Board and Earl Taylor for review. Mr. Taylor had questions as to whether or not this Ordinance will cover all existing buildings and where is the business owner to purchase the Knox box unit. Mr. Pompo stated that he would review and address Mr. Taylor's concerns and discuss at the next regular Board meeting. Mr. Pompo stated that the Subdivision Land Development Ordinance has been forwarded to the Chester County Planning Commission for review.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to authorize advertisement for a public hearing for the Subdivision and Land Development Ordinance to be held on Tuesday May 6, 2008. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo announced that he and the Board of Supervisors met in executive session prior to the Board meeting to discuss possible litigation.

Township Road report. Mr. Turner reported that during the month of March street signs were updated on the Western end of the Township, pot holes were filled, 2 members of the road department attended the MS-4 Storm water Management Training, branches were trimmed along Old Mill Road and drains were cleared. All fluids, belts and hoses are checked daily in all Township equipment and vehicles. Total equipment hours are 28 and vehicles miles are 552. Mr. Turner reported that he got a proposal from A & R Tire Service to remove approximately 200 tires from the access road to cost \$500.00. Mr. Turner also requested the Board to consider adding an additional full time road crew worker this summer, one road crew worker plans on retiring early fall.

After discussion Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the payment of \$500.00 to A & R Tire Service to remove the junk tires from the access road. With there being questions from Elmer Pluck wanting to know where did all the tires come from? The Board replied the Road crew picks them up from along side of the Township roadways. With there being no further questions the Board voting “aye”, the motion passed unanimously?

Township Planning Commission report Mr. John Lymberis reported that for the month of March the Planning Commission conducted the following business: Announced that the February meeting was cancelled due to inclement weather, approved the previous meeting minutes. Old Business discussed was: Valley View Business Park Lot 1 was on the Planning Commission agenda, All County Partnership was not in attendance and nothing was discussed. Sadsbury Park Phases 4A, 4B and 4C Final Subdivision Plan was discussed, the Planning Commission recommended that the Board of Supervisors approve the final plan contingent upon Mr. MacCombies review letter dated February 5, 2008 and suggested that they confirm any sewage capacity and or phasing issues with the applicant. New Business was Morris Farm Lot Line Change was on the agenda but Whitmer Properties was not in attendance, nothing was discussed. Chester County GO Carlson Airport South Apron Final Land Development Plan was discussed, the Commission recommended that the Board of Supervisors approve the final plan contingent upon Mr. MacCombies review letter dated February 5, 2008 and confirm that the applicant has obtained final plan approval of the plan by Valley Township. The Commissions understanding is that Valley Township intends on maintaining Rockdale Road. The Commission discussed the 6 lot subdivision of Larry Constable; Mr. Constable was not present at this meeting Mr. Hensel Liaison for the Board of Supervisors requested a recommendation on a plan submitted for a conditional use hearing.

Township Zoning report. Mr. MacCombie reported that he has reviewed numerous applications from Mr. Andrews for several potential uses of his property. Mr. MacCombie reviewed the following applications during the month of March: Mr. Pappas for a fence permit, a shed permit in Quarry Ridge, Total Systems for a second floor

renovation with more information needed, 790 Old Wilmington Road grading letter, an application for a digital billboard along Routes 10 & 30, complaint letter to 42 Stovepipe Hill for a junk yard complaint, Mr. MacCombie did a field inspection of the property and there are 20-30 vehicles in the field. Mr. MacCombie reviewed a permit for a horse boarding shed, an addition application, an antenna on the water tower. Mr. MacCombie also received a complaint regarding truck traffic on Western Avenue and the Eldridge Fence Company; he stated that according to Conditional Use they have to have the business gone by April 15, 2008.

Pomeroy Fire Company report. Mr. Earl Taylor reported that a total of 11 alarms were answered for the month of March for; 3 automatic alarm, 1 brush, 1 chimney, 1 dwelling, 1 field, 1 fire, 2 house, 1 odor investigation. Total time in service was 6 hours and 8 minutes.

Sadsburyville Fire Company report. Mr. Adam Grossman reported that a total of 14 alarms were answered for the month of March for; 1 auto accident, 2 automatic alarm, 1 chimney, 2 fields, 1 odor investigation, 1 assist to 28 for a dwelling, 2 assist to 43 for 2 dwellings and 1 standby, 2 assist to 44 for 1 shed and 1 helicopter landing, 1 assist to 37 for a standby. Total time in service was 12 hours and 29 minutes.

Emergency Services Coordinator report. Mr. Earl Taylor recommended that the Township do an update on their Emergency Operations Procedures Manual in the near future.

Township Building Inspector report. Mr. Eric Hawkins was absent.

Payment of bills:

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the March invoices in the amount of \$47,773.81. 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 approve the March payroll in the amount of \$35,459.01. 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 approve the March sanitary sewer invoices in the amount of \$17,192.11. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

New Business:

Christy Flynn representing Arcadia requested that the Township release Arcadia from the Township building security for the parking lot. Mr. MacCombie stated that the construction and installation of the 10/2/2007 punch list items have been completed; the contractor has provided the Township substitute parking lot security at which the

Township has accepted. Mr. MacCombie prepared a certificate to reduce the reduced letter of credit by \$55,000. Per the Boards approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the reduction of credit by \$55,000. to Arcadia Associates per Mr. MacCombie recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Flynn requested the Board approve the Sadsbury Park Phase 4 Final Land Development Plan. Ms. Silvernail asked if there were any outstanding sewer issues with the plans. Ms. Flynn replied that she has a signed approved sewage planning module showing that the allocation is available. Mr. Pompo stated that the capacity needs to be clarified from Pennsylvania American Water Company to the Township, Mr. MacCombie stated that Pennsylvania American Water Company has identified 460 as part of their sewage planning module. Mr. Pompo stated that the Township needs an agreement from them. Ms. Flynn was unable to provide any information stating such from Pennsylvania American Water Company. Ms. Silvernail stated that the plan changed from multifamily to townhouses. Ms. Flynn replied that the plans consists of 69 single family detached dwellings, and 42 townhouse condominium style units in place of the 50 manor multifamily units and the plans were changed on the advise of comments received during the review process. The Board discussed the sanitary sewer issue and does not want to approve a plan that does not have proper sanitary sewer allocation and the Township be responsible. The Board decided to table any decisions regarding this request until the next regularly scheduled Board meeting.

Representatives of the Chester County Airport Authority presented the Board with a request of approval of the South Apron Project Final Plan. The Township Planning Commission made a recommendation to approve the final plan contingent upon satisfaction of all comments and requirements contained in the Township Engineers letter dated February 5, 2008 and the Chester County Planning Commission review letter dated October 2, 2007. The Board discussed the maintenance of the relocated Rockdale Drive; it appears that Valley Township has accepted the responsibility to maintain the complete length of Rockdale Drive based on correspondence from the applicant’s attorney.

After discussion, Ms. Silvernail made a motion, seconded by Mr. Hensel to grant final approval to Chester County G.O. Carlson Airport South Apron Project contingent upon; Compliance with all outstanding comments set forth in the Township Engineers review letter of February 5, 2008 and March 7, 2008 to the satisfaction of the Board of Supervisors and receipt of written letter from the Township Engineer confirming the same; The applicant shall have obtained all required approvals from Valley Township prior to the signing and recording of the final plan by Sadsbury; An inner municipal agreement between Valley Township and Sadsbury Township for the maintenance by Valley Township of the entire portion of Rockdale Drive within Sadsbury Township consisting of 264.8 feet. Upon completion of the relocated Rockdale Drive acceptance of dedication of the roadway, the applicant shall obtain the vacation of the portion of the

existing Rockdale Drive right of way within Sadsbury Township that was relocated; Compliance with the comments set forth in the Chester County Planning Commissions review letter dated February 7, 2008; Compliance with the requirements of Section 109-11B.(6) of the Sadsbury Township Subdivision and Land Development Ordinance; Payment of all outstanding fees and billings for consultant reviews prior to the recording of the final plan. 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 authorize Mr. Pompo to prepare the inner municipal agreement between Sadsbury Township and Valley Township. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail stated that Mr. Grafton said that there was grant monies available to update the Township’s Zoning Ordinance up to 75% reimbursement. Mr. Hensel stated that this item was taken out of the budget for 2008. Ms. Silvernail stated that it would be an 18 month process to cost approximately \$22,000.00 with approximately \$18,000.00 being reimbursed back to the Township. Ms. Silvernail suggested that the Board authorize Mr. Grafton to get the Township the costs; she stated that the Township would be under no obligation. The Board agreed to allow Mr. Grafton present the costs for the scope of work to complete the Township Zoning Ordinance.

Public Comment:

Elmer Pluck commented that he is a Township Park Committee Officer and wanted to know if the Township had a description of his duties or bylaws. The Board stated that they do not have a description or bylaws but would get more information for him. Mr. Pluck also asked when the porta pots will be placed in the park and when the water will be turned on. Mr. Pluck was told it was on the spring schedule.

John Lymberis asked if the old Township facility could have code issues and what kind of use could the office space be used for? Mr. Lymberis asked Mr. MacCombie if he received a fax approximately 3 weeks prior to the meeting regarding Cowan Estates escrow release. Mr. MacCombie stated “no”, but there were problems with his fax machine around that time. Mr. Lymberis stated that he would provide the same information for Mr. MacCombie s review and if it was possible to have the money released before waiting an additional month? Mr. MacCombie stated that he must review the documents and does not see a problem with this request if the Board is inclined to make the motion.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the release of Cowan Estates construction release contingent to Mr. MacCombies review and recommendation and the signature of Lisa Myers and provided that it is done in an expedient manner. With there being questions from the Mr. Silvernail as to by making this exception is it setting a president for others? Mr. MacCombie answered “no” and Ms. Horan stated

there was a fax problem, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel abstained, the motion passed.

Maggie Salewski asked if the Township was going to repair the washed out walking trail at Octorara Glen. Mr. MacCombie stated that there is a problem with the walking trail, but before it can be repaired he needs to know if there are escrow funds remaining. The Township Secretary will provide him with the information.

Dave Turner asked if the Board will hire a full time road crew worker in the summer. Ms. Silvernail stated that the Board will have to look at the budget.

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

Respectfully Submitted,

Lisa Myers
Secretary Treasurer