

Board of Supervisors Regular Meeting Held Tuesday February 5, 2008

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

Ms Silvernail announced that an executive session was conducted before the Board meeting to discuss possible litigation and personnel matters.

The moment of silence and pledge of allegiance were observed.

Ms. Silvernail made a motion, seconded by Ms. Horan, to waive the reading of the minutes of the previous meetings. 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 previous meetings minutes. 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 January the department patrolled 4,267 miles and handled 384 incidents, the categories were: 1 theft, 4 suspicious persons, 52 stationary patrols, 2 911 hang ups, 15 alarms, 11 assist to other departments, 1 animal, 5 domestic, 6 accidents, 2 criminal mischief, 2 disturbances. 18 traffic citations were issued for the month, 7 criminal arrests were made for 3 disorderly conduct and 4 criminal warrants.

Township Engineer report. Mr. MacCombie thanked Chief Groce for providing him with the traffic study that he requested for the Lincoln Highway and First Avenue area. Mr. MacCombie stated that he has tried to reach Pen Dot unsuccessfully regarding the traffic signal for AIM and Independence Way; Mr. MacCombie stated that he believes the Township should hear something within the next few weeks. Mr. MacCombie reported that he received a written confirmation from the State regarding the Bert Reel Park Project; the documents have been sent to the contractor for insurance and proper signatures and since have been returned. Mr. MacCombie stated that he was looking into erosion problems with the walking trail at Octorara Glen development. The developer of Octorara Glen is in default and who will be responsible to correct this issue. Mr. Pompo stated under the circumstances to leave as is for now. Mr. MacCombie stated that phases 2b and 3b being Morris Lane, Stove Pipe Hill and North Street sanitary sewer project plans have been completed and are ready to go out for the bid process. A copy of the plans has been given to the Township Secretary for the file.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to advertise phase 2b and 3b sanitary sewer project bid package. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that upon review of the speed study completed for First Avenue and Lincoln Highway the average speed limit was 47 mph. Mr. MacCombie stated that he is going to request the state drop the speed limit along Lincoln Highway to 25 mph.

Township Solicitor report. Mr. Pompo stated that he has prepared a draft Road Snow Removal and Salt Application and Liability Indemnification Agreement between the homeowners of Octorara Glen and Sadsbury Township. Mr. Pompo stated that the agreement reads that the association will agree to pay the Township a flat fee of \$200.00 for each pass for snow removal and or salt application of snow accumulation up to 4 inches and for snow accumulations greater then 4 inches the association will pay the Township the cost for time and materials used for snow removal and salt application as determined by the Township. Mr. Pompo added that the Township will bill the association monthly for services provided under this agreement. Mr. Pompo stated that the agreement also acknowledges that the association agrees to indemnify, defend and hold harmless the Township and Township's officers, directors, supervisor's employees, successors and assigns from and against all losses, liabilities, claims. Mr. Hensel questioned who calculated the fee? Ms. Silvernail stated that she and the Road Crew Foreman Dave Turner. Mr. Hensel stated that Joe Drozd the Township CPA should do the calculations based on the time and material. Ms. Silvernail stated that Mr. Turner did figure time and material. Ms. Horan asked what the termination of the agreement is. Mr. Pompo stated it is 48 hours by either party. Mr. Pompo stated that he is preparing for the Township to take dedication of the roads. Mr. Hensel suggested tabling this agreement. Ms. Silvernail stated that the Board will not meet again for a month and there is a good possibility of a winter storm. Mr. Pompo stated that the Octorara Glen Association has not seen the draft agreement and he would like to send it to them.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize Mr. Pompo send a draft copy of the Snow Removal and Salt Application and Liability Indemnification Agreement. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo provided a draft Ordinance amending Chapter 94 parks and municipal facilities. Mr. Pompo requested for any changes to be made and the Board to authorize him to advertise for adoption. The Board requested more time to review the Ordinance and tabled this discussion until next months meeting.

Mr. Pompo reported that the delinquent lien letters for trash and sanitary sewer have been mailed and numerous payments have been received and requested to move forward with the Sheriff sale process for those who have not made any contact with the Township. The Board agreed for Mr. Pompo to move forward with the process of collection. Mr. Pompo stated that he has had some discussion with the Township Secretary on alternate means of collection of late trash and sewer fees. Mr. Pompo stated that one option is to file a complaint at district court and appear in court against the homeowner not paying their trash collection fees. Ms. Horan asked how many residents are delinquent for 2007 trash collection. Ms. Myers answered approximately 80. Mr. Pompo stated to take this

action there are no legal fees attached only a court costs and the result will be an order to make the resident pay or have a judgment placed against them. Mr. Pompo stated by using this method, hopefully it will get around and encourage residents into paying their bills and keeping them current. Ms. Horan stated that she is in agreement to take residents to small claims court verses taking them to sheriff sale. The Board agreed to move forward to collect the delinquent money owed to the Township.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the Township staff to proceed by taking delinquent accounts to district court as an alternate remedy to collect fees owed to the Township. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Road report. Mr. Turner reported that the Road Crew filled pot holes throughout the Township, trees were trimmed along Old Mill Road. The Township took delivery of a new chipper. Mr. Turner stated that he would like to discuss with the Board the possible replacement or repair of the salt bin. All fluids, belts and hoses are checked on a daily basis in all Township vehicles. Total equipment hours are 16 and vehicle miles are 1,050.

Ms. Silvernail discussed with the Board the dangers of a support beam at the salt storage area and stated it's a dangerous situation. The Board agreed to have Mr. MacCombie look at the area and make suggestions and provide a cost estimate on repairs.

Township Planning Commission report. Mr. Lymberis reported that the Planning Commission conducted a meeting on January 8, 2008 where the following members were re-elected to their positions: Theo Claypoole Chairman, John Lymberis Vice Chairman, and Jay Gregg Secretary. Mr. Lymberis stated that old business discussed was Bellaire Business Center Lot 29A, a 103,500 square foot flex building. The commission recommended the Board of Supervisors approve the preliminary plan contingent upon Mr. MacCombie's review letter dated January 2, 2008. Mr. Lymberis stated that also discussed was Morris Farm Lot 6 an 18,000 square foot office building. The commission recommended the Board of Supervisors approve the preliminary plan contingent upon Mr. MacCombie 's review letter dated January 3, 2008 and suggested they pay attention to the legal ramifications regarding the construction of Patriot Way. Mr. Lymberis stated that Christy Flynn of Arcadia indicated that she had submitted an exhibit plan reflecting the visitor parking for Sadsbury Park phase 4C.

Township Zoning report. Mr. MacCombie reported that he wrote a complaint letter to the residence of 13 Washington Lane regarding junk cars etc. Mr. MacCombie reported that Total Systems are requesting to use the second floor of their building for office space, the original request was supposed to be used as storage space. Mr. MacCombie stated that use such as this will open up a parking issue. Mr. MacCombie reviewed a request for Keystone Fireworks to sell fireworks on the property of the Hershey Farm Market; Mr. MacCombie suggested 24 hour security.

Mr. Hensel thanked all the fire companies who responded to the barn fire that occurred on the McGrail property.

Pomeroy Fire Company report. Mr. Taylor reported that a total number of alarms answered were 8 for the month of January for 1 ambulance assist, 2 automatic alarms, 1 barn, 1 fire type unknown, 1 standby, 1 trash, 1 truck fire. Total hours in service were 9 hours and 13 minutes.

Sadsburyville Fire Company report. Mr. Adam Groceman reported for the month of December a total number of alarms answered were 9 for: 3 auto accidents, 2 odors, and 1 field. Total time in service was 8 hours and 21 minutes. Mr. Groceman reported for the year ending 2007 report was 154 alarms answered, water used was 43,355.00, distance traveled was 604 miles, time in service was 119 hours and 20 minutes. Mr. Groceman reported for the month of January a total number of alarms answered were 13 for: 2 auto accidents, 1 ambulance assist, 1 automatic alarm, 1 vehicle, 1 field. Time in service was 8 hours and 35 minutes.

Township Emergency Coordinator update: Mr. Taylor reported that he will be attending an orientation for elected officials, municipal managers, and emergency management coordinators on February 19th and 21st at the Government Services Center. Mr. Taylor stated that he has received a sample Knox box policy from Kimberton Fire Chief. Mr. Taylor provided the information for the Boards review. Mr. Taylor received (3) prices on cold weather rain gear. He stated that the pricing is all about the same, he provided the Board with the written information.

Ms. Silvernail stated that the Township should implement a Knox box ordinance. The sample copy of the Knox box agreement will be copied to all Supervisors for review and comment.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to purchase cold weather rain gear for Earl Taylor with the costs not to exceed \$200.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Chester County Airport Open House update: Ms. Silvernail reported that the Chester County Airport had an open house/feasibility study to discuss runway expansion. Ms. Silvernail attended that open house and had a packet of documents that was supplied by Chester County Airport if anyone wanted to view the material.

Mr. Taylor asked if there was a good response from Sadsbury Township residents. Ms. Silvernail stated not overwhelming. Ms. Bankerd stated that she attended the open house as well. Ms. Bankard stated it would be nice to get more residents involved and speak out on concerns that they have with the airport. Ms. Horan suggested that information be provided for the spring Township newsletter.

Payment of Bills:

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the January invoices in the amount of \$56,617.10. 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 January payroll in the amount of \$38,539.66. 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 January sanitary sewer invoices in the amount of \$35,015.45. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Tabled Business:

The Board discussed the generator and switch bid package results. Ms. Silvernail stated that the cost for the generator and switch is \$18,900.00 she added that this price does not include installation. Ms. Horan asked if there would be any future maintenance for this generator. Mr. MacCombie stated “yes” yearly testing and a scheduled daily exercise should occur, the unit cannot sit dormant. Ms. Horan asked what portion of the building will the generator service? Mr. MacCombie stated that with this generator the entire building will have full function. As discussed several months ago the building is accessible in case of a disaster. Scott Weaver asked how big the unit is. Mr. MacCombie stated 85KB. Elmer Pluck asked since the generator could serve in the event of an emergency would PEMA chip in to help the Township pay the cost of the unit? Mr. MacCombie stated that PEMA does not usually pay monies out until after a disaster. Elmer Pluck asked if the generator has an automatic transfer switch. Mr. MacCombie stated “yes”.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to award the bid for the generator and switch to Modern Equipment of Bristol Pennsylvania in the amount of \$18,900.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New Business:

Mr. Joe Rosella representing Terry Muto and Bellaire Business Center presented the Board with a request of preliminary plan approval for lot 29A. Mr. Rosella gave a brief description of lot 29A being behind Keystone Ranger and on the East side of Washington Lane, the flex building is 103,000.00 square feet of space with 329 parking spaces in the front of the building. Office space will take over the front of the building and a warehouse in the rear. This plan has received FAA approval being as it is located within

the airport overlay district. Scott Weaver expressed concerns with the lighting and Lincoln Avenue residents. Mr. Rosella stated that once the building gets a user the lighting can be regulated in the final plan phase.

Ms. Silvernail made a motion, seconded by Ms. Horan, to grant preliminary plan approval for Bellaire Business Center lot 29A contingent upon the January 2, 2008 review letter of Mr. MacCombie. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Joe Rosella and Doug Howe representing Morris Farm presented the Board with the request of preliminary plan approval of lot 6 Morris Farm. Mr. Rosella gave a brief description of lot 6 being an 18,000.00 square foot building with 98 parking spaces. This plan has also received FAA approval being as it is located within the airport overlay district. The Board discussed the construction of Patriot Way, Mr. MacCombie stated that it was agreed that the first lot to have access must build Patriot Way. Mr. Pompo asked if this property has sewer capacity. Mr. Howe stated “yes” (3) EDU’s Mr. Howe also stated that he will build Patriot Way and have the industrial owners help to pay to maintain the road. Mr. Rosella stated that with preliminary plan approval still leaves the final plan review. Mr. Pompo stated that the Patriot Way road construction does not change the plan.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to grant preliminary plan approval for Lot 6 Morris Farm contingent upon the declaration of Patriot Way. With there being no questions from the public, Mr. Hensel voting “aye”, Ms. Horan voting “aye”, Ms. Silvernail abstained, the motion passed.

Mr. Carlson representing Larry Constable presented the Board with a six lot subdivision plan. Mr. Carlson gave a brief description of the plan; on May 6, 2007 a sketch plan was provided to the Board, Township Engineer, Chester County Planning Commission and the Township Planning Commission. The site is located along Limestone Road on a 20 acre lot. The plan shows a 6 lot subdivision with 1 existing residence. The land is surrounded by agricultural land, perk tests have been completed on the site, the plan shows shared driveways. Mr. Carlson stated he is prepared to submit a Conditional Use. Ms. Silvernail asked why not put a road in with a cul-de-sac? Mr. Carlson stated that when the sketch plan went before the Township Planning Commission they had no issues with the driveways lay out. He added to design roads is more expensive than building one. Mr. Pompo questioned why they would submit a subdivision plan before going through the Conditional Use Process; the Conditional Use could change the plans of the subdivision. Mr. Constable stated that he will reconsider submitting the subdivision plan at this time and prepare for the Conditional Use.

The Board discussed renewing the Chester County GIS Consortium agreement for 2008. The membership fee is \$5,000.00 for the year. The Board agreed that having the Township mapped and labeled is the ideal thing to do for the future.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to renew the Chester County GIS Consortium Agreement to cost \$5,000.00 for the 2008 year. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Theodore Claypoole presented the Board with a request to authorization of the advertisement of the Land Use Assumptions Report for a public hearing to occur in 30 days. The Board agreed to advertise for a public hearing to be held at the Board of Supervisors meeting held on March 4, 2008.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize advertisement for a public hearing to be held at the Board of Supervisors meeting held on March 4, 2008 at 7:00 p.m. to discuss the Land Use Assumptions Report. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board scheduled the spring bulk trash pick up date to be Friday May 16, 2008.

The Board discussed the spring Township newsletter. Ms. Silvernail made a request to all committees to have articles into the Township no later than March 17, 2008.

The Board discussed numerous letters received from residents regarding outstanding trash collection fees and wanting to have the invoice waived. The Board stated that they have never waived any fees for trash collection; the Ordinance states that whether or not you use the service you must pay the fees. Ms. Silvernail stated that if any resident is having a hardship and cannot afford to pay the invoice all at once the Township will work out payment arrangements but will not waive the fees you must pay whether you use the service or not.

The Board discussed renewing the traffic signal maintenance agreement for the signal at Old Wilmington Road and Lincoln Highway between Signal Service and Sadsbury Township. The cost of the agreement for the 2008 year is \$425.00. The Board agreed to renew the agreement.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to renew the traffic maintenance agreement between Signal Service and Sadsbury Township for the signal at Old Wilmington Road and Lincoln Highway. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed renewing the maintenance agreement with Stratix Systems for the Ricoh Copier to cost \$1,041.00 for the 2008 year. Ms. Silvernail added that the contract price includes full service of parts, labor, trip charges, drums and supplies; it covers 60,000.00 copies a year or whichever comes first. The Board agreed to renew the contract with Stratix Systems.

Ms. Silvernail made a motion, seconded by Ms. Horan, to renew the maintenance contract between Stratix Systems and Sadsbury Township for the 2008 year to cost

\$1,041.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed the Commonwealth of Pennsylvania 2008/2009 Sodium Chloride contract. By joining this agreement the Township participates in a committed process of purchasing salt at state pricing. The Township will be legally bound to purchase 60% of the stated needs; therefore you will receive 60% of the required tons you agreed to. The Board discussed the amount of salt to commit to and it was agreed to use the same amount as last year which was stockpile capacity of 30 tons and total tons required will be 50.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to join the Commonwealth of Pennsylvania Department of General Services Sodium Chloride program for the August 2008/July 2009 season to purchase 50 tons of salt. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Public Comment:

Susan Franco asked what was the status of the signs being hung for Compass Road. Ms. Silvernail stated that the sign posting is not required to be done by the Township, according to the townwatch manual Ms. Silvernail asked if residents were patrolling the Compass Road area. Ms. Franco stated “yes” and logs are kept. Ms. Silvernail asked how many town watch members are there. Ms. Franco stated (28). Chief Groce stated that he has no information for Compass Road. Ms. Horan stated that she would like to have a better communication of what’s going on with the town watch program and the Chiefs involvement.

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

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer