

Board of Supervisors Regular Meeting held Tuesday July 1, 2008

A regular meeting of the Board of Supervisors was conducted on Tuesday July 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/Zoning Officer, Mr. Pompo Township Solicitor, Mr. Hawkins Township Building Inspector and members of the community.

Ms. Silvernail announced that the Board met in executive session on Tuesday July 1, 2008 at 6:00 p.m. to discuss possible litigation

The moment of silence and pledge of allegiance were observed.

Ms. Silvernail made a motion, seconded by Ms. Horan, 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.

Township Police report. Chief Groce reported that for the month of June the police patrolled 4,450 miles and handled 165 complaints from the public for: 2 theft, 11 suspicious persons, 7 911 hang ups, 14 alarms, 12 assist to other departments, 3 animal, 5 domestics, 5 accidents, 4 criminal mischief, 2 disturbance, 3 harassment. Chief Groce reported that 64 citations for 2 thefts, 1 DUI, 5 disorderly conduct, 2 harassment, 1 habitual DUI, 1 assault with a weapon. The police conducted 67 traffic checks and 86 property checks. Chief Groce stated that the department received a donation from Wal-Mart for equipment.

Ms. Horan asked Chief Groce is the habitual DUI was a Township resident? Chief Groce stated he would look into it.

Township Engineer report. Mr. MacCombie reported that he reviewed all bid packages received on June 3, 2008 regarding the 2008 resurfacing contract and determined that the low bid price of \$100,208.25 was submitted by Burkholder Paving. All required documents such as bid bond; bidder's qualifications, non collusion affidavit and letter of intent have been submitted and are acceptable. Mr. MacCombie recommended the Board award the bid to Burkholder Paving of Ephrata PA.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to accept the bid of \$100,208.25 from Burkholder Paving to complete the 2008 resurfacing contract. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported that after an inspection of the salt shed located at the old building that the I beam is in need of some repair. He stated that Krassman Contractors

looked at the job and told Mr. MacCombie he would repair the salt shed I beam for \$2,000.00. Ms. Silvernail requested that he provide something in writing to the Board for the next meeting. Mr. MacCombie stated that he has prepared a construction release in the amount of \$128,089.06 for the Cowan Estates project for the Boards approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release to Cowan Estates in the amount of \$128,089.06 per Mr. MacCombies 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 reported that a pre construction meeting with Wexcon to begin the phase 2B and 3B of the sanitary sewer project. Mr. MacCombie stated that his construction will begin the end of July. Mr. MacCombie stated that the Township has made the final payment to Pennsylvania American Water Company for exactly 60 EDU’s, however Mr. Reid is claiming that 157 ½ EDU’s cannot be located. Mr. MacCombie said it seems to be the payment for Lincoln Crest Mobile Home Park. Mr. MacCombie stated that Pennsylvania American Water Company is not gong to cash the Township check unless the Township can prove that the missing 157 ½ EDU’s were paid for.

Township Solicitors report. Mr. Pompo discussed Ordinance 2005-05 pertaining to storm water management amendment. Mr. Pompo stated that the amendments would add a section 7.0 regarding Prohibitions which are prohibited discharges and connections and section 8.0 which authorized fees and expenses.

Ms. Silvernail made a motion, seconded by Mr. Hensel to adopt Ordinance 2008-04 pertaining to an amendment to Ordinance 2005-05 Storm water management. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo discussed an Ordinance pertaining to amending Chapter 124 section 124-24 providing for the regulation of parking on certain roads within Sadsbury Township. Mr. Pompo stated that this amendment was recommended by Mr. MacCombie for Sadsbury Village. Mr. Pompo stated that the location is “no parking” the entire development, except for a section on the western side of Blackberry Lane beginning at a point 60 feet from the curb line of Lincoln Highway and extending to a point 300 feet south, and a section on the eastern side of Green Hill Road beginning at a point 55 feet from the curb line of Lincoln Highway and extending to point 300 feet south.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Ordinance 2008-05 amending Chapter 124 section 124-24 the regulation of parking on certain roads within Sadsbury Township. With Mr. Steiner asking when the parking signs and street painting will be completed? The Board answered that it will be put on the to do list for the road crew. With there being no other questions, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel voting “nay”, the motion passed.

Mr. Steiner thanked the Board and Mr. MacCombie.

Mr. Pompo discussed with the Board the Decision and Order of the application of Larry and Susan Constable. Mr. Pompo began to review with the Board 9 conditions:

1. To the extent not inconsistent with the Order, the design of the conventional development shall be substantially in accordance with the exhibits and testimony presented by the applicant, and in particular in accordance with the plan. However the Board of Supervisors retains the authority to further modify the site design without the necessity of reopening this conditional use approval, in any manner upon which the Township and the applicant shall mutually agree.
2. To maintain the open space characteristics, which is the intent of the cluster development, the applicant shall deed restrict the property from further subdivision. The restriction shall be noted on the plan and shall be separately recorded conservation easement or declaration of restriction enforceable by the Township, in a form acceptable to the Township.
3. Common driveways shall be prohibited in accordance with the Planning Commissions recommendation.
4. To avoid setback issues, the applicant shall place restrictions on the use of lot 3 and the existing structures. The restrictions shall limit the use of Lot 3 to residential use and that the barn and other outlying buildings shall only be used for storage and housing of customary household pets, and that no agricultural use shall be permitted on the lot. The restrictions shall be noted on the plan and shall be separately recorded in a declaration of restrictions enforceable by the Township, in a form acceptable to the Township.
5. The applicant shall provide evidence the development cannot be served by public water or a community water system. The applicant shall provide a letter from Pennsylvania American Water Company stating they will not serve the development with public water. The applicant shall provide the Township with a study, reviewed and approved by the Township Engineer, proving the development cannot be served by a community water system.
6. Nothing contained in this Decision and Order shall be construed to abrogate or limit the obligation of the applicant to seek and obtain sewage planning module approval under Act 537, building permits or any other necessary permits or approvals for construction on the property.
7. The applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the property in question and stipulating the terms and conditions of this approval and shall consent to the recording by the Township in the office of the recorder of deeds of Chester County.
8. This approval shall be deemed null and void eighteen months from the date hereof unless construction has heretofore been commenced or unless, prior to the expiration of the eighteen-month period, the Board of Supervisors shall grant an extension for cause shown by the applicant, said extension not to be unreasonably withheld.
9. The applicant shall express to the Board in writing within 14 days of the date of this Decision and Order, its agreement to the above conditions or the application

is denied; the Board expressly finding and concluding that the application in the absence of compliance with the said conditions is inconsistent with the objective criteria set forth in the applicable provisions of the zoning ordinance.

Mr. Constables Lawyer questioned number 2 if the word cluster can be replaced with conventional? Ms. Silvernail stated that regardless of either type of development would still deed restrict the entire property. He asked if the 18 months to begin construction is a standard time. Mr. Pompo stated yes. He asked if the Board would consider modifying item 5 to read as the applicant shall provide a letter from Pennsylvania American Water Company stating that they will not serve the development with public water, the applicant shall provide the Township with a study, reviewed and approved by the Township Engineer, providing evidence that the development of a community water system cannot be reasonably feasible for development.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to agree to the Decision and Order of the application of Larry and Susan Constable for conditional use approval for the subdivision of five residential lots with amendments to conditions 2 & 5. Also with Mr. Constable verifying waving a signed copy until tomorrow. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo stated that the C-2 Committee will conduct a meeting on July 2, 2008 at 7:00 p.m. to present a formal presentation of the Sadsbury Commons located at 10 & 30. Mr. Pompo asked if the Board desires him to attend this meeting. Ms. Silvernail stated “yes” this is a public meeting, and she also stated that when the C-2 Committee was formed Ms. Horan was a member of the committee; she will be present acting as a C-2 Committee person.

Township road report. Mr. Turner reported that for the month of June the road crew filled pot holes throughout the Township. All fluids belts and hoses are checked daily in all Township equipment. Walking trail improvements have been made at Bert Reel Park. Total equipment hours are 16.4 and vehicle miles are 764. The Board discussed the condition of the Township’s 1992 Dodge ¾ ton truck. Mr. Turner reported that the truck will not pass State inspection; it needs a steering box, right front ball joint, body repair, an estimated cost for repairs are \$775.00. Mr. Turner stated that some of the parts once ordered would not be in for months if at all. Ms. Silvernail questioned fixing the truck. Mr. Hensel stated that the truck can be used as an extra vehicle. Ms. Silvernail said the truck is unsafe and does not want anyone getting hurt. Ms. Silvernail stated that the truck is out of service, should the Township put it out to bid or scrap it? The Board agreed to authorize advertisement to place the truck out to bid with the right to refuse all bids.

Township Planning Commission report. Mr. Lymberis reported that the Planning Commission tabled the approval of the previous meetings minutes. They discussed the possibility of participating in the Zoning Code update. The majority of the

members in attendance were inclined to serve on the reviewing committees as requested by the Board of Supervisors. Mr. Lymberis stated that there was no old business, new business or public comments.

Township Zoning report. Mr. MacCombie reported that he reviewed zoning applications for a deck, barn and house addition. Mr. MacCombie stated that he sent a certified letter regarding a zoning code violation to Mr. Walker regarding the property located at 48 Stovepipe Hill Road and the operation of a junk yard or salvage yard. Mr. Hensel asked what if he does not comply with your letter. Mr. Pompo stated the next step will be fines.

Pomeroy Fire Company report. Mr. Taylor reported that for the month of June a total of 20 alarms were answered for: 1 ambulance assist, 1 brush, 3 building, 1 debris on roadway, 1 forcible entry, 6 house, 1 standby, 1 trees, 1 wires, 3 automatic alarm, 1 transformer. The alarms were for the following Townships: Sadsbury 12, Coatesville 2, Parkesburg 1, East Fallowfield 3, Honeybrook Borough 1, and Valley 1. Total time in service was 10 hours and 1 minute.

Sadsburyville Fire Company report. No report given.

Emergency Services Coordinator Update. Mr. Taylor reported that he has received questions on why the business CTDI does not evacuate the building when they get an alarm.

Building Inspector's report. Mr. Hawkins reported that that total number of applications received this month was 15 for 5 constructions, 4 residential, 1 commercial, 4 building, 1 electrical and he received 4 contractor license applications. He reported that 11 notices were sent out and 4 remain open and 7 are closed. Mr. Hawkins ordered 1 stop work notice.

Maulo & Company - 2007 year end audit report. Mr. Maulo presented the Board with copies of the Sadsbury Township financial statements year ending December 31, 2007. Mr. Maulo requested the Board turn to page 1 regarding the independent auditors report; he stated the audit resulted in a clean opinion. Mr. Maulo directed the Board to go to page 8 shows the general fund results with a budget comparison. The general fund balance at December 31, 2007 was \$782,309 a decrease from \$861,126 at December 31, 2006. The decrease in fund balance is due budgeting use of the beginning fund balance to balance the 2007 budget. Mr. Maulo stated that page 2 shows the entire Township's assets and liabilities. The full accrual basis statement shows the unrestricted balance of the Township at December 31, 2007 was \$1,027,672 down from \$1,058,850 at December 31, 2006. Mr. Maulo reported that page 3 shows the Townships' income and expenses by department. Pages 11, 12, and 13 shows the sewer fund operations, billings at \$485,963 and operating expenses of \$400,596 resulting in an operating profit of \$85,367. The non operating revenue and expenses netted to \$124,268 of expenses which resulted in a loss of \$38,901. Mr.

Maulo stated that all items that were presented in the 2006 management letter have been corrected and there is no management letter this year.

Payment of Bills:

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve payment of the June invoices in the amount of \$95,137.89. 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 payment of the June payroll in the amount of \$31,734.96. 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 payment of the June sanitary sewer invoices in the amount of \$28,472.62. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New business:

Ms. Silvernail turned the meeting over to Mr. Hensel due to a business relationship with the next applicant.

Mr. Joe Russella presented the Board with a final submittal of the Morris Farm Lot 6. Mr. Russella stated that this is a minor subdivision lot line change between lots 5 & 7 the purpose of this minor subdivision is to construct a 18,000 ft flex building. The developer of this minor subdivision will construct Patriot Way. Mr. Hensel and Ms. Horan accepted the submittal.

Mr. David Ford president of Keystone Ranger and Chip Washington a pilot at Keystone Ranger were present to answer any questions or concerns of the Board or residents regarding the operations of Keystone Ranger. Mr. Ford stated that the hours of operation for flights are FAA approved to be 7:00 a.m. to 8:00 p.m. Mr. Ford stated that all employees follow the guideline curfew. All complaint phone calls are investigated against the flight logs. Mr. Ford said that there are other business's that fly helicopters in the area such as the Chester County Airport, Brandywine Hospital and Military bases. Mr. Ford stated that when helicopter operation moved in to this facility measures were taken to help with the noise issues. Mr. Washington stated that he does not fly at night nor test their helicopters at night; he has been a pilot for 40 years and respects the resident's position to be quiet and as neighborly as possible. Mr. Washington said if any complaints ever come in to the Township regarding noise from a helicopter to call him personally and he will look into the complaint, he gave his number 610-883-4942. He stated that he checked the duty logs and there have been no helicopter operations past 8:00 p.m. in the past 3 month period. Susan Franco stated that a helicopter flies over Quarry Ridge after dark; do you know who they are? Mr. Washington said his operation has no intent to fly over homes and

stated no he does not know who it is. Earl Taylor stated that he knows sky care flies this area a lot. Elmer Pluck agreed with Earl Taylor with sky care flying out into this area, and asked do you think they are flying more often? Mr. Washington did not have an answer, and did say Keystone is not flying after dark “ever” Ms. Horan asked how many flight per month is Keystone making? Mr. Washington answered 96 for the month of June. Alan Eagles asked if they fly on Sunday. Mr. Ford answered that Keystone flies 5 days and rarely on Sunday. Vicky said if Keystone has 96 operations for the month of June what will it be like in 1 to 2 years? Mr. Ford answered that Keystone is currently at their peak. Earl Taylor said that the fire company has an interest in taking a tour of the plant. Mr. Ford stated that all are welcome to take a tour of Keystone.

The Board discussed a recommendation from Joe Drozd to move all accounts from Willow Financial to Sovereign Bank in Parkesburg. Mr. Drozd is concerned with the collateralization of the accounts and that the Township may not have access to their money at Willow Financial should we need to withdraw large amounts.

Ms. Silvernail made a motion, seconded by Ms. Horan, to move all accounts from Willow Financial to Sovereign bank as per recommended by Joe Drozd. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Public Comment:

Vicky Horan thanked The Sarbaums for donating the American flag for the Bert Reel Park.

Maggie Salewski asked if the Board had any ideas on when the walking trail would be completed at Octorara Glen. The Board stated it is on the road crews list of things to do.

Earl Taylor stated that soon the Emergency Operations Manual for the Township should be updated.

Elmer Pluck said the ballgames are finished for the season at the Bert Reel Park and thanked all those who volunteered their time. He stated that the contractor Crossman who was hired to complete the bathroom project at the Bert Reel Park is doing a good job.

Alan Eagles said vehicles are speeding in Quarry Ridge. The Board said to talk to the Chief.

John Lymberis stated that Lincoln Highway 911 addresses have numbering issues. He stated that delivery trucks are having problems finding proper addresses.

Tim Sarbaum thanked the Board for the use of the Board room for their homeowner's association meetings.

Don Roberts added to John Lymberis concern with the 911 numbering along Lincoln Highway and said there is a true address issue.

Jay Groce answered Vicky Horan's questions earlier if the habitual DUI was a Township resident and the answer is yes they live in Octorara Glen.

Drew Steiner complained about the ongoing yard sale business along Lincoln Highway.

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

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer