

Board of Supervisors Regular Meeting held Tuesday March 4, 2008

A regular meeting of the Board of Supervisors was conducted on Tuesday March 4, 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. Thompson substitute in Vince Pompo's absence Township Solicitor, Mr. Hawkins Township Building Inspector and members of the community.

Ms Silvernail announced that the Board met in executive session on Monday February 18, 2008 commencing at 7:00 p.m. to discuss police personnel issues.

The moment of silence and pledge of allegiance were observed.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adjourn the Board of Supervisors regular meeting to conduct a public Act 209 Hearing. 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.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Resolution 2008-04 Act 209 Land Use Assumptions Report developed by the Sadsbury Township Act 209 Traffic Impact Advisory Committee. 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 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 stated that during the month of February the police patrolled 3,023 miles and handled 570 incidents. Chief Groce announced that of these incidents 138 were complaints from the public and the balance were police patrol, traffic stops and property checks, the primary complaints were: 2 theft, 3 suspicious persons, 6 911 hang ups, 11 alarms, 5 assist to other departments, 7 animal, 4 domestics, 10 accidents, 2 criminal mischief, 1 disturbance, 1 harassment. There were 32 traffic citations issued and 2 summary arrests for criminal trespass. Chief Groce stated that the Township has received \$3,311.00 from the NIJ Bulletproof Vest Grant 50% reimbursement program. Chief Groce stated that officers are scheduled to attend the Act 180 2 day training. The Chief has completed his classes. Chief Groce requested to replace the fax machine in the police office; he said that pricing is approximately \$80.00. Chief Groce stated that a speed detail has been completed along Compass Road and

found that for 4 days 580 vehicles has traveled the road, approximately 125 per day. The posted speed limit is 35 mph and the average speed was 34 mph.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the police department purchase a fax machine with the costs not to exceed \$100.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Township Engineer report. Mr. MacCombie reported that the Township Secretary forwarded him a letter from the Chester County Airport requesting the Township allow them to survey property not owned by the Township. Mr. Thompson stated that he reviewed the same letter and advised the Township not to sign the letter. Mr. MacCombie stated that a pre construction meeting was held regarding the Bert Reel Park Project. Mr. Lutz has been in contact with Mr. MacCombie regarding the traffic signal for AIM Boulevard and stated that the permit should be back within 1 to 2 weeks. Mr. MacCombie prepared the sanitary sewer calculation fee schedule for West Caln and submitted it to Mr. Drozd. Mr. MacCombie thanked West Brandywine Township for lending the Township the speed tape and equipment so that the Township could complete their Lincoln Highway study for the Sadsbury Village Enhancement Project. Mr. MacCombie stated that he has completed the Chapter 94 Wasteload Management Report and also met with Mr. Kauffman a representative from Pennsylvania American Water Company to discuss future capacity issues. Mr. MacCombie filed the report with Mr. Reed from Pennsylvania American Water Company reflecting an additional 200 gallons usage per day. Mr. MacCombie stated that the Pennsylvania American Water treatment plant treatment bid pricing is 35%-45% higher than the original estimate. Pennsylvania American Water Company plans a 2 tier rate increase, one now and an increase when the plant is complete. Mr. MacCombie stated that the Act 537 Plan of Pennsylvania American Water Company is not yet approved and may not be until the end of this year, he added that the Township’s Act 537 plan of study cannot get approved until Pennsylvania American Water Companies plans are approved.

Township Solicitor report. Mr. Thompson reported that the Octorara Glen monies have been released back into the Township’s responsibility. Mr. Thompson stated a draft of the Octorara Glen snow removal agreement has been sent to several homeowners association members. Mr. Hensel asked why have an agreement now if the Octorara Glen monies have been released? Mr. Thompson stated that the Township should still hold a signed agreement in place and the Township can waive the fees if they so desire. Ms. Salewski stated that she has read the agreement and is prepared to sign but requests to turn the signed documents into the Township by the end of the week as she would like another homeowner association member review the agreement.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the Road Snow Removal and Salt Application and Liability Indemnification Agreement subject to the review and acceptance of a signed agreement from the Octorara Glen Homeowners Association. With there being no questions from the public, with Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel voting “nay”, the motion passed.

Mr. Thompson discussed that he reviewed a draft document regarding the placement of Knox Boxes for all commercial buildings. Ms. Silvernail stated that she believes that this would be a benefit to the Township. Ms. Silvernail asked who would hold the keys. Mr. Taylor said that the keys are kept at the fire company in a secure location. Mr. Taylor stated that most of the business's are aboard with the Knox box but a few do not want the fire company to have access into their properties. Mr. Hensel asked who is responsible for the keys. Mr. Taylor stated the fire company is responsible and liable. Mr. Taylor stated that besides using a Knox box there is an item called central lock, he stated that this system is computerized and expensive.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to authorize Vince Pompo's office prepare the Ordinance for advertisement. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Thompson stated that an Ordinance has been prepared pertaining to amending Chapter 94 Parks and Municipal Facilities. The Board stated that they have reviewed the Ordinance and have no questions. Chief Groce requested a copy of the draft Ordinance.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the advertisement of an Ordinance regarding amending Chapter 94 Parks and Municipal Facilities. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Thompson presented the Board with a Maintenance Agreement between Sadsbury Township, Purcell Construction and Keystone Paving regarding the parking lot of the new Township building. Mr. Thompson stated that this agreement is in place because Purcell was the general contractor for the construction of the Township building; Purcell retained the services of Keystone as a subcontractor responsible for installing the parking lot for the municipal building. The Township Engineer discovered that Purcell and Keystone failed to install the parking lot in accordance with the approved plans and specifications, in lieu of requiring Purcell reinstall the parking lot it was agreed between the Township, Arcadia, and Purcell that Purcell would post a financial security in the amount of \$35,000.00 to secure the structural integrity of the parking area should the parking lot fail as a result of Purcell's and Keystones failure to install the parking lot in accordance with the approved plans and specifications. Therefore Keystone has agreed to post a letter of credit in the amount of \$35,000.00 for period of (5) years to secure the structural integrity of the parking lot and Purcell has agreed to indemnify and hold harmless the Township for any costs that exceed the amount of the letter of credit.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the acceptance of the Maintenance Agreement between Sadsbury Township, Purcell Construction and Keystone Paving regarding the parking lot at the municipal building. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Road report. Mr. Turner reported that winter maintenance has continued on the Township roadways. Street signs have been updated throughout the Township. All fluids, belts, hoses are checked daily in all Township vehicles. Total equipment hours is 6, total vehicle miles is 1208.

Township Planning Commission report. No report given, meeting was cancelled due to bad weather.

Township Zoning report. Mr. MacCombie reported that he is currently reviewing a shed permit for Colleen Peachey and answering a complaint regarding 790 Old Wilmington Road of a junk yard, Mr. MacCombie did a field inspection and found no junk yard but will write the homeowners at 790 Old Wilmington Road a letter.

Pomeroy Fire Company report. Mr. Taylor reported that 14 alarms were answered for the month of February for: 3 auto accident, 1 automatic alarm, 2 building, 1 car, 2 electrical fire, 1 garage, 2 house, 1 mobile home, 1 ambulance assist. Areas the calls were received: 2 East Fallowfield, 2 Highland, 5 Parkesburg, 4 Sadsbury, and 1 Valley. Total time in service was 7 hours 28 minutes.

Sadsburyville Fire Company report. Adam Grossman reported that 15 alarms were answered for the month of February for: 3 auto accidents, 1 mobile home, 1 vehicle, 1 residential rescue, assists to 28 was 3 dwellings, assists to 43 2 dwellings 1 standby, assists to 44 2 dwellings, assists to 35 1 dwelling. Total time in service 10 hours and 39 minutes.

Emergency Services Coordinator report. Mr. Taylor reported that he attended the Chester County Department of Emergency Services Municipal Officials Symposium on February 10th and 21st at the government services center in West Chester. The speakers were as follows: Ed Atkins Director of Emergency Services, John Haynes Deputy Director for Emergency Management, Neil Lovekin Information Coordinator, Brian Bannon Planning Coordinator, George Crowding Deputy Director for Fire Services, Steve Webb Deputy Director for Field Services. Mr. Taylor reported that the topics of the symposium discussed were: 911 operations, legal requirements, emergency management, fire services, radio room tour. He reported that other topics discussed were: training, public education, title 35, municipal powers and duties, homeland security.

Building Inspector report. Mr. Hawkins reported that 41 applications have been received through the end of February, 10 construction related permits have been issued, 3 residential and 7 commercial permits have been issued. 4 building, 1 electric, 1 plumbing, 2 mechanical, 2 demos for storm damaged house and 1 barn fire. 1 stop work notice still active. 15 notices have been mailed, 4 remain open. 11 plumbers licenses have been issued, 10 contractor licenses have been issued. Mr. Hawkins stated that 3 certificates of approval of construction have been approved.

Payment of bills:

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the February invoices in the amount of \$51,954.11. 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 February payroll in the amount of \$35,187.99. 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 February sanitary sewer invoices in the amount of \$18,268.01. 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 2007 sanitary sewer connection fee to Pennsylvania American Water Company in the amount of \$24,150.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New Business:

Mr. Joe Rosella representing Whitmer Properties presented the Board with a submittal of a lot line change for lots 5 and 7 of the Morris Farm Subdivision. Mr. Rosella gave a brief presentation stating to move the lot line between lots 5 and 7 approximately 450 feet to the West revising both lot areas and creating lots 5A being 12.87 acres, and lot 7A being 9 acres. The Board asked why the lot line change. Mr. Rosella said in the future Whitmer plans to expand with an addition. Mr. MacCombie asked Mr. Rosella if he considered submitting the plans as preliminary/final. Mr. Rosella made a request; for the Boards consideration.

Mr. Colby representing Valley View to request approval of the Subdivision Land Development Agreement and Escrow Agreement. Mr. Colby stated that all paperwork has been forwarded to the Township and Township’s Solicitor in a timely manner. Mr. Thompson stated that he has reviewed the documents and they are in order. Mr. Thompson stated that the letter of credit has not been submitted and will follow, therefore Mr. Thompson has prepared a Resolution for the Board to consider.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to adopt Resolution 2008-05 to approve the final subdivision plan for Valley View. The Plan approval is contingent upon the applicant, All County Partnership, obtaining a satisfactory financial security. The Plans shall not be signed by the Township nor recorded until the financial security agreement is executed and delivered to Sadsbury Township along with an original irrevocable letter of credit in the aggregate amount of One Million Forty Five Thousand Eight Hundred Ten Dollars and Twenty Cents. The Resolution will expire within 90 days unless a written extension is granted. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail stated that a Resolution was signed by Carole Zipperlen which appoints Berkheimr Tax Administrator to act as deputy tax collector to collect real estate taxes for the Township. The Berkheimer Administration has been collecting Township taxes for many years.

Ms. Silvernail made a motion, seconded by Ms. Horan, to accept Resolution 2008-06 appointing Berkheimer Tax Administrator as deputy tax collector to collect the real estate taxes for the Township. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board agreed to table discussion the item on the agenda regarding authorization of advertising a hearing for the Subdivision Land Development Ordinance review until the next regular Board meeting.

The Board discussed the request of the Southern Chester County Babe Ruth League using Bert Reel Park for the spring – summer season. Ms. Silvernail stated that the Chester County Babe Ruth League has used the park for several years. Mr. Hensel stated that they need to provide insurance and Ms. Horan requested a play schedule.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve Chester County Babe Ruth League use the Bert Reel Park for the spring – summer season. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed upgrading the Cingular phones that the Township is currently using. Ms. Silvernail had two sample phones that were provided by Dave Turner, who obtained them from the Cingular Store in Parkesburg. Ms. Silvernail stated that the information provided by Mr. Turner was the replacement of the phones would cost \$100.00 each up front with a \$50.00 rebate on each phone. Ms. Silvernail stated that phone service will remain the same the change is the upgrade with the phones due to normal wear and tear.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to upgrade the Cingular Phones and to keep the same calling plan. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Lymberis representing JYF Partners presented the Board with a request of approval of the part 2 capacity allocation of 55 EDU's for Lafayette Square. Mr. MacCombie stated that he has reviewed the part 2 Sanitary Sewer application for Lafayette Square and Mr. Lymberis has fulfilled all Ordinance requirements. Mr. MacCombie stated that if the Board approves the applicant's part 2 request for 55 EDU's a balance of \$69,878.05 will be owed to the Township.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the part 2 sanitary sewer application request of Mr. Lymberis/Lafayette Square subject to the payment of \$69,878.05 as the second payment of 55 EDU's. With there being no questions from the

public, Ms. Silvernail voting “aye”, Ms. Horan voting “aye”, Mr. Hensel abstained, the motion passed.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to approve the Road Crew attend a Spring Road maintenance 1 day program with a registration fee of \$50.00 per person and being paid their hourly rate to attend. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail announced the procedure for the use of the Township Board room is: 1. a request in writing must be submitted, that includes the time, date and purpose for the use of the meeting room.

Ms. Silvernail made a motion, seconded by Mr. Hensel, to release \$67,960.00 to Burkholder Paving for the Octorara Glen project as recommended by Mr. MacCombie. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Public Comment:

Adam Grossman asked if the Sadsburyville Fire Company can use the old Township building for ladder training. The Board agreed to allow them.

Earl Taylor announced that the new number for PA One Call is 811.

Susan Franco showed the Board and residents of the community stickers that say” Keep Kids Alive” to be placed on trash cans in the Quarry Ridge Development.

Keith Swing introduced himself as a resident of Octorara Glen.

John Lymberis asked if the Township police schedule has changed. The Board stated “yes” there currently is no midnight shift.

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

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer