

## **Board of Supervisors Regular Meeting held Tuesday February 2, 2010**

A regular meeting of the Board of Supervisors was conducted on Tuesday February 2, 2010 commencing at 7:00 p.m. Chairwomen Ms. Silvernail called the meeting to order. Present were Supervisors Ms. Horan and Mr. Walton, Mr. Pompo Township Solicitor, Mr. MacCombie Township Engineer/Zoning Officer, and members of the community.

The moment of silence and pledge of allegiance were waived.

Ms. Silvernail announced that the Board met in executive session on Tuesday January 12, 2010 and February 2, 2010 to discuss legal issues.

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 Ms. Horan, 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 for the month of January 3,349 miles were patrolled and 103 complaints were answered from the public for: 2 burglary, 1 suspicious persons, 4 911 hang up, 14 alarms, 5 domestics, 7 accidents, 2 disturbances, 6 assist to other departments, 2 criminal mischief, 2 animal, 2 theft. There were 15 citations issued for the month for 3 parking tickets and 7 criminal arrests, 1 warrant, 1 flight to avoid arrest, 3 thefts, 1 criminal mischief, and 1 endangering welfare of child. Patrol activities included 28 traffic checks and 19 business checks. Chief Groce stated that he received an e mail from Leo Scaccia Director of Medic 93 with regards to him searching for office space to place a medic unit. Mr. Leo Scaccia was present and introduced himself as a paramedic director and stated that Medic 93 has been stationed in West Sadsbury Township since 1996 until recent. Mr. Scaccia is interested in the use of the old township building. He stated that the operation would be 12 hours a day and would eventually work into a 24 hour period. The Medic 93 serves Atglen, Station 28,29,31,44, Martins Corner and Honeybrook. With the medic unit being centrally located, the medic response is approximately 10 minutes. The unit serves 120,000 people and 325 square miles. Mr. Scaccia stated that they would not need use of the entire old township building just the old squad room. He also stated that they are looking at a location in West Sadsbury Township. They would like to stay close to Routes 10 & 30. Earl Taylor said it's a good idea. All Sadsburyville Fire Company members in attendance also agreed with Medic 93 coming to Sadsbury Township. Elmer Pluck also mentioned that he is in favor. The Board replied that the medic unit would service the community and they are in support of it.

**Township Engineer report.** Mr. MacCombie reported that phase 4 of the sanitary sewer construction lowest bidder was Pact Construction of New Jersey, the second lowest was

Wexcon. Mr. MacCombie stated that he will make a recommendation of awarding the project at the next Board meeting; he is still waiting for easements and just applied for the general permit registration for a stream crossing. Mr. MacCombie stated that he has prepared for the Boards consideration a construction release for Valley View in the amount of \$62,546.47.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the construction release for Valley View in the amount of \$62,546.47 as per Mr. MacCombies recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie reported that he prepared and submitted the Act 537 Plan of Study Update Task Activity Report to the Department of Environmental Protection. Mr. MacCombie stated that he has a meeting with PADEP Wednesday February 24, 2010 at 10:00 am in their Norristown office to discuss Sadsbury Commons.

**Township Solicitor report.** Mr. Pompo discussed a Resolution revising condition number 3 of the final Subdivision Land Development plan approval for Sadsbury Park Phase IV in a manner consistent with the December 30, 2009 opinion and order of the Chester County Court of Common Pleas in the land use appeal of Sadsbury Arcadia Associates. Mr. Pompo stated that the court of common pleas ruled in favor of Sadsbury Township in this matter with the exception of the time for payment of tapping fees, and the conditions are set forth in this Resolution. The applicant may record the final plans for Phase IV in three sections as depicted on the final plan. Prior to recording each section of Phase IV, the applicant shall demonstrate that it has reserved sufficient sewer capacity to serve all of the dwelling units in the section to be recorded. Applicant presently owns 89,750 gpd of sewer capacity for phases II, III and IV. The design capacity for a new residential customer is 244.8 gpd per unit. Applicant presently has reserved capacity of 367 units. The applicant will require an additional capacity of 39 edus beyond the applicants presently reserved capacity. The applicant will not be required to reserve the said 39 units until it desires to record a section or sections of Phase IV and such recordings require the use of said 39 additional units. Said units shall be reserved in accordance with Section 5 of Ordinance 2009-07 enacted December 31, 2009, which imposed a reservation of capacity fee as authorized by Section 607(d) (24) of the Municipality Authorities Act 53 Pa.C.S. 5607(d) (24) provided that the reservation of capacity fee as applied to the 39 additional units shall not exceed the amount of \$430.56 per unit on an annual basis or \$107.64 per unit on a quarterly basis. The applicant shall not be required to purchase the additional sewer capacity by means of payment of the tapping fee until the time as the building permit fee is due.

Ms. Silvernail made a motion seconded by Mr. Walton, to adopt Resolution 2010-03 pertaining to revising condition number 3 of the final Subdivision Land Development plan for Sadsbury Park Phase IV in a manner consistent with the December 30, 2009 opinion and order of the Chester County Court of Common Pleas in the land use appeal of Sadsbury Arcadia Associates. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo stated that the Township received a letter from Mr. Kaplin stating that his client Sadsbury Park obtained final approval for the development of all four phases and now intends to proceed with a portion of phase 2. Sadsbury Park has elected to re-phase phase 2 into phase 2-A and phase 2-B. Mr. Pompo stated that Sadsbury Park did receive conditional final approval for phase 2 a few years ago, but had not received approval for sub phases. Kaplin Stewart submitted (7) recording set of plans to the Township and (2) sets of plans to be reviewed by the Township Engineer and Township Solicitor and requested that the Township Engineer and Township Solicitor review the plans to confirm that no changes have been made to the plans other than the new sub phasing, and then present the plans for signature by the Board of Supervisors. Mr. Pompo stated that there was no application form, no application fee, and no plan review escrow money submitted along with the plans, as required by the Township Ordinance and Resolution. Mr. Pompo advised that since phase 2 already had received conditional final approval, the Board had no legal duty to review the revised plans as requested by Mr. Kaplin, but could do so at the Boards discretion. Otherwise the Township could require the submittal of the application, fees and escrow prior to taking any action. The Board requested that the property owner follow the procedures under the Ordinance and Resolution for submittal of a plan. Mr. Pompo recommended to the Board that the Township reply back to Kaplin Stewart and wait for a response. The Board was in agreement to direct Mr. Pompo send a letter to Kaplin Stewart.

**Planning Commission report.** Ms. Franco reported that for the month of January the Planning Commission conducted the following old business: Sadsbury Commons appeared regarding an amendment proposal represented by Mr. Gill who gave an overview of the amendments of the SALDO and Zoning Ordinance. Mr. Gill discussed a recent meeting regarding traffic impact of the proposed commercial development at Route 10 & 30 including Compass Road to be suggested as an area for a traffic study, a 5 lane rather than a 3 lane connector road, along with new traffic signals be placed at Hershey Lane and Lieke Road. Penn Dot suggested that a partial credit be given toward the traffic impact study fee for the connector fee. Phasing of construction of the connector road and the construction of the rest of the development as the market dictates, the office building space lease has been signed and will be the first building constructed. Discussions of sewer, basins, landscape plantings, park and ride area, sheltered bus stops, lids on trash receptacles. No action was taken at this time and Mr. Gill will attend the next Zoning Ordinance Update Meeting being held on February 15, 2010.

**Township Zoning report.** Mr. MacCombie reported that all vehicles have been removed from 70 Frederick Road. Mr. MacCombie received a complaint regarding Davis Paving on Forrest Drive, Mr. MacCombie did an inspection and the vehicle was not there. Mr. MacCombie reported that he did a zoning review of a lot on Wallace Alley and stated that this lot is non conforming and he cannot build without a hearing before the Zoning Hearing Board.

**Pomeroy Fire Company report.** Mr. Taylor reported that for the month of January there were 12 alarms for 1 auto accident, 2 automatic alarms, 1 brush, 1 chimney, 3 houses, 1

mobile home, 1 shed fire, 2 wires. The alarms were answered for Atglen Borough (1), East Fallowfield (3), Highland (1), Parkesburg Borough (2), and Sadsbury (5). Time in service was 7 hours and 56 minutes.

**Sadsburyville Fire Company report.** Mr. Grossman reported that for the month of January there were 12 alarms answered for 4 in Sadsbury North for 2 automatic alarms, 1 CO alarm, 1 dwelling, 3 assists to Parkesburg were for 2 odor investigations, 1 automatic alarm, 4 assists to Pomeroy for 1 chimney, 1 brush, 1 wires and 1 dwelling. Time in service was 6 hours and 45 minutes. With 81 firefighters responding, traveled 26miles, \$250,000.00 property at risk and \$1,000 property loss.

**Pomeroy EMS report.** Mr. Taylor reported that for the month of January 34 calls were responded to.

### **Payment of invoices:**

Ms. Silvernail made a motion, seconded by Mr. Walton to pay the January invoices in the amount of \$57,634.37. 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 \$30,402.33. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Walton, to approve the January sanitary sewer invoices in the amount of \$39,640.54. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

### **New Business:**

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Resolution 2010-04 to appoint a firm of certified public accountants to make an examination of all the accounts of the Township for the fiscal year ending 2009. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Walton, to hire Maulo and Company to complete the 2009 year end audit with the fee not to exceed \$12,000.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed proposals received from Signal Service Maintenance and Charles Higgins & Sons to maintain the traffic signals located at Old Wilmington Road and Lincoln Highway and AIM Blvd. and Independence Way. Higgins & Sons proposal was \$380.00 for the year and Signal Service is \$850.00. Chief Groce commented that the electrical mechanical wasn't included in Higgins proposal. The Board directed Mr.

MacCombie to look into this issue. No action was taken and the Board tabled until the next Board meeting.

The Board discussed the Department of General Services Sodium Chloride contract for the August –July 2011 season. The Board agreed to keep the amounts the same as last year's use.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the Department of General Services Sodium Chloride contract for the August –July 2011 season to be the amount of 50 tons. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Walton, to appoint John Lymberis to the Planning Commission with a term to expire 2013. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail announced that the Board received a resignation letter from Stanley Przychodzien Jr. Alternate to the Zoning Hearing Board. The Board accepted Mr. Przychodzien's resignation.

Ms. Silvernail made a motion, seconded by Mr. Walton, to adopt Resolution 2010-05 appointing Dale Hensel to the Zoning Hearing Board as an Alternate with a term to expire December 31, 2010. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed a letter from Sergeant Ranck with a request to use the Bert Reel Park for softball from April until August on Monday and Wednesday evenings. Mr. Ranck is working with the schedules of the little league and the 50 and over team. The Board has no problem with allowing Mr. Ranck use the ball field, he is to get a schedule of game events to the Park Committee should they want to open the concession stand.

The Board discussed attending the PSATS Conference April 18<sup>th</sup> through April 20<sup>th</sup> with the registration fee being \$140.00 each attendee and the hotel deposit being \$100.00. Ms. Silvernail stated that since the deadline to be part of the lottery for a room being before the Board meeting she paid in advance with her credit card.

Ms. Horan made a motion, seconded by Mr. Walton, to reimburse Ms. Silvernail the amount of \$280.00 being the registration fee for the PSATS Conference. With there being no questions from public, Ms. Horan voting “aye”, Mr. Walton voting “aye”, Ms. Silvernail “abstained”, the motion passed.

Shamarukh Billah representing STV National Guard and Mike Snesavage of the Department of Veterans & Military Affairs presented the Board with a subdivision land development of lots 2 & 3 of Valley View subdivision. Ms. Billah stated that the proposed project includes construction of a Readiness Center to serve the Pennsylvania Army National Guard. The proposed building will be approximately 30,280 square foot

and parking areas for personally owned vehicles. Access onto the property will be from Waverly Blvd. This is the last of 27 projects that have been completed by the National Guard. The Building is set up like a school with an armory with no ammo and a vault will house weapons and storage for gear. Ms. Horan asked how many people at one time in the building, Mr. Snesavage stated 160 on the weekends. Ms. Horan asked how many vehicles. Mr. Snesavage stated approximately 25 that will leave and come back on weekends. Mr. Taylor asked how emergency personal will enter the building in the case of a fire or emergency. Mr. Snesavage stated that in the past the National Guard would use Knox Boxes but it is no longer part of their policy so it would have to be forced entry. John Lymberis asked about the lighting levels, Mr. Snesavage stated that they are neighbor friendly. The Board requested to see pictures of some of the other facilities that are completed.

Ms. Silvernail announced that articles are due to the Township office no later than March 1, 2010 for the spring addition of the newsletter.

The Board discussed the road department being short handed and discussed hiring temporary as needed help for snow removal and salting. Ms. Silvernail made a motion, seconded by Ms. Horan, to hire on a temporary basis for snow removal and salting Mike Audette and Robert Herzog with a pay rate per hour being \$19.00. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Walton, to appoint Ms. Horan, as the voting delegate to attend the PSATS Conference on April 18<sup>th</sup>. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Public Comment:**

Mr. MacCombie stated that he had plans of Quarry Road and Old Wilmington Road delivered to the Township did the supervisors receive them. The reply was yes.

Elmer Pluck announced that the park committee meetings will be held on the 4<sup>th</sup> Tuesday of each month. And requested that the Township continue to contact him in advance when there is a park rental.

With there being no further business, Ms. Silvernail made a motion, seconded by Ms. Horan to adjourn the regular Board meeting. With there being no questions, the Board voting "aye", the motion passed unanimously.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer

