

## **Board of Supervisors Meeting held Tuesday July 6, 2010 at 7:00 pm**

A regular meeting of the Board of Supervisors was conducted on Tuesday July 6, 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.

Ms. Silvernail announced that the Board met in executive session following the regular meeting on June 1, 2010 to discuss personnel matters and the Board met in executive session on July 6, 2010 at 6:00 pm to discuss possible litigation and personnel issues.

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 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. Walton, 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 June the police patrolled 2,689 miles and answered 122 complaints for: 1 theft, 5 suspicious persons, 2 911 hang ups, 11 alarms, 4 domestics, 9 accidents, 9 disturbances, 2 assist to other departments, 1 criminal mischief, 1 animal, 1 burglary, 1 harassment. There were 7 citations issued for the month and 5 criminal arrests for 1 issue of bad checks, 1 assault and harassment, 2 thefts and receiving stolen property. 11 traffic checks and 7 property checks were performed.

**Township Engineers report.** Mr. MacCombie reported that Chief Groce requested generators for the traffic signals at Old Wilmington Road and the other at AIM Boulevard to be purchased under the contributions received for the traffic signal. Mr. MacCombie stated that this request is not possible; however Chief Groce could look into grant money to purchase the generators. Mr. MacCombie stated that he has prepared a construction release for Keystone Helicopter in the amount of \$15,700.00 to be paid out of the funds being held by Patrick O'Donnell.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the final construction release to be paid to Keystone Helicopter in the amount of \$15,700.00 to be paid out of the funds being held by Patrick O'Donnell per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that he has prepared a construction letter of credit reduction for Whitmer Properties in the amount of \$171,863.75 for the Board's consideration.

Ms. Silvernail made a motion, seconded by Mr. Walton, to approve the letter of reduction for Whiter Properties in the amount of \$171,456.03 as per Mr. MacCombie's

recommendation. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he has prepared a final construction release certificate for Larry Constable and Susan Constable in the amount of \$14,863.75 for the Boards consideration.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the final construction release to Larry and Susan Constable in the amount of \$14,863.75. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he completed a road inspection for Limestone Road with regards to West Sadsbury’s request to tar and chip the entire road. Mr. MacCombie stated that Limestone does not need tar and chipped at this time. Mr. MacCombie did an inspection of Compass Road after a complaint of pot holes. Mr. MacCombie stated there is one pot hole and if the Township has that area tar and chipped it will be in good shape. Mr. Herbert MacCombie completed a road inspection with Dave Simmons and recommended that the entire street of Friendship Way and Hammond Road be paved. Due to the current economic times and budget constraints of approximately \$70,000.00, Mr. MacCombie recommends paving only the lower half of Friendship Way this year and complete the other half next year. Mr. MacCombie reported the anticipated project costs would be approximately \$70,081.98. Mr. MacCombie also stated that Hilltop Road needs oiled and chipped for next year and the approximate costs for that job is \$15,000-\$20,000.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the advertisement of paving the lower half of Friendship Way out to bid. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. MacCombie stated that he reviewed a sketch plan for lot 2 Morris Farm for the construction of a 43,200 square foot building. Mr. MacCombie reported that he attended a seminar related to the Red Flag Rules which directs agencies to issue joint regulations and guidelines regarding detection prevention and mitigation of identity theft.

**Township Solicitors report.** Mr. Pompo stated that the maintenance agreement has been advertised for Sadsbury Township. Sadsbury Township desires Valley Township accept maintenance of the entire portion 264.8 feet of Rockdale Road in Sadsbury Township. Ms. Silvernail asked where Valley Township stands with accepting the South Apron Project. No Chester County Airport representatives’ were present but they are on the agenda later. Mr. Pompo stated that an Ordinance has been advertised authorizing the Board to enter into a roadway maintenance agreement with Valley Township. No action was taken at this time. Mr. Pompo discussed the conditional use Decision and Order for the application of Commonwealth of Pennsylvania Department of Veteran and Military Affairs. Mr. Pompo stated that changes were made to the original draft. Mr. Pompo stated that the proposed use is a Military Readiness Center for the Stryker Brigade Combat Team. The building will be a 28,000 square foot one story building; a 20,000 square foot fenced outdoor concrete paved storage area located behind the facility. The applicant intends on storing a maximum of thirty military vehicles including fifteen to

twenty Stryker type vehicles, larger military truck vehicles, two to five ton capacity, and a maximum of ten trailers, all within the fenced concrete storage area. The company consists of 180 reservists. The company will regularly use the facility once per month and on weekends starting no earlier than 6:30 am either for training on the property or re location to other guard locations. Peak drills will be on weekends with 150 soldiers this includes exercising and servicing military vehicles in the storage area. No overnight use of the property was proposed. Mr. Pompo stated that some items of the decision states: no ammunition or explosives will be stored on the property. At all times the operations of the property shall comply with performance standards set forth in Section 1303 of the Zoning Ordinance, also Ordinance 1993-03 Sadsbury Township Noise Ordinance, no outdoor maintenance or exercising of military vehicles on weekends earlier than 9:00 am prevailing time, no idling of military vehicles on Sundays earlier than 9 am prevailing time, these restrictions apply to scheduled training activities involving the use of military vehicles and do not apply to active duty operations in response to military contingencies including declared emergencies and other exigent circumstances were movement of military vehicles may be required. No overnight use of the facility except times of a declared emergency or when unit personnel are performing active duty under Section 508 of the Military and Veterans Code, the facility is tax exempt. The Board discussed the rental of the social hall. Mr. Pompo stated he can add a condition that any renters of the assembly hall shall be subject to a fee in lieu of to Sadsbury Township to offset municipal services, with the amount to be agreed by the applicant and Township during the land development process.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the Decision and Order of Commonwealth of Pennsylvania Department of Military Affairs Conditional Use No C-1-10, with the addition of the assembly hall condition. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo discussed House Bill 2431 making community based local government unconstitutional. Mr. Pompo recommends that the Board take no action at this time. Ms. Silvernail explained that PSATS News bulletin stated House Bill 2431 would eliminate Municipalities and the County would take control. Mr. Taylor asked who proposed the bill. Mr. Pompo replied that it was State Representative Ms. Barb Mac Elwaine Smith.

Mr. Pompo discussed a draft Ordinance to amend the Sadsbury Township Subdivision and Land Development Ordinance of 2008 to provide for planting material substitutions and contributions of a fee in lieu of in order to establish compliance with minimum planting standards. Mr. Pompo stated that Section 427.f is amended by adding new subsections 5 and 6 that allow for design flexibility, planting material substitutions from the requirements may be permitted at the discretion of the Township. The applicant must demonstrate to the satisfaction of the Township that the general intent of the ordinance is achieved and that the substitutions represent an equivalent monetary value to the required landscaping. In the event the applicant establishes to the satisfaction of the Township that constraints incident to the land itself render it impractical to locate on the lot the required number of plantings otherwise required to meet the landscaping screening and buffering pursuant to this ordinance, then the applicant may elect to do one or both of the following: contribute to the Township the estimated installed and guaranteed cost as

determined by the Township engineer of those plantings which cannot practically be installed on the property to be used for the installation of landscaping elsewhere within the Township which enhances the landscape and natural setting at such time and in such locations as deemed appropriate or install fewer larger or more valuable plantings on the lot with an aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of plantings. Mr. Pompo is recommended that the Chester County Planning Commission and Sadsbury Township Planning Commission review this Ordinance and comment. Mr. Lymberis asked if this creates a fund. Mr. Pompo stated "yes" the funds would be for landscaping but not limited.

Ms. Silvernail made a motion, seconded by Ms. Horan, to send the draft Ordinance to amend the Sadsbury Township Subdivision and Land Development Ordinance of 2008 to provide for planting material substitutions and contributions of a fee in lieu of in order to establish compliance with minimum planting standards to the Chester County Planning Commission and Township Planning Commission for review. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Planning Commission report.** Ms. Susan Franco reported that the Planning Commission met on Wednesday June 9, 2010 at 7pm. Discussed under old business was Sadsbury Park Phase 2A. The members reviewed letters from the Chester County Planning Commission, Mr. MacCombies office, a response letter from the applicant and the applicant's engineer. Mr. Duckworth presented the members with an overview of the revised plan which separates Phase 2 in the approved TND plan into 2 phases. The Phase 2A proposes 52 single family homes, 15 townhomes, pool, cabana, 2 pocket parks, open space, necessary access roads and improvements to the municipal and adjacent state roads. Discussed were several issues raised by the Township consultants and Chester County Planning Commission. The Planning Commission voted 4-1 in favor of sending a recommendation letter of approval to the Board of Supervisors with stipulations being; the access road connection with Fox Trail of Sadsbury Village Development may be a gravel road with a gate to restrict access to all but the emergency vehicles. When Phase 2B is under construction this road must be constructed and paved in accordance with the requirements of completion; repaving of Quarry Road be done, a portion of the walking trail along Old Wilmington Road North to their property be constructed at this time; HOA documents be reviewed by the Township. Ms. Franco reported that old business discussed was a sketch plan submitted by Joe Shepard for a proposed plan for a multi tenant building in the I-1 at 105 Independence Way lot 2. Mr. Shepard gave a brief overview of the sketch plan being the size of the building is to be 120x360 of masonry construction with siding.

**Township Zoning report.** Mr. MacCombie stated there was nothing to report.

Mr. MacCombie stated that the communitor has failed at the Township pump station and maintenance crews will be in this week to pull the communitor to see what the issues are. Mr. MacCombie also reported the DEP wants the Township to monitor all flow on a minute by minute basis at the pump station; therefore they want the Township to install a data log counter to track the flow.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to purchase a data log counter to be placed at the pump station per DEP's request with costs not to exceed \$1,200.00. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Pomeroy Fire Company report.** Mr. Taylor reported for the month of June the number of alarms answered was 4 for 1 wire, 1 tree& wires, 1 set up landing zone, 1 motorcycle accident. The alarms were answered for 3 Sadsbury Township and 1 East Fallowfield. Time in service was 1 hour and 52 minutes.

**Pomeroy Volunteer Ambulance report.** Mr. Taylor reported for the month of June the following calls: Sadsbury 10, Valley 2, Highland 2, Honeybrook 2, West Sadsbury 5, Coatesville 1, East Fallowfield 3, and Parkesburg 19. Types of calls were: medical 33, vehicle 5, fire 2, relocate 2, recalled 4, agricultural 1, refusal 3, fly out 1. Total number of transports 31.

Ms. Silvernail stated that the Board received a letter from Scot Kreger from Pomeroy Volunteer Fire Company offering a first aid and CPR training class to the Township to cost \$35.00 per individual attending. Ms. Silvernail asked Mr. Taylor if this class would be open to residents, Mr. Taylor did not know. Ms. Myers will contact Mr. Kreger.

Mr. Ray Campbell representing Pomeroy Fire Company read a letter to the Board regarding the four fire companies located within the western portion of Chester County that are just miles of each other. Mr. Campbell states that costs are up and funding is down. He said some municipalities are adding a fire tax to help cover the cost of fire services. Mr. Campbell stated that they have recently met with other fire companies to discuss eliminating costs, find funding and better serve the communities. Mr. Campbell said that Pomeroy is looking to consolidate Sadsbury, Parkesburg and Atglen Fire Companies to make one large organization. Mr. Campbell is seeking (1) supervisor to attend and sit on the upcoming meetings. Mr. Pompo asked if there is a proposed agreement with the other four fire companies. Mr. Campbell stated "no" they are in the beginning phase. Ms. Silvernail volunteered to be the liaison to attend the meeting and report back.

**Sadsburyville Fire Company report** Mr. Audette reported for the month of June the number of alarms answered was 7 for 2 auto accidents, 1 automatic alarm, 1 trees and wires, 1 vending machine, 2 assists to 28 for 1 auto accident and 1 odor investigation. Total time in service was 2 hours and 9 minutes.

Mr. Audette representing Sadsburyville Fire Company stated that they are in the process of purchasing a new fire truck to replace the 1964 that is still in service. Mr. Audette stated that they are seeking tax free funding and is requesting the Chair sign an approval pursuant to section 147 (f) of the internal revenue code of 1986. Mr. Audette stated that in no way does the signing of the letter obligate the Township to any financing.

Ms. Horan made a motion, seconded by Mr. Walton, to authorize Ms. Silvernail sign the application pursuant to section 147 (f) of the internal revenue code of 1986. With there

being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Park Committee report.** Ms. Horan thanked Monica Bon Miller for donating plants and mulch for the Bert Reel Park flower beds and thanked Faye Monte for helping her weed and plant the flowers.

**Township Road report.** Mr. Walton reported that the road department has been mowing grass and preparing the equipment for winter. The plow for the international needs welded and repainted.

Ms. Franco reported a sink hole along Colonial Court next to the inlet.

**Payment of Invoices:**

Ms. Silvernail made a motion, seconded by Ms. Horan to pay the June invoices in the amount of \$96,564.28. 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 June payroll in the amount of \$29,824.21. 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 June sanitary sewer invoices in the amount of \$33,586.95. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**New Business:**

Mr. Terry Muto representing Bellaire Business Center is requesting approval to move forward with the street striping and signage plans within the business park. Mr. MacCombie stated that he reviewed the plans and has no objection to the proposed plan.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve the striping within the Bellaire Business Park as reviewed by Mr. MacCombie’s office. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed renewing the GIS Consortium Tier III Agreement for another 12 months of mapping. Mr. MacCombie stated that he has been contacted by Chester County GIS to provide the underground sanitary sewer plans for mapping.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to renew the Chester County GIS Consortium Tier III Agreement for an additional 12 months to cost \$5,000.00. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Earl Taylor requested a copy of the completed mapping of the Township.

The Board discussed renewing the listing for the old township facility with Keller Williams Realtors as the 6 month agreement has expired. Chief Groce stated that Brandywine Hospital medic unit is interested in renting the old township police office 12 hours a day 7 days a week. The Board stated that the interested parties should contact the Township with more information. Chief Groce is to contact them.

The Board discussed beginning the process of hiring a full time public works department employee. The Board agreed to run the help wanted advertisement in the Community Courier once a week for (3) weeks.

Ms. Silvernail made a motion, seconded by Mr. Walton, to advertise for a full time public works department employee in the Community Courier once a week for (3) weeks. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed scheduling a special mid year budget work session meeting, to review the progress of our 2010 budget. The Board agreed on Monday July 19, 2010 at 9:00 am.

Ms. Silvernail made a motion, seconded by Ms. Horan, to advertise a special mid year budget work session meeting to be held on Monday July 19, 2010 at 9:00 a.m. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Jason Duckworth representing Arcadia Land Company is requesting final approval of the final plan for Phase 2A of Sadsbury Park. Mr. Duckworth stated that within the Phase 2A of Sadsbury Park would be 52 single family homes, 15 town homes, an existing farm house, pool, cabana building, he stated he has PenDot approvals for 3 entrances. Ms. Silvernail asked what will be done with Quarry Road repairs. Mr. Duckworth stated he has \$76,000.00 letter of credit in place towards the Quarry Road repairs. Mr. MacCombie stated that the base paving is to be scheduled to be done at the same time as phase 2A, Ms. Silvernail said additional money will be needed to complete the paving of Quarry Road. Ms. Silvernail questioned what is to be done with the old boarded up farm house along Old Wilmington Road. Mr. Duckworth answered the plan is to beautify the outside of the home, sell it or get it occupied and the barns will be demolished first thing. Mr. Pompo asked what the timing of renovation will be of the farm house. Mr. Duckworth said immediately. Ms. Silvernail asked how the 67 homes will maintain the pool and cabana house. Mr. Duckworth said it will be manageable. Ms. Silvernail asked if Arcadia plans on requesting any phasing for the rest of the project. Mr. Duckworth stated hopefully not. Mr. MacCombie asked what the costs were going to be to maintain the pool and cabana house for the homeowners association. Mr. Duckworth stated he will have to refresh the numbers. Ms. Silvernail asked if Mr. Duckworth will add the wording about airport noise and the issues with Keystone noise. Mr. Duckworth stated "yes" he will disclose that. Ms. Silvernail asked if Looney Ricks & Kiss were still his town architects, Mr. Duckworth stated "yes" they will prepare the design guidelines. The Board discussed the base repair on Quarry Road, financial guarantee for the cu de sac, dead end streets, and temporary turn around. The Board did not want to make a decision with so many conditions unresolved. Mr. Duckworth stated the would give the Township

an extension until the next Board meeting to work out these conditions of the construction of Fox Trail, re-paving of Quarry Road including base, financial security, farm house timing of repairs, HOA documents, walking trail, noise from Chester County Airport and Keystone, outstanding review fees, plans of exterior of the buildings, applicant agrees to comply with all outstanding comments in the Township Engineers review letter and the land planners review letter.

Robert Silvernail said that the Chester County Planning Commission recommended noise suppression materials into the construction materials of the dwellings. Was this requested prior? Mr. Pompo stated “no”.

Ray Campbell questioned the cart path being blocked off; Mr. Duckworth stated it will be a temporary stone road to handle emergency vehicles only.

Robert Silvernail what happens if the 67 homes do not pay for the pool and cabana. Mr. Pompo stated the home will be liened within the homeowners association.

Ms. Susan Boswell representing Lafayette Square is requesting the Board consider the phasing of this project. Mr. Brian Kulakowski of DL Howell presented plans that shows phase 1 would be 4 building with 10 units in each, no changes to public improvements, phase 2, 7 buildings, phase 3 the final 2 buildings with a total being 125 multifamily units. Mr. Kulakowski stated that the PECO work has been completed and the applicant has an active grading permit. Mr. MacCombie asked what will happen to the \$125,000 contribution to the Sadsbury Village Enhancement Project if the project phases. Mr. Lymberis stated that any costs savings difference would go toward the Sadsbury Village Enhancement Project. Mr. Pompo and Mr. MacCombie will review the plans.

**Public Comment:** None

With there being no further business, Ms. Silvernail made a motion, seconded by Ms. Horan, to adjourn the regular meeting of the Board of Supervisors. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer