

## **Board of Supervisors Regular Meeting held September 7, 2010**

A regular meeting of the Board of Supervisors was conducted on Tuesday September 7, 2010 commencing at 7:00 p.m. Chairwoman Ms. Silvernail called the meeting to order. Present was Supervisor Ms. Horan, 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 on Tuesday August 10, 2010 at 6:00pm, Tuesday August 17, 2010 at 6:00pm, Monday August 30, 2010 at 6:00pm to discuss personnel matters, The Board met on Tuesday September 7, 2010 at 6:00pm to discuss legal matters.

The moment of silence and pledge of allegiance were observed.

Ms. Silvernail announced that Mr. Todd Walton resigned from Supervisor on August 23, 2010. Ms. Silvernail said that Ms. Horan and she created a list of candidates and out of the list the only interested person was Courtney Sarbaum. Mr. Klingman asked why Mr. Walton quit. Ms. Silvernail said that Mr. Walton stated for personal reasons. Mr. Pompo explained there is a procedure that must be followed. The current Board must appoint a person to fill the vacant seat within 30 days of the dated resignation letter, after the 30<sup>th</sup> day the (2) Supervisors and (1) vacancy board member must appoint a person. If they fail to appoint by 45 days, the Court of Commons pleas will step in and appoint a person. Mr. Pompo stated that Mr. Walton was elected to a 6 year term; the appointment will be until January 1, 2012. This is after the next municipal election. Ms. Silvernail stated the Supervisors position pays \$1,875.00 a year which is set by the State. Ms. Silvernail opened discussion to the audience for any questions or suggestions to fill the vacant seat, and there was no reply. Mr. Pompo stated that he has no objection for the Board to make an appointment tonight.

Ms. Silvernail made a motion, seconded by Ms. Horan, to appoint Courtney Sarbaum to fill the vacant Board of Supervisors seat until January 2011 after Ms. Sarbaum gets sworn into office. 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 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 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 August the police patrolled 3,409 miles and answered 123 complaints from the public for; 4 suspicious persons, 2 911 hang up, 8 alarms, 5 domestic, 6 accidents, 1 disturbance, 3 assist to other departments, 3 criminal mischief, 4 animal, 2 burglary, 4 harassment, 6 theft. There were 5 citations issued for the month and 3 parking tickets. Patrol activities included 13 traffic checks and 12 property business checks. Eight false alarms were reported were answered. \$400.00 was received for a business with numerous false alarms.

**Township Engineers report.** Mr. MacCombie reported that the contractor for the sanitary sewer phase 4 project has completed testing and found rock and (2) shallow wells; they will test blast on September 13, 2010 and begin pipe work for this project on the 27<sup>th</sup>. Mr. Mike Loftus of Belvedere Avenue asked who is responsible if damage is done from blasting inside or outside of those homes within phase 4. Mr. MacCombie answered that the contractor is responsible. Mr. MacCombie reported that in approximately (3) weeks the communitor will be replaced at the Stottsville pump station. Mr. MacCombie has reviewed the bid packages on August 18, 2010 for the Sadsbury Township 2010 resurfacing program and street improvements for the bridge on Compass Road. Mr. MacCombie's recommendation is Burkholder Paving Division from Ephrata in the amount of \$68,542.60; Mr. MacCombie stated that this number is within our budget. Faye Monte asked which bridge on Compass Road. Mr. MacCombie stated the bridge closest to Route 30.

Ms. Silvernail made a motion, seconded by Ms. Horan, to award the 2010 Resurfacing Project and Street Improvements to Burkholder Paving in the amount of \$68,542.60. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that a data counter has been placed at the Stottsville Pump Station in order for PAWC to measure flows as PADEP required. Mr. MacCombie said the Township must purchase the data counter software that costs \$1,500.00. After discussion, the Board tabled any decisions to purchase the software.

Mr. MacCombie stated that Dennis O'Neil attended an Airport Zoning Ordinance Workshop. He stated that the workshop focused on Pennsylvania's Airport Hazard Zoning Law of 1984. Sadsbury Township has an overlay district previously adopted; many municipalities that surround airports do not. A sample Ordinance will be provided for consideration and further discussion.

Mr. MacCombie stated that the Sadsbury Village Enhancement Project is moving forward. Penn Dot's Traffic Unit and Penn Dot's Traffic Safety Unit agreed to lower the speed limit through the village. Mr. MacCombie stated additional grant funding is available. Ms. Horan asked what boundaries will be affected by the speed limit change. Mr. MacCombie said he is unsure but is hoping Morris Lane through the village would be lowered to 30mph.

Mr. MacCombie reported that the Township paid escrow money to Amtrak during the last sanitary sewer phase and the Township has been trying a year to get the remaining money back. He stated that Congressman Gerlachs' office has been contacted regarding this matter and they are supporting the Township to get their money.

Mr. MacCombie reported that PAWC has filed for a rate increase, the current rate is \$3.74 per thousand gallons, and PAWC wants a rate increase of \$10.50 per thousand gallons. Mr. MacCombie stated that Sadsbury, Caln, Valley and West Brandywine has joined together to fight the increase. Mr. MacCombie said discussed was a 4 year 42% increase settlement which would be;

2011	\$5.34 per one thousand gallons
2012	\$6.95 per one thousand gallons
2013	\$9.92 per one thousand gallons
2014	\$14.18 per one thousand gallons

Ms. Horan asked why the urgent time frame to settle. Mr. MacCombie stated that without settlement by the group of municipalities, the case will go before the judge on September 14, 2010. Ms. Horan asked since the consumer advocate agrees with the rate increase, and the municipal group is not ready to settle, would this affect any judgment. Mr. Pompo stated there is no urgency for the municipal group to agree to a settlement. Doug Brown, a representative from Houghton's office thanked the Board for being proactive and their office is here to help. Ms. Silvernail and Ms. Horan attended both evening public input hearings at Rainbow Elementary and Parkesburg Borough Hall. Earl Taylor commented that is it disturbing that they are trying to rush a settlement. Doug Brown and Jamie MacCombie exchanged information.

**Township Solicitors report.** Mr. Pompo discussed an Ordinance amending 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 this Ordinance Section 427.f. is amended by adding subsections 5 and 6.

5. To allow for design flexibility, planting material substitutions from the requirements may be permitted at the discretion of the Township.

6. In the event that the applicant establishes to the satisfaction of the Township that constraints incident to the land itself (including, without limitation, extreme topography, unsuitable soils, rock outcrops and existing uninterrupted dense canopy) 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:

a. 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 by the Township.

b. install fewer larger or more valuable plantings on the lot with aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of plantings. In such cases, the applicant must demonstrate to the satisfaction of the

Township engineer that the intent of the ordinance is achieved and that the substitutions represent an equivalent monetary value to the required landscaping. The cost as determined by the Township Engineer to implement (a) and or (b) above shall serve as the basis for calculating the required financial security in conformance with Section 427.j. of this ordinance.

Mr. Pompo stated that recommendation letters were received from the Chester County Planning Commission and the Township Planning Commission. The Ordinance has been advertised as required by law. Mr. Pompo asked for questions or comments from the public, there were no questions or comments.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Ordinance 2010-02 an Ordinance amending 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. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Pompo reported that he has prepared a Resolution establishing a policy for the allocation of capacity within the wastewater system serving Sadsbury Township. Mr. Pompo said this Resolution replaces the existing Resolution.

After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Resolution 2010-09 pertaining to establishing a policy for the allocation of capacity within the wastewater system serving Sadsbury Township. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Township Planning Commission meeting.** Ms. Franco reported that the Planning Commission met on Wednesday August 11, 2010. Ms. Susan Boswell representing Lafayette Square and Bryan Kulakowsky with D.L. Howell Engineers presented the Planning Commission with a phasing plan for this project. The first phase would consist of 40 units of the proposed 125 multifamily dwellings. Mr. Lymberis re-cussed himself as he is the applicant. Discussion of design and style of the buildings, floor plans and change sequence for construction, a second access road is to be included in the phase 2 portion of the project. The Planning Commission motioned to recommend to the Board of Supervisors the phasing plan contingent upon the comments in Mr. MacCombies review letter. Mr. Vic Kelly Engineer for All County Partners presented the Planning Commission with Valley View Business Park Lot 5 Land Development Plan. The majority of this land is located in Valley Township with a small portion in Sadsbury Township. The portion located in Sadsbury Township is not a buildable lot and is not sub dividable. The Planning Commission motioned to recommend to the Board of Supervisors contingent to the comments of Mr. MacCombies review letter.

**Township Zoning report.** Mr. MacCombie had nothing to report this month.

**Pomeroy Fire Company report.** Mr. Taylor reported that for the month of August a total of 17 alarms were answered for the following: 5 building, 5 assist ambulance, 1 brush, 1 cooking fire, 1 electrical fire, 1 unknown fire type, 1 automatic alarm, 1 auto accident, 1 motorcycle accident. The alarms were answered for the following locations:

East Fallowfield 3, Sadsbury 8, Valley 4, and Parkesburg Borough 2. Total time in service was 6 hours 41 minutes.

**Pomeroy Ambulance report.** Mr. Taylor reported that for the month of August a total of 54 calls were received for Sadsbury 18, Valley 4, Highland 2, Coatesville 4, East Fallowfield 8, and Parkesburg 19. The call types were: medical 30, accidents 7, fire 9, relocate 2, recalled 6, fly out 1. Mr. Taylor met with Sikorsky Helicopter and received a tour and training with personnel.

**Emergency Services Coordinator report.** Mr. Taylor reported that he attended a FEMA Safety IS-0035.10 Orientation and presented the Board with his certificate.

**Sadsburyville Fire Company report.** No report.

**Township Zoning Ordinance Committee report.** Ms. Silvernail stated that a meeting is scheduled for September 20, 2010 for the Ordinance Committee to meet and finalize the Ordinance.

Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the Township Secretary send the Ordinance and Act 247 form to the Chester County Planning Commission for their review and comments per the Ordinance Committee's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Park Committee News:** Ms. Horan asked Chief Groce if all the restitution has been paid for the vandalism that occurred at the concession stand. Chief Groce said he would look into it and report back.

#### **Payment of Invoices:**

Ms. Silvernail made a motion, seconded by Ms. Horan, to pay the August invoices in the amount of \$47,284.36. 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 August payroll in the amount of \$29,143.54. 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 sanitary sewer invoices in the amount of \$26,390.84. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

#### **New Business:**

Mr. Charles Differ, representing Little Anthony's Pizza and Mr. Mark Madanat, owner of Little Anthony's Pizza is requesting to build a 400 square foot enclosure for a new walk in box at the rear of the building. Mr. Differ stated that when Mr. Madanat purchased the property it was never disclosed that an addition was already placed on the building.

Mr. Differ is requesting to be waived from the Land Development Plans and relief from Section 1504.A.2 non conforming structure shall not be increased. The Board stated that they can waive the Land Development requirement but cannot waive the non conforming use requirement; Mr. Madanat will have to appear before the Zoning Hearing Board.

Ms. Silvernail made a motion, seconded by Ms. Horan, to waive Mark Madanat owner of Little Anthony's Pizza from the subdivision land development requirement. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Darren Laterza General Manager for Keystone Foods was on the agenda but a no show.

Mr. Norman Lomas representing the Piston Poppers discussed the release form for race participants that the Township is requesting he begin to use at each event. Mr. Lomas states that the current form being used is one required from the motorcycle association and each participant must sign before each event. Mr. Lomas stated that there are 100 riders or more at each event and they all sign one standard form. The Township is requesting that each rider sign an individual form. Mr. Pompo states that is correct, the Township wants a separate waiver form for each individual person participating in the event. Mr. Lomas showed Mr. Pompo the form that is currently being used. Mr. Pompo wants his organization to work towards what the Township is requesting as it protects everyone. Mr. Pompo suggested they provide the American Motorcycle Association with documentation that the Township is requesting and expect a response.

Mr. Vic Kelly, Engineer representing Valley View Business Park is requesting final subdivision land development approval for lot 5. Mr., Kelly stated that All County is proposing to subdivide the tract as lot 5 into 5 proposed lots 5, 6, 7, & 9, proposed lot 8 has approximately 5,775 square foot situated in Sadsbury Township within the residential zoning district in Valley Township. The use of Hoffman Avenue was discussed in length.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve Valley View Business Park Lot (5) final subdivision land development plan contingent upon the existing Hoffman Avenue shall not be used or improved to support any uses within Valley Township without prior approval from Sadsbury Township Board of Supervisors which includes no changing of zoning. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Susan Boswell, Attorney representing Lafayette Square, Mr. Bryan Kulakowski, Engineer representing Lafayette Square and John Lymberis, Applicant is requesting phasing plan approval. Ms. Boswell discussed the phasing construction sequencing plan proposed conditions of approval. Ms. Silvernail asked what the condo association fees are for the first phase. Ms. Boswell stated that the first phase includes no amenities and in the second phase Mr. Lymberis will be responsible for maintaining. Ms. Silvernail stated that if the Sadsbury Village Enhancement Project begins before the completion of the project and the construction vehicles of this project do damage, who pays. Mr. MacCombie stated that Mr. Lymberis would be responsible for any repairs that need made, there will be an escrow account posted for this reason. Mr. Lymberis stated that

the Township will not be required to sign the PennDot right of way application for highway occupancy that was discussed in detail at the last meeting since the project has an existing PennDot permit in place.

Ms. Silvernail made a motion, seconded by Ms. Horan; to approve the Lafayette Square proposed phasing plan final land development contingent upon compliance with the conditions contained in the Township Engineers letter dated August 10, 2010 and the applicant shall comply with conditions 1 through 11 of the final land development plan approval. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed a Resolution to authorize the disposition of public records in accordance with the Municipal records manual.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Resolution 2010-10 authorizing the disposition of the following public records: 1969,1970,1971,1972,1973,1974,1975,1976,1977,1978,1979,1980,1990,1991,1994,1997,1998,1999,2000 building permits, 1978,1987,1988,1989,1992,1994,tax records, 1974,1976,1978,1985,1986,1987, trash collection invoices bank statements, cancelled checks. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed scheduling a budget work session to begin the 2011 budget process. After discussion, Ms. Silvernail made a motion, seconded by Ms. Horan, to authorize the advertisement of a budget work session to be held on Tuesday September 21, 2010 at 9:00 am. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board scheduled fall bulk trash collection to be Friday November 5, 2010.

Ms. Silvernail announced that all fall newsletter articles are due to the Township no later than September 30, 2010.

Mr. Pompo congratulated Courtney Sarbaum and stated that an oath of office and ethics forms will need to be completed.

**Public Comment:**

Mr. Liefholt, a Township resident of 80 Washington Lane stated that the tractor trailers from Keystone Foods are traveling beyond the plant until they realize they do not belong in the Pomeroy Heights neighborhood are doing damage to his property. Mr. Liefholt provided the Board with pictures of damage done to his property from the tractor trailers. Mr. Liefholt stated that he has contacted the police department; however the damage is occurring after hours. The Board stated that they will contact Valley Township to inform them that there is to be no tractor trailer traffic going through Pomeroy Heights. The Board will have the road department post a sign stating no trucks beyond this point. Mr. Silvernail added that once the tractor trailers pass Keystone Foods they have no place to go. Mr. MacCombie stated instead of doing property damage they should just back up.

John Leifholt asked if Keystone Foods could place an arrow sign pointing at their location so that trucks don't miss their turn.

Mike Loftus, a resident of Belvedere Avenue requested that "dead end" street sign be updated as vehicles pull onto their road with no idea it's a dead end. Mr. Loftus asked how large the current police department is. The Board replied. Mr. Loftus asked why the Township doesn't have a full time chief of police. The Board stated that currently they have a part time chief. Mr. Loftus stated that there is no visible presence of the current chief within the Township most residents do not know who he is. The Board stated that the Township does not have 24/7 police protection at this time due to cost and budgeting. The State Police are on call during the hours the township Police Department is not.

John Lymberis stated after hours the traffic on Route 30 is speeding and this includes the truck traffic. Mr. Lymberis stated that most of the traffic is local and they know the hours of the Township police department. He wondered if the police could switch their hours up just to get some presence in the evening overnight hours. Mr. Lymberis welcomed Courtney Sarbaum as the new supervisor.

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 from the public, the Board voting "aye", the motion passed unanimously.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer

