

## **Board of Supervisors Regular Meeting November 8, 2006**

The Board of Supervisors conducted a regular meeting held on Tuesday November 8, 2006 commencing at 7:00 p.m. Chairman Hensel called the meeting to order. Present were Supervisors Ms. Silvernail, and Mr. Doratt, Mr. Thompson substitute Township Solicitor, Mr. MacCombie Township Engineer, Mr. Meltsch Township Zoning Officer/Building Inspector and members of the community.

Mr. Hensel announced that the Board met in executive session on Tuesday October 24, 2006 at 9:00 a.m. to discuss personnel matters.

A moment of silence and pledge of allegiance were observed.

Mr. Hensel made a motion, seconded by Mr. Doratt, 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.

Mr. Hensel made a motion, seconded by Mr. Doratt, to adopt the minutes of the previous meetings. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Police report.** Sergeant Ranck reported that during the month of October 5,641 miles were patrolled and 357 incidents were handled. The categories were: 3 criminal mischief, 1 theft, 3 suspicious person, 86 stationary patrols, 3 911 hang ups, 79 business checks, 13 alarms, 20 assists to other departments, 7 animal, 9 domestics, 16 accidents, 2 harassment, 3 disturbances, 4 burglaries. 63 citations were issued for the month. 13 criminal arrests were made for 3 DUI, 1 public drunkenness, 4 disorderly conduct, 1 leaving the scene, 2 simple assault, 1 juvenile arrest. 13 residential alarms were answered for the month with 2 being false alarms resulting in fines. Mr. Doratt read off a purchase request from Chief Groce to purchase Taser Kits and required training to cost \$4,726.55, Truck Vault Storage equipment for the rear of the Durango to cost \$3,819.22, Officer Ballistic Vests to cost \$7,690.00 with the Township approved for a 50% reimbursement through a grant would cost the Township \$3,845.00, a request to send Officer Imhoff to an Interview and Interrogation Class on 11/9/06 at the State Police Training Center. The Board discussed guideline issues for tasers before they agree to purchase, and Ms. Silvernail asked if there was a real need for the tasers? And proof that the Township needs to take that step. The Board tabled the Chiefs request for the tasers and the storage unit for the Durango.

Mr. Doratt made a motion, seconded by Mr. Hensel to approve the purchase of bulletproof vest to cost \$7,690.00 with a grant reimbursement of 50%. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Doratt made a motion, seconded by Mr. Hensel to allow Officer Imhoff to attend an Interview and Interrogation Class on November 9, 2006 with the class being at no cost and paying Officer Imhoff his hourly rate to attend. With there being no questions from the public, the Board voting "aye" the motion passed unanimously.

**Township Engineer report.** Mr. MacCombie reported that the sewers along Meeting House Lane, Spring View Manor, Maple Avenue, Bonsall School Road have been completed and some are allowed to tap into the sewer, others are not until the line tests have been completed. Mr. MacCombie stated that starting January 1, 2007 the Township would begin the process of billing Pennsylvania American Water Company for the flows of West Caln project. Mr. MacCombie stated that a public informational meeting is scheduled for November 15, 2006 at 7:00 p.m. to discuss the Sadsbury Village Enhancement Project along Lincoln Highway. Mr. MacCombie stated that the applicant of Arcadia phase 2 development has informed them that they only want to file and record phase 2 of the plan and complete phase 3 at a later date. A pre construction meeting has been held regarding phase 2 and the contractor wants to use the land of phase 3 to store the fill material. Mr. MacCombie stated that Herb MacCombie told them they are not allowed to store material on that land due to no agreements have been filed for phase 3. Mr. MacCombie stated that he is in receipt of a preliminary Washington Lane conceptual roadway improvements plan to move forward to improve Washington Lane. Mr. MacCombie stated to the Board that Chester County GIS offers a service the Township could buy to do the mapping of the Township sewers and underground utilities. Mr. MacCombie stated that none of the as built plans are part of the current GIS system. Mr. Hensel stated that he feels its important for the Township to have these maps, they would help with the marking of PA One Calls. Mr. MacCombie stated that he believes that the Township can opt out after the mapping has been completed. Mr. MacCombie stated that the contact person is Mike Little. Mr. MacCombie stated that he has prepared the following construction escrow releases for the Board's approval: Ethermore in the amount of \$7,717.71, Grateful Dog in the amount of \$48,657.27, Harry's Restaurant in the amount of \$100,672.60, Sadsbury Self Storage in the amount of \$9,248.13.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release to Ethermore in the amount of \$76,717.71. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release to Grateful Dog in the amount of \$48,657.27. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Doratt made a motion, seconded by Ms. Silvernail, to approve the construction release to Harry's Restaurant in the amount of \$100,672.60. With Mr. Doratt voting "aye", Ms. Silvernail voting "aye", Mr. Hensel abstained, the motion passed.

Mr. Doratt made a motion, seconded by Ms. Silvernail, to approve the construction release to Sadsbury Self Storage in the amount of \$9,248.13. With Mr. Doratt voting "aye", Ms. Silvernail voting "aye", Mr. Hensel abstained, the motion passed.

Mr. MacCombie reported that Marie Pantelone suggested that they prepare the Act 209 Study. Mr. MacCombie stated that the Township currently works with Grafton & Associates and recommends continuing to use them.

**Township Solicitor report.** Mr. Thompson reported that Pennsylvania American has requested the Township change the late fee charge due to the fact that they can only bill on 1% per month increments. Mr. Thompson added that the Township can currently bill 5% for 90 days past due and recommends that the Board amend the current Ordinance to change the % rate that can be billed for late fees.

Mr. Hensel made a motion, seconded by Mr. Doratt, to authorize advertisement to amend the Ordinance regarding the interest rate for sanitary sewer late fees. With there being no questions from the public the Board voting “aye”, the motion passed unanimously.

**Township Road report.** Mr. Doratt reported that all Township roads are in good shape; the road crew filled potholes on all roads, repaired and replaced road signs. The road crew placed “no parking” signs in Sadsbury Village. All fluids, belts and hoses on all Township equipment are checked daily. Total vehicle miles are 840 and total equipment hours are 46. General maintenance was performed in Sadsbury Park and Bert Reel Park.

**Planning Commission report.** Ms. Silvernail reported that she has not received a copy of the minutes of the monthly Planning Commission meeting but did state that the Planning Commission members met on October 24, 2006 as a work session to discuss the Washington Lane Traffic Study. Ms. Silvernail added that Marie Pantelone of McMahon was in attendance.

**Township Zoning report.** Mr. Meltsch reported that a violation letter was hand delivered to the owners of the corn maze business located along business route 30, Lincoln Highway. Mr. Meltsch stated that even after the letter was delivered to them telling them to cease and desist, they continued to run the corn maze. Mr. Meltsch requested from the Board on how to proceed? The Board agreed to send a letter now warning them that is they plan on running the corn maze business next year to set some guidelines for them. Mr. Thompson stated that the process has already begun with the 30-day hand delivered notice that was given to them; next year will be an immediate violation. Mr. Meltsch stated that work began on 9 Helen Street and he posted a stop order notice to them for working without permits. Mr. Meltsch stated that the Zoning Hearing Board would conduct a meeting regarding an applicant from 10 Western Avenue. Mr. Meltsch stated that they are running a fence company from the home; he requested that the Board send a Solicitor to attend the meeting. Mr. Hensel stated that one of the issues is that Western Avenue is a newly paved street and cannot handle heavy truck traffic. Mr. Doratt suggested that maybe escrow funds could be set up for road maintenance issues. Mr. Meltsch stated that he would like to have an open construction meeting to get together to discuss permitting procedures. Mr. Meltsch suggested a possibility of November 16, 2006, the Board stated that is Bingo night, and he will have to reschedule another date. Mr. Meltsch stated he would get back to the Board.

**Pomeroy Fire Company report.** Mr. Earl Taylor reported that for the month of October a total of 7 alarms were answered for: 1 ambulance assist, 1 house, 1 field, 1 building, 1 gas leak, 1 auto accident and 1 automatic alarm. Assists to other departments were: 1 Valley, 4 Sadsbury, 1 Highland, and 1 Parkesburg. Time in service was 1 hour 25 minutes.

**Sadsburyville Fire Company report.** Mr. Doratt reported that for the month of October a total number of alarms answered were 10 for: 1 auto accident, 1 building, 1 ambulance assist, 1 automatic alarm, 1 pedestrians struck, 1 assist to police department. Assists to other departments were: 1 building, 1 brush, 1 search, 1 building. Total hours in service were 11 hours and 8 minutes.

**Township Emergency Coordinator report.** Mr. Taylor reported that both Sadsburyville Fire Company and Pomeroy Fire Companies toured the Self Storage facility with John Lymberis. The fire companies got to view the building composition and the alarm system and the elevator. Mr. Lymberis offered to pay for rescue elevator training for both fire companies. Mr. Taylor stated that he has been in contact with John Weir representing the NIMBS training. Mr. Weir advised Mr. Taylor that the NIMBS training that he had with the fire companies is the same training that the County offers.

**Payment of Bills:**

Mr. Hensel made a motion, seconded by Mr. Doratt, to pay the October invoices in the amount of \$54,464.62. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay the October payroll in the amount of \$36,292.23. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Mr. Doratt, to pay the October sanitary sewer invoices in the amount of \$25,740.71. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay the October invoices of N. Abbonizio in the amount of \$64,981.80. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Mr. Doratt, to pay the invoices of Cozen O’Connor for the Barkman Landfill in the amount of \$7,821.86. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Tabled Business:**

The Board discussed the re-location of the playground at Sadsbury Village. Ms. Carrie Brown attorney for the Sadsbury Village homeowners association introduced herself to the Board. The Board read a letter from the police department, which states:

There has been discussion at recent Sadsbury Township meeting regarding a play park to be built in the Sadsbury Village complex. The location originally planned was at the South end of the property. A request has been made to relocate the park to the West side of the Sadsbury Village property. In making a decision to change the location,

consideration should be given for police patrol coverage. Moving the park to the West side of the property behind the row of townhouses will prevent the police from observing the park area during routine patrols in the area. With the inclusion of basketball courts, it will also draw older children into the area, which can lead to more complaints and problems especially after dark.

**Public Comment with regards to the Sadsbury Village Playground re-location:**

Gloria Gellman homeowner stated that the reason for the re-location is that the proposed playground shows it right beside the road and is afraid of kids getting snatched. She feels it is safer behind the homes. Also she added that the proposed playground is on a sloped area and the homeowners association does not have the funds to build the much-needed retaining wall.

Jennifer Crandall homeowner stated that the re-location of the playground is directly behind her home; she asked if the majority of the vote was taken to move the playground? Ms. Brown stated that when a vote was taken that had a quorum of the vote of the residents that were there. Mr. Crandall added that their security issues with people coming into the development that don't live there. Ms. Brown stated that the proposed playground has a fence and locked gate to keep strangers out.

Matthew Illes stated that they have been lied to, first they saw a plan that showed the playground re-location in the rear of the lot behind the town homes now the drawing Ms. Brown presented shows the playground location on top of the town homes. Tonya Curry replied that when the playground drawings were first shown there was just a location provided not a map to show the actual location.

Jamie MacCombie Township Engineer commented that the farther away you make the playground location the more difficult it becomes to access and nobody will want to walk to the park.

Rebecca Sarnise representative of Wentworth Property stated that they worked very hard on the project to place it in the best location to benefit the homeowners.

Todd Meltsch Township Zoning Official asked if the location affects the right of way of future decks and additions. Ms. Brown answered that it is a common element of land.

Ryan McCutcheon homeowner commented that there are always a lot of strangers hanging out in the development. He stated that he has been in contact with Rebecca Sarnise and has never received any survey or notice asking what the current homeowners wanted. He stated that a committee was formed and the process has not been followed to keep all residents informed of the happenings in the village. He asked who gets a key to the gate? Ms. Brown answered each house hold would receive a key.

Sue Krissinger homeowner stated she is for the playground but not the basketball because you'd be inviting people from across the street to come to the development.

Drew Steiner homeowner stated that he has been in every township meeting since June because he doesn't want to be left in the dark. He states there is no information given or no communications from the association with regards to the playground re-location. Mr. Steiner states he is for the playground and not the basketball court. Mr. Doratt asked if he had a problem with the location? Mr. Steiner stated yes the plan was for the playground to be placed on the far side of the lot, not in the homeowners back yard, it is just to close to the homes.

Jessica Steiner homeowner stated there are security issues and the police cannot see the playground behind the homes. She states she is against the basketball court. She also commented that it was stated earlier that a fence and lock would be placed around the playground, what is going to stop kids from climbing the fence to get in?

Elizabeth Jaworski agreed with Ms. Steiner's comments.

Susan Franco Quarry Ridge resident is concerned especially after hearing the police report that was read off earlier.

Diane Lamb states she lives where the original playground location was and feels that the playground cannot be placed there because of the storm water.

Jamie MacCombie Township Engineer reminded everyone that when the development was in the preliminary plan approval process the Planning Commission recommended that money be placed in escrow to allow the homeowners pick their own playground equipment.

Ken Napaver homeowner stated that he came to the Board meeting last May and mentioned to the Board about the location of the playground equipment and the steep slopes. He stated that there is a 14 to 15 foot drop to the basin and thinks the new location is a great idea.

David Schenfelt homeowner stated that in the individual homeowners couldn't have a swing set in their yards but they are allowed to have portable basketball nets on the property.

Mike Giueviz Certified Playground Safety Inspector stated that with the old site there were safety issues with steep slopes, water basins and streets. The new location is an ideal spot for the playground.

Bob Mitchell homeowner is for the basketball courts.

Kelly Bartel has concerns with teenagers hanging out in the development and smoking. Ms. Bartel states the bylaws say when they take a vote it is supposed to be 1 vote per household and she stated that husbands and wives were both voting by raising their hands, she states that is not fair.

Mike Jordon homeowner stated that the comments made by Ms. Bartel were true with them taking a vote by the show of hands. He also asked who gets a key to the gate?

Gloria Gellman homeowner stated each household would get a key.

Kelly Scott stated that she has kids that play with kids that live outside the neighborhood; she states that kids have friends from other areas and she isn't going to make them stay out. Ms. Scott said that each mother must be a responsible parent and neighbor.

Erwin Gellman homeowner stated that the current re-location area is the best place for the playground. He states he walks the area a lot and is in charge of maintenance. He also stated that he homeowners laws states that you must keep you trash can in, and he knows of residents that have had them out for months.

John Lymberis township resident asked if the playground is ADA compliant, the answer is yes. He also stated that the lot in the front of the property is commercial and is for sale, when the land is sold there will be lighting and screening ordinances they will have to follow. Mr. Lymberis suggested maybe using the original location for a small playground and still have the other playground at the new location.

Rebecca Sarnise representative of Wentworth Property suggested that maybe it is possible to have another homeowner meeting to vote and those who don't make it to the meeting will be mailed a ballot to vote.

Stephanie Silvernail Supervisor commented that the majority of the residents present want the playground and no basketball courts. Ms. Silvernail suggests that the association sit down and discuss and come back to the Board for approval.

Dale Hensel Chairman of the Board of Supervisors commented that the association needs to have more discussion and make it work. He stated that the Board of Supervisors would not make any decisions tonight.

The Board discussed the agreement between Quarry Ridge and Sadsbury Township regarding the park benches. Mr. Hensel stated that Mr. Pompo provided Ms. Franco a copy of revisions he wanted made to the agreement. Ms. Franco stated that the homeowner's association attorney still has the documents. This item was tabled until the next meeting.

The Board discussed Ordinance 2006-09 pertaining to the grading Ordinance to authorize the issuance of permits by the Township Engineer. Mr. Thompson explained that the current Ordinance states that the Zoning Official must sign off on the grading permits that are reviewed by the Township Engineer. The amendment would allow for Mr. MacCombie to do the grading application review and sign off.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to approve Ordinance 2006-09 allowing the Township Engineer to complete the grading application and issue the

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

Jeff Hammond representing Aerzen USA requested the Board approve the final Land Development and Financial Security documents. Mr. Thompson stated that these agreements are in order and ready for the Boards approval. Mr. Hammond presented the Board with a check in the amount of \$822,730.00 for the financial security.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the final Land Development financial security agreement of Aerzen USA. With there being no questions from the public, Mr. Doratt voting “aye”, Mr. Hensel voting “aye”, Ms. Silvernail abstained, the motion passed.

Mr. Ron Miller and Boyd Bruce representing the Coatesville Area School District Tax Study Commission. Mr. Miller states that he is only a messenger for the school district. Mr. Miller reported that the presentation refers to Act 1 of 2006, which means to provide immediate property tax relief by shifting dollar for dollar from property taxes to income taxes within a school district. He stated that the commission is mandated by Act 1 to research the local impact of tax shifting to fund property tax relief. He states the commission must consider to district revenues from property and income taxes and percentage of total revenue; age, income, employment and property use characteristics of the existing district tax base; projected revenue from possible additional Act 1 Earned Income Tax or a future personal income tax. Mr. Miller stated that the commission is to recommend whether the district should propose an EIT or PIT. Earned Income tax is compensation and net profits, personal income is earned income, plus interest dividends, net realized gains on investments, income from estates or trusts, net rental income, gambling and lottery winnings and any other income taxable by the state. Neither EIT nor PIT tax will be on social security or retirement pensions. Mr. Miller states that a referendum question will be on the ballot for voters to choose in the May 2007 primary, if the ballot is rejected everything stays as it is for now, no additional taxes will be collected and there will be no immediate property tax relief.

After discussion Mr. Hensel made a motion to approve the transmittal letter for sewage facilities planning module and adopt Resolution 2006-12 for plan revision for new land development of Cowan Estates. With there being no questions from the public, Mr. Doratt voting “aye”, Ms. Silvernail voting “aye”, Mr. Hensel abstained, the motion passed.

The Board discussed that they would like to have Mr. Pompo draft an Ordinance to place a weight restriction on Washington Lane & Hoffman Avenue. Mr. Thompson stated that he would draft an Ordinance at the Boards request. Mr. Hensel added that the Township would also review the current sign ordinance and possibly do an update at the same time.

**Public Comment:**

Bruce Johnson stated he is a homeowner in Sadsbury Village and states that he has himself and his wife with 3 kids that work and drive and only 2 parking spaces in the

driveway. Mr. Johnson stated that if he would have known that there would be a parking issue he probably would not have purchased the town home. Mr. Johnson asked if there was anything the Township could do to help them with the parking situation? Mr. Hensel stated that the only thing the Township could do is have the Sadsbury Village homeowners association take the streets in the development back. Mr. Hensel stated that as long as the Township has ownership of the roads they must stay clear in order to allow emergency vehicles through and in the winter to allow the plow truck to get through.

Susan Franco stated that strangers have been entering the Quarry Ridge Development tot lot. The Board advised Ms. Franco to contact the police department when that situation happens.

Dave Hunter asked if the Board was aware that Valley Township transferred (7) EDU's to them at their public meeting. The Board stated that they were unaware of it.

Vicki Horan suggested to the Johnson's maybe going to the developer about the parking problems that residents are having in Sadsbury Village.

Alan Eagles asked what good the parking tickets are doing when the car gets ticketed and still remain parked on the curb? The Board said to take the issues to the police department.

Jessica Steiner thanked the Board for their patience in hearing their concerns with the Sadsbury Village playground re-location.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer