

Board of Supervisors Regular Meeting Tuesday March 6, 2007

The Board of Supervisors conducted a regular meeting held on Tuesday March 6, 2007 commencing at 7:00 p.m. Chairman Hensel called the meeting to order. Present were Supervisors Ms. Silvernail, and Mr. Doratt, Mr. Pompo Township Solicitor, Mr. MacCombie Township Engineer & Zoning Officer, Mr. Hawkins Building Inspector was absent, and members of the community.

Mr. Hensel announced that the Board met in executive session on Thursday February 22, 2007 at 10:00 a.m. to discuss contract issues.

A moment of silence and pledge of allegiance were waived.

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 Ms. Silvernail, to adopt the minutes of the previous meetings. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Doratt opened sealed bids for the advertised 1994 Ford Crown Vic. They were as follows:

Pal Griffy bid \$500.00
Richard Wilson bid \$225.00
Dan Karpuck bid \$100.00

Mr. Hensel stated that Chief Groce provided him with a newspaper article regarding Bernville Borough and their only police vehicle getting damaged from an accident. Chief Groce added that Bernville Borough has three part time officers and not a good budget to replace their only damaged vehicle. Spring Township Police Department donated an unmarked car to them. Mr. Hensel asked Mr. Pompo if the Board had the option to donate the car instead of letting the high bidder take it? Mr. Pompo stated that the Board has no constraints when dealing with another Municipality and has the right to reject all bids. Mr. Doratt stated he would like to donate the car for a dollar. The Board questioned when the newspaper article was written and if there need was still the same? The Board directed the Secretary to call Bernville and ask such questions.

Mr. Hensel made a motion, seconded by Mr. Doratt, to sell Bernville Borough the 1994 Ford Crown Vic for a dollar contingent they haven't already gotten a car, if so the car will then go to the high bidder being Pal Griffy for \$500.00. 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 February 4,694 miles were patrolled and 284 incidents were handled for: 2 theft, 7 suspicious persons, 43

stationary patrols, 6 911 hang ups, 82 business checks, 6 alarms, 16 assist to other dept., 2 animal, 5 domestics, 17 accident, 2 harassment, 1 disturbances. There were 25 traffic citations issued for the month. 2 criminal mischief juvenile arrests, 1 aggravated assault juvenile arrest, 3 DUI, 1 assault and 2 criminal warrant.

Township Engineer report. Mr. MacCombie reported that Gateway Church has been in contact with his office to request a different phased plan, full detail will follow. Mr. MacCombie stated that Cowan Estates is awaiting PaDep approvals. Mr. MacCombie stated that he has prepared a construction release for Aerzen USA in the amount of \$30,381.35 for the Boards approval.

Mr. Doratt made a motion, seconded by Mr. Hensel, to approve the construction release to Aerzen USA in the amount of \$30,381.35 per Mr. MacCombies recommendation. With there being no questions from the public, Mr. Doratt voting “aye”, Mr. Hensel voting “aye”, Ms. Silvernail abstained the motion passed.

Mr. MacCombie stated that he is in receipt of a proposal to do maintenance work to the generator at the pump station. Mr. MacCombie states that a new battery and cables and ends need installed along with a new high temp water sensor to cost \$1,625.00. Mr. MacCombie recommended that the Board approve the repairs, as they are needed to keep the pump station in operation.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the amount of \$1,625.00 to Penn Power Systems to install a new battery, cables and ends, install a new high water temp sensor and dispose of the old batteries. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel stated that he is receiving complaints regarding dirt being tracked onto business 30 from the property belonging to Linn Hanaway. Mr. MacCombie stated that he would look into it.

Township Solicitor reports. Mr. Pompo stated that he has a draft contract resulting from a meeting the Board had with Code Inspections Inc. Mr. Pompo stated that the following changes had been made to the draft contract: paragraph 3 states that the contractor is granted the sole and exclusive right, to the extent provided for in the contract specifications covered within the June 8, 2006 submitted proposal, as further modified by this contract, to provide code administration and enforcement services for residential and non residential structures covered by the International Codes and the Pennsylvania Construction Code. With respect to the inspection services the contractor shall perform all inspections for which fees have been collected by the Municipality notwithstanding the submittal by owner of the project of an inspection report by a certified third party agency other than the contractor engaged by the owner of the project. Mr. Pompo added that paragraph 4 states that the zoning services including the issuance of zoning permits as defined in the Township’s Zoning Ordinance and references thereunto contained

within the contractors June 8, 2006 submitted proposal and contractors letter dated December 27, 2006 shall not be included through this contract. Mr. Pompo added that paragraph 6 reads as follows: The contract documents shall include the following documents all of which are attached as written in sections a through e. Mr. Pompo stated that section 8 sections a, b, c; d of the contract was modified.

After discussion Mr. Hensel made a motion, seconded by Ms. Silvernail, to accept the contract between Sadsbury Township and Code Inspections Inc. as prepared by Mr. Pompo. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo explained to the Board that the original letter of credit of Electronics Boutique Warehouse Building Land Development of First Industrial expires on April 15, 2007. Mr. Pompo put First Industrial on notice that a new letter of credit will need to issue to Sadsbury to cover the public improvements that are not yet done. First Industrial agreed to post a replacement letter of credit in the amount of \$156,400.00 and has agreed to assume FR Sadsbury Property holding responsibilities to complete the on site improvements. Mr. Pompo added that the terms of the assumption agreement with First Industrial have been negotiated to the acceptance of the Lamb, McErlanes office.

Mr. Hensel made a motion, seconded by Mr. Doratt, to accept the letter of credit with First Industrial in the amount of \$156,400.00 and to accept the terms of the Assumption Agreement with First Industrial. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated that he has reviewed the rough tapping fee calculations prepared by Mr. MacCombie. Mr. Pompo stated that with this modification shows a slight increase of \$100.00 and he has no objections to this calculation. Mr. Pompo stated that if the Board were in agreement with the slight increase he would amend the current sanitary sewer Ordinance that states that an amount of \$2,445.00 being due for tapping fees to \$2,545.00. Mr. Doratt stated that he is in favor of the increase. Talk among the Board regarding what residents will this effect? The Secretary stated that the last notice to connect letters went out in December stating the tapping fee was \$2,445.00. The Board recommended to send letters to those who have not yet paid the tapping fee but did receive a letter and let them know that the tapping fees are increasing by \$100.00 and give them 30 days to pay or they will experience the increase.

Mr. Hensel made a motion, seconded by Mr. Doratt, to advertise the increase of the sanitary sewer payment by \$100.00 increasing the \$2,445.00 to \$2,545.00 per edu tapping fee to be adopted in the April Board of Supervisors regular meeting. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed Act 209 Traffic Impact Study with Mr. Pompo and Ms. Silvernail stated that only (1) person has come forward to volunteer for the committee. Ms. Silvernail suggested that perhaps the Planning Commission could be part of the traffic

impact study committee. Mr. Pompo reminded the Board that the committee must consist of no fewer than (7) members and no more than (15) the committee must consist of residents of the municipality or people who conduct business within the municipality and are not employees or officials. Not less than 40% of members of the advisory committee must be representatives of the real estate commercial and residential development and building industries. Mr. Eagles stated that Ms. Franco is a member of the Planning Commission and has her real estate license. Mr. Newton was in the audience and stated that he is an interested candidate along with Mr. Muto and Mr. Reading is also interested in being part of the committee. Mr. Pompo suggested that that Planning Commission discuss the idea of taking the responsibilities of the traffic impact committee and than a Resolution must be created to form the committee.

Township Road Report. Mr. Doratt reported that for the month of February the Road Department had numerous snowstorms and responded with all resources available to them. The Road Department thanked Mr. Hensel for taking his own time to help them with salting and plowing during the storms and thanking Mr. Doratt and Ms. Silvernail for their support. All Township equipment fluids, belts and hoses are checked daily in the Township equipment. Total vehicle miles are 2,409 and equipment hours are 22. The pump station was open for Penn Maintenance to complete a calibration on February 23rd.

Planning Commission report. Ms. Silvernail stated that the regular Planning Commission meeting was canceled due to severe weather conditions. The next Planning Commission Meeting will be held on March 13, 2007 at 7:30 p.m.

SALDO Committee report. Ms. Silvernail reported that the committee met on February 22, 2007 at 7:00 p.m. Present were Theodore Claypoole, Victoria Horan, Ann McGrail, Stephanie Silvernail, Wayne Grafton and members of the public. Ms. Silvernail reported that the committee-reviewed draft Articles I sections 100 –107 and Article VII sections 700-704. The Committee suggested some amendments to the draft. Mr. Grafton distributed Articles I & III to be discussed at the next meeting to be held on March 22, 2007 at 7:00 p.m.

Township Zoning report. Mr. MacCombie reported that he completed an inspection of the Keck property, which has built a building without a permit. Mr. Keck wrote to the Township stating that he was told he is not in need of a permit if he was building a structure under 1,000 square feet. Mr. MacCombie stated that Atlantic Inland visited Mr. Keck on site in November and does not know how Mr. Keck was advised. Mr. MacCombie stated that set backs must be shown must show that he is in compliance with the flood plain, and a grading permit would be required. The Board requested that Mr. MacCombie send Mr. Keck another letter explaining to him what is required.

Pomeroy Fire report. Mr. Kreger reported that for the month of February a total of 4 alarms were answered for: 1 appliance, 1 building, 2 relocate. Time in service was 8 hours 48 minutes

Sadsburyville Fire Company report. Mr. Doratt read the report as follows: Total number of alarms was 11 for: 6 auto accidents, 1 co2 detector, 1 gas leak assist to 28, 1 building assist to 33, 1 building assist to 44, 1 standby assist to 34. Total time in service was 6 hours 45 minutes.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to pay the February invoices in the amount of \$51,499.12. 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 February payroll in the amount of \$36,261.17. 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 February sanitary sewer invoices in the amount of \$26,963.41. 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 yearly PIRMA insurance in the amount of \$37,965.65. With there being no questions from the public, the Board voting “aye” the motion passed unanimously.

Tabled business:

The Board discussed a request from Mr. Muto representing Bellaire Business Center to have the road crew salt the roads within Bellaire Business Center during the winter season 2006-2007 with the costs for manpower equipment and material to be paid to Sadsbury Township at \$75.00 for each trip in the business center. Mr. Pompo stated that he would like to see a hold harmless agreement from Bellaire Business center for no claims or damages to the Township. Mr. Prychodzien asked if the Township intends to do this service for all business parks? The Board replied that the Township is only going to salt with no plowing, Mr. Hensel stated that the Township joins the state contract and the contract obligates us to take a certain tonnage of salt. Mr. Przychodzien asked if the Township is going to open this service to other business parks? Mr. Hensel answered “no”.

New Business:

Mr. Herbert MacCombie presented the Board with revisions of the Sadsbury Village Enhancement Project since the last presentation held on November 15, 2006. Mr. MacCombie offered the following information:

- The Sadsbury Village Enhancement Project will provide for traffic calming 500 feet East of Morris Lane to Octorara Road.
- Mr. MacCombie stated that the first public meeting was held for effected residents of the program to voice concerns on November 15, 2006.

- Mr. MacCombie stated that the traffic calming would reduce speed and make an attractive village with planting, streetlights and signage.
- Mr. MacCombie stated that some of the concerns expressed were of residents that live along the Lincoln Highway being trapped in their driveways because of the islands being placed in the village. Mr. MacCombie stated that the project intends on using stamped pavers on all areas with driveways so that residents can travel each direction out of their driveways.
- The speed limit will be dropped down to 25 mph in the village area, with walkways on the east side of the new Township complex.
- Within the islands will be trees shrubs and potted plants.
- Mr. MacCombie stated that the next public meeting requested is March 27, 2007 at 7:00 p.m.

Chief Groce asked if there is going to be on street parking? Mr. MacCombie stated “no”.

Mr. Muto asked how many cars would be able to get into the turning lane to turn on Old Wilmington Road? Mr. MacCombie stated the lane would allow for 8 to 10 vehicles.

Elmer Pluck asked if emergency vehicles would get through the village? Mr. MacCombie stated absolutely.

Mr. Hensel made a motion, seconded by Ms. Silvernail, to accept the resignation of John Sidiras from the Zoning Hearing Board. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

The Board discussed a replacement for the Zoning Hearing position and asked the members of the audience if any one was interested to submit a resume into the office. The term of office will expire December 31, 2007. It was suggested to the Board to also have an alternate so that if one member cannot make it to the hearing the alternate can be informed.

After discussion, Mr. Hensel made a motion, seconded by Ms. Silvernail, to approve Dave Turner and Dave Simmons attend the following courses:

- Spring Road Maintenance course March 29, 2007 8-3 with a charge of \$35.00 per person.
- LTAP for traffic signs May 1, 2007 8-3 with no costs.
- LTAP for asphalt roads May 23, 2007 8-12 with no costs.
- Pa. One Call locator class March 6, 2007 8-1 with no costs.

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

The Board discussed approving a rate of \$90.00 is paid to Tom Lowry to attend and testify at the scheduled Carr hearing.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve a rate of \$90.00 per hour be paid to Tom Lowry to attend and testify at the scheduled Carr hearing. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed the final subdivision land development plan for Pomeroy Partnership. Mr. MacCombie stated that he has no problems with the plans subject the proper amount of escrow be posted for the public improvements. Mr. Disciullo stated that he is the owner of both lots and intends on selling both lots. Mr. Disciullo also commented that he understands that he cannot get a use and occupancy permit until all the improvements are done. Mr. Pompo asked if the building inspector would look for such improvements? Mr. MacCombie stated no. Mr. Pompo suggested that Mr. Disciullo post the money up front. Mr. Disciullo stated that he would apply to complete the public improvements first.

Mr. Hensel made a motion, seconded by Mr. Doratt, to approve the final subdivision land development plan of Pomeroy Partnership subject to Mr. Disciullo either posting an escrow with the Township or to install the public improvements first. 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 schedule a special public meeting to be conducted on Tuesday March 27, 2007 at 7:00 p.m. to discuss the Sadsbury Village Enhancement Project. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Hensel announced that PenDot Project Advisory Committee would conduct a meeting on Thursday March 22, 2007 at 9:00 a.m. at the Caln Township Building to discuss the Coatesville Downingtown bypass reconstruction. Mr. Hensel and Ms. Silvernail will attend.

Mr. Doratt stated that he is in receipt of a request for the Fallowfield Phillies to use the Sadsbury Park. The Board was in agreement to allow them to use the park.

Mr. Doratt stated that he is in receipt of a request from Gary Hudson representing Chester County Airport Authority for annual costs to maintain Rockdale Road.

Ms. Silvernail stated that she has gotten numerous complaints regarding the parking situation at Somewhere Saloon along Washington Lane. A few of the complaints were cars getting stuck and parked halfway out onto Washington Lane making it impossible for both lanes to get by. Chief Groce stated he would begin posting warnings.

Elmer Pluck asked when the first park committee meeting was being held? Mr. Doratt answered April.

Scott Kreger asked if the Board has prepared the Resolution to show the territories for each fire company. Ms. Myers stated no it should be ready next meeting.

Mike Dero asked questions with regards to Comcast Cable and computer service such as does the Township offer any other computer service. Mr. Pompo stated no currently the Township is under a franchise agreement with Comcast, but Verizon is running fiber and there may be a possible future agreement with the Township. Mr. Dero stated that he couldn't get Comcast where he lives in Pine Hills. Mr. Pompo stated that he understands that with other Township's the fiber is run everywhere where a pole is, but currently the Township is under agreement with Comcast.

Robert Florian commented that he thinks he gets picked on when it comes to his property at the end of Belvedere Avenue. Mr. Florian stated that he intends to place the silk fence back up on his property after the ground thaws out. Mr. Florian also commented that he stays on his own property.

Joe Discullio commented that 1/2 of his property runs along the back of George Dallmas's property.

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

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer

