

Board of Supervisors Regular Meeting, Tuesday October 7, 2014

The regular meeting of the Board of Supervisors of Sadsbury Township was conducted on Tuesday, October 7, 2014 commencing at 7:00 P.M. Chairwoman, Stephanie Silvernail, called the meeting to order. Present were Supervisor, Mr. Greenfield, Township Solicitor, Mr. Pompo, Mr. MacCombie, Township Engineer/Zoning Officer, and members of the community. Supervisor, Earl Taylor was absent.

A moment of silence and Pledge of Allegiance were observed.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to waive the reading of the minutes of the previous meeting. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to adopt the minutes of the previous meeting. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Police Report: Chief Ranck reported that during the month of September, the Township Police patrolled 5,300 miles and responded to 179 calls. There were disorderly conduct and harassment arrests during the month and two narcotics arrests for possession of marijuana and paraphernalia. The Police Department has purchased the remaining 5 firearms, including 1 patrol rifle which has not yet been issued. They are scheduled to be issued upon firearms qualifications by Sergeant Imhoff. New patrol lockers, along with a changing bench were recently ordered to replace the current lockers that are broken and no longer able to be secured due to broken latches and mechanisms. These new lockers are much larger, thus allowing the officers to keep their uniforms and equipment on hangers in a secure area, ultimately allowing the officers to change into their uniforms when reporting for duty versus wearing their uniforms to and from work which acts as a safety measure for the officers. Police incidents are as followed: 911 hang-up 7, hit & run crash 1, vehicle crash with injuries 1, accident other type 1, property damage crash 3, alarm police 10, animal complaint 4, assault no injuries 2, assault with injuries 1, assist ambulance 28, assist fire department 2, assist to other police department 7, ATV complaint 1, civil dispute 1, credit card theft/fraud 1, criminal mischief/vandalism 1, disturbance 4, domestic disturbance 6, drug/narcotic violation 1, drug/narcotic investigation 1, erratic driver 6, for police department information 1, harassment 1, keys locked (vehicle or house, etc) 3, lost property 1, miscellaneous police nature 7, missing person 2, missing domesticated animal 1, noise complaint 5, phone assignment 26, repossession 1, report only 5, indecent sexual contact (no assault) 1, shots heard or shooting (no injuries) 2, suspicious conditions 8, suspicious vehicle 2, theft 1, theft from vehicle 1, traffic general hazards 4, traffic stops 13, warrant hit for service 2, and well-being check 2.

Township Public Works Report: Ms. Silvernail read the Public Works report prepared by David Simmons. For the month of September, the Public Works Department maintained Township owned properties, right-a-ways, buildings, signs, equipment, and

our storm drain system. Tree limbs within the right-of-way were cut and chipped on Holstein Drive, Quaker Road, and sections of Compass Road and Greenbelt Drive. At Bert Reel Park, all flower beds were weeded, trees at the rear pavilion were pruned, and the track was groomed several times. On Sunday, September 14th, the Public Works Department was contacted by CCPR for a tree down on Greenbelt Drive blocking both lanes of travel. Within the hour, the tree was removed and the road was reopened. Preliminary preparations have begun to get the equipment ready for winter maintenance. Fifty markers were placed on storm drains as part of the Storm Drain Marking Project related to MS4. These markers are pictured with a fish and the caption reading, "No Dumping! Streams to Rivers". The idea behind placing such markers is to educate the public on ways to eliminate or reduce pollution in our streams, rivers, bays, and oceans. You can contact us at sadsburypublicworks@comcast.net with your requests or concerns. Equipment hours were 13 and the vehicle miles were 417.

Emergency Management Coordinator Report: No Report.

Keystone Valley Fire Company Report: For the month of September, the Keystone Valley Fire Department answered a total of 21 calls for: fire 5, rescue/medical assist 8, service 1, false alarm 4, and recalled 3. The response by municipality was: Atglen Borough 1, Sadsbury Township 6, West Sadsbury Township 6, Highland Township 0, Parkesburg Borough 6, South Coatesville 1, and West Fallowfield 1. Fire Units: 1,720 miles traveled, 204 gallons of fuel used and \$5,519.83 maintenance costs – annual preventive maintenance and repairs on Ladder and Rescue, repairs to ladder from damage at Main Street fire call, rescue repairs; tie rod ends replaced and electrical box and batteries replaced. The Chief's vehicle had all 4 tires replaced and annual service. Ambulance: 2,687 miles traveled, 244.9 gallons of fuel used and \$15.00 in maintenance costs.

EMS Division: The Keystone Valley Fire Department EMS ran a total of 95 calls for the month of September for: treated, transported ALS 36, treated, transported BLS 26, patient refused care 13, fire stand by 3, recalled 3, and D.O.A. 1. The location breakdown: Sadsbury Township 32, Parkesburg Borough 29, West Sadsbury Township 19, Highland Township 10, Christiana Borough 3, and Salisbury Township Lancaster County 2. Keystone Valley Fire Department EMS participated in the following EMS stand by events in September: Octorara youth football games (3 events, 9 games), Iron Springs keurings (3 events), Piston Poppers Club picnic (1 event), and Piston Poppers cycles races (1 event).

Sadsburyville Fire Company Report: Eric Brecht reported that for the month of September, Sadsburyville Fire Company responded to 9 calls for: 1 automatic fire alarm, 1 house fire, 1 fire type unknown, 1 industrial rescue, 3 motor vehicle accidents, 1 MVA with entrapment, and 1 elevator malfunction. The location break-down is as follows: Sadsbury Township North 5, Sadsbury Township South 0, City of Coatesville 1, West Caln Township 1, Valley Township 1, and West Sadsbury Township 1. The miles traveled were 61 miles with an average of 607 miles per call. Time in service was 3 hours and 54 minutes, averaging 26 minutes per call. There were 71 volunteer

firefighters responding with an average of 8 firefighters per call. The combined firefighter training hours was 99 with 100 hours of combined personnel fundraising.

Township Engineer Report: Mr. MacCombie stated that he has nothing to report regarding the Washington Lane/Sikorsky Helicopter issue. There will be a meeting at the Township Building on October 22, 2014 and it will be discussed on where to go from here. Regarding the Walker zoning issue at Stovepipe Hill Road, Mr. MacCombie stated that Mr. Walker is ill and has some family issues that he needs to deal with, so there will be a delay with the requested information from Mr. Walker.

Mr. MacCombie stated that he has an Engineering Escrow release of funds from Sadsbury Arcadia Associates, L.P., Sadsbury Park Phase 2A in the amount of \$8,855.87 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve an Engineering Escrow release of funds from Sadsbury Arcadia Associates, L.P. Sadsbury Park Phase 2A in the amount of \$8,855.87 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 a Construction Letter of Credit release of funds for Sadsbury Arcadia Associates L.P., Sadsbury Park Phase 2A in the amount of \$106,304.68 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve a Construction Letter of Credit release of funds for Sadsbury Arcadia Associates L.P., Sadsbury Park Phase 2A in the amount of \$106,304.68 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 received prices for the storm water improvements on Stovepipe Hill Road. The proposal from Berg Construction is \$23,996.00, B& J Excavating \$30,963.00, and James J. Greenhalg, Jr. \$36,669.50. Mr. MacCombie stated the numbers are higher than he expected, and the job will have to be put out to bid. Ms. Silvernail stated this will be considered at the next budget meeting and could possibly go out to bid in the spring. Mr. MacCombie reported that he has received phone calls from Mr. Garris, who alleges that in the course of Phase 4 sewer connections, a drainage pipe from his garage was cut and blocked. When storms are intense, water comes through the grate in the garage and drains out. Jeremiah MacCombie inspected the grate and was not sure if the Township Contractor or Mr. Garris's contractor who put in his lateral cut it off. Mr. Garris would like the Township to correct the problem. Ms. Silvernail stated that the Township should not rush in to repair the property if there is no way to know who is responsible. It should have been brought to the Township's attention before the 18 month maintenance period expired. Mr. Pompo stated there is no direct proof the Township contractor caused this problem. The Statue of Limitations could be an issue in this case.

Township Solicitor Report: Mr. Pompo reported that the License Agreement of 2009 allows Keystone to install, construct, maintain, and repair a pipe sleeve under Washington Lane to be used as a conduit for housing communication wires servicing the parcels. Keystone will install, construct, operate, maintain, and repair a pedestrian crosswalk on the Washington Lane solely for the use by its employees and business invitees to access the crosswalk. The fee of \$2,500.00 shall be paid to the Township on or around the 1st of the year. The terms are 3 successive five year terms. The first renewal term will expire on December 31, 2014, and will automatically renew for a five year term.

Mr. Pompo reported that the Township is anxious to commence implementing the Agreement with Pennsylvania American for shut-off of water because of delinquent sewer bills, and he wrote a letter to Pennsylvania American to ask if the agreement has been filed with the Public Utilities Commission. Mr. Pompo reported the Pennsylvania Public Utilities Commission has approved the Agreement. Pennsylvania American has submitted administrative information on how to implement shut-off and the reconnection process. A conference call should be set-up with the Township office staff and Pennsylvania American to discuss details for coordination and implementation of the program.

Mr. Pompo stated that Pennsylvania Statue allows a Township to impose a traffic impact fee on new developments. Act 209 determines what Capital Improvements required as a result of new developments. At Sadsbury Commons, the developer wants to construct a connector road through the project to connect it to Route 10 and 30. The road would be a benefit to the road system. The Township has indicated to the developer that due to the location, the road will not be accepted for dedication. The developer feels this is justification for the Board of Supervisors to give a credit to the development for the impact fee. A credit calculation of \$3,110,985.30 has been received by McMahon Associates and concurred by Traffic Planning and Design. According to McMahon Transportation Engineers and Planners, Sadsbury Commons, LP should be responsible to construct additional traffic improvements at the intersection of Routes 10 & 30, based on the most recent 2011 Transportation Impact Study for this development. Based on the traffic study and based on the Township's and PennDOT's review, in addition to the connector road, at full build-out of the development, the applicant is still responsible to construct additional improvements at the Route 10 & 30 intersection, consisting of traffic signal improvements, a northbound PA Route 10 second left-turn lane, and a westbound Route 30 right-turn lane. It is preliminarily estimated that these improvements will cost in the range of \$1,000,000 to \$1,500,000. As Sadsbury Commons obtains preliminary land development approval for the remaining phases of the commercial development, the Township will calculate the traffic impact fee which would otherwise be due. If the amount of the traffic impact fee is below the sum of \$3,110,985.30 plus the cost of the additional Route 10 & 30 improvements, then Sadsbury Commons would be entitled to a full credit of the traffic impact fee. If the amount of the traffic impact fee is above the combined value of the improvements, then Sadsbury Commons would pay the Township the portion of the

traffic impact fee that is above the combined value. Mr. Pompo stated Sadsbury Commons will have to go through Conditional Use, as the plans for the loop road were not completed. Mr. Pompo also stated that there is an agreement from the developer binding the property to future maintenance of the road in the case of a new owner. The road will be built before the buildings in the shopping center, and Mr. Pompo stated that the plan is to keep the road open with no left turn at the intersection. Mr. MacCombie stated that an agreement could be made for the development to maintain the traffic light. Eric Brecht stated that there should be a traffic study done as there is a massive undertaking with CVS also going in at the intersection of Route 10 & 30. Mr. MacCombie stated the Township did have 3 traffic studies done by 3 different companies. John Lymberis stated that there will be a magnitude of problems at the intersection with West Sadsbury developing behind the WaWa. Mr. MacCombie stated he was informed by West Sadsbury that there is nothing being built behind the WaWa.

Township Planning Commission Report: Mr. Greenfield reported that the Planning Commission met on September 10, 2014 at 7:00 P.M. Every member was present. Representatives from Aerzen USA Corporation came before the Planning Commission to present a sketch plan review for expansion of an 8,000 square foot office addition, 15,000 square foot warehouse extension, 62 additional parking spaces, and 77 reserved parking spaces. With a few questions, and comments, the architect stated he will strive to build less more efficiently. With no further business, the meeting was adjourned.

Township Zoning Report: Mr. MacCombie stated that 4 deck applications have been approved. He has reviewed a proposed addition along Lincoln Highway and a low impact home business in Pomeroy. In regard to the Walker violation on Stovepipe Hill, there are some family issues that need to be taken care of, and then Mr. Walker and his son will address the violation. The application from Mr. Mumford of 177 Octorara Road to build an in-law suite was denied. Mr. MacCombie had asked for more information, and received revised plans showing a basement plan and floor plan with no kitchen, based on Township Code. The plans were signed and sealed and Mr. Mumford changed them. He obtained a letter from the architect allowing him to make alterations. Mr. MacCombie stated it looks like a two story 4,000 square foot attached house, not an in-law suite. In his opinion it is denied. Mr. Pompo stated an appeal was filed before the Zoning Hearing Board. Changes to the plan were made to address the issue. Mr. Mumford stated the house is for one family, only a bigger house. Mr. MacCombie stated the addition is one and a half times bigger than the original house. Mr. Mumford stated that he changed the plans 4 times at David Bilon's request. Ms. Silvernail reminded Mr. Mumford that his property is zoned RR and in that zoning, only single family dwellings are permitted. Mr. Mumford stated he is deed restricted that the property is a single family dwelling and never to be sold as anything else. Mr. MacCombie will look over the plans again and he has the right to set conditions on approval.

Chester County Airport Update: Mr. Roberts reported that the Fall Festival at the airport was a success. About 45,000 people attended and there was 60 different

airplane rides available. The Authority met today and discussed Washington Lane and the possibility of putting a control tower at the airport. These topics will be discussed further.

Payment of Invoices:

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay the September General Fund invoices in the amount of \$141,596.83. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay the September Sanitary Sewer invoices in the amount of \$49,302.32. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New Business

Mr. Larry Maulo, of Maulo & Company, Ltd., Certified Public Accountants came before the Board of Supervisors to present the annual audit report. Mr. Maulo stated that the financial audit resulted in a clean opinion. The General Fund balance at December 31, 2013 is \$656,728; a decrease of \$288,890 from December 31, 2012. The decrease in fund balance is due primarily to the funds spent on the Compass Road Project and increased spending for public safety. The full accrual basis statement shows that the unrestricted balance of the Township at December 31, 2013 was \$1,525,535. The full accrual basis statement shows the sewer fund has \$3,716,472 of assets (net of depreciation and related debt) and an unrestricted balance of \$626,311. There is no management letter this year. Mr. Maulo noted that there are areas where he feels the Township can reduce time spent performing tasks or save the Township money. He feels the billing done for sewer from Pennsylvania American should be determined by an electronic field created to download into our billing software. If this can be accomplished, the Township would save considerable time in preparing the sewer bills. Another area Mr. Maulo looked at was the Township lien process. Mr. Maulo recommends hiring a collection firm that does not bill the Township for any fees incurred or for their time, as these fees are added to the costs collected from the customer.

Mr. Vick Kelly, of Commonwealth Engineers presented a sketch plan for Morris Farm, Lot 2 for Vietri Electric Expansion. Mr. Kelly stated that Vietri Electric would like to expand on lot 2 of the Morris Farm for a 40,000 square foot building consisting of a warehouse with loading docks. Mr. Vietri will take some space himself and rent space to a tenant. Mr. Kelly is looking for a preliminary/final and will wait for comments from Mr. MacCombie’s office and the County.

Ms. Silvernail stated a letter has been received by the Township related to debt on a sewer account. The resident stated he has no such account, since he did not choose to connect to the sanitary sewer system. He received a notice to connect in 2005, but did not do so. The Sadsbury Sewer Ordinance states that anyone in the sewer district that did not tie in shall be billed the maximum amount of gallons allowed. The Board has

determined that the Ordinance will be up-held, and the resident will continue to be billed for the maximum sewer amount. Several other residents have asked for payment plans beyond the 90-days. The Board denied these requests and all Ordinances will be up-held.

The Board has scheduled the "Trick or Treat" for Halloween to be Friday, October 31, 2014 from 6:00 p.m. to 8:00 p.m. for children 12 years old and under.

Public Comment:

Eric Brecht announced that Sadsburyville Fire Company will hold an open-house on October 18th concentrating on fire prevention for children. A structure will be burnt at the firehouse with emphasis on not to play with matches and how to call 911. Also there will be a bar-b-q held this Saturday at the Black Walnut Winery.

Mr. Wolsky asked a question about the EIT tax being collected by Keystone Collections.

Tony Clark of 102 Jody Drive asked for relief from paying the trash collection fee as he suffered a loss of his home when a tree fell on the roof. The home is now under reconstruction and he has not been in his home since February, 2014. Mr. Clark stated that when he has trash/recycling he calls or e-mails Eagle Disposal to let them know to come to his residence as he is the only stop on this drive. He understands that according to the Township Trash Ordinance, he is responsible to pay the bill but he is asking for relief. Ms. Silvernail stated that Sadsbury Township is under contract with Eagle Disposal and the Township is billed for each residence. The Township, in turn, bills each residence for trash services. The Ordinance states that each residence pays whether they use the service or not. Mr. MacCombie will look at the property to assess and advise the Board. No decision will be made until Mr. MacCombie reports his assessment.

A resident of Sadsbury Park stated that someone is setting off fireworks at 11:30 p.m. until midnight on the street in Sadsbury Park and in undeveloped areas in Sadsbury Park. Ms. Silvernail stated to call 911 if this happens again, and bring the issue up at your Homeowners Association Meeting. The Township has not taken dedication any roads in Sadsbury Park.

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

Respectfully Submitted,

Linda Shank
Secretary