

Board of Supervisors Regular Meeting Tuesday, April 7, 2015

A regular meeting of the Board of Supervisors was conducted on Tuesday, April 7, 2015 commencing at 7:00 p.m. Chairwoman, Ms. Silvernail, called the meeting to order. Present were Supervisors Mr. Greenfield and Mr. Taylor, Township Solicitor, Mr. Pompo, Township Engineer/Zoning Officer, Mr. MacCombie, and members of the community.

Ms. Silvernail announced that the Board met in Executive session on Wednesday, March 18, 2015 at 12:00 p.m. to discuss personnel matters.

The 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, the Board voting "aye", the motion passed unanimously.

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

Township Police Report: Chief Ranck asked the Board if they would make a motion to hire Edward Moore for the position of part-time Police Officer. Ms. Silvernail stated the Board did interview Officer Moore for the position to fill the void of two part-time officers who are temporarily out- of- service.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to hire Officer Edward Moore to the position of part-time Police Officer to help with scheduling issues. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Chief Ranck advised the Board the oil pan in the 2004 Dodge Durango has been severely leaking oil due to corrosion and needs to be replaced. The cost would be \$1,120.00.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to replace the oil pan on the 2004 Dodge Durango due to severe leaking due to corrosion at a cost of \$1,120.00. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Chief Ranck reported that during the month of March, there were 4,137 miles patrolled with a total of 198 calls for service. Not including any pending arrest, there were 2 DUI's, 2 narcotics arrests, Thefts, Access Device fraud, and forgery arrest during the month of March. Sadsbury Township Police was awarded a \$1,000.00 grant from the Office of The Attorney General for 2 Intoximeters. The police incidents are as follows:

911 hang-up 2, abandoned vehicle 1, hit & run crash 4, vehicle crash with injuries 1, accident other type 1, property damage crash 14, carbon monoxide alarm 1, alarm fire 1, alarm police 9, assault with injuries 1, assist ambulance 31, assist to other police department 11, DOA actual or possible 1, disabled vehicle 1, disturbance 1, domestic disturbance 4, DUI related crash 1, DUI (drug related) 1, erratic driver 3, escort person or money 1, for police information 6, fraud 1, gas leak outside 1, house check 1, identity theft

3, keys locked vehicle or house 1, miscellaneous police nature 2, missing person 2, parking violation 1, service of PFA Order 1, phone assignment 33, repossession 2, report only (NIP incident) 5, shots heard or shooting (no injuries) 2, traffic signal malfunction 1, smoke odor investigation 1, suspicious condition 2, suspicious vehicle 3, theft 2, theft from vehicle 1, traffic general hazards 13, traffic stops 17, validations 2, and 5 well-being checks.

Township Public Works Report: Mr. Taylor gave the Public Works report prepared by Mr. Simmons, the Public Works Foreman. For the month of March, the Public Works Department responded to four separate weather events in which plowing operations were deployed and the treatment of roads with de-icing agents were used. During the winter of 2014-2015 the Public Works Department responded to 18 winter weather events in which plowing and treating of roadways were deployed. There were 379 tons of salt and 172.4 tons of anti-skid used to treat our roads and there were 526.38 man hours and 38" of snow was plowed. Pot holes were filled on Sadsbury Road, Old Mill Road, Octorara Road, and Bonsal School Road. A section of Old Mill Road was temporarily repaired for vehicular traffic by using 2A modified stone which was spread out and packed. Skiles Road is in similar condition as Old Mill. The same repair will also be done on Skiles Road sometime in April. For the month of March, the Department has maintained all storm water drains as well as ditches. The Department has inspected and has made many minor repairs and performed maintenance checks to the trucks and winter equipment. The International Dump Truck's power steering issue was resolved with the replacement of the power steering pump. On March 27 a malfunction at the Lincoln Highway, Route 30 Octorara Trail, Route 10 intersection traffic light occurred. The traffic light stopped functioning normally and went into a flashing red mode for traffic on Route 10 and flashing yellow mode for traffic on Route 30. The Public Works Department was able to temporarily get the traffic light to function. West Sadsbury Township was notified and all information was passed onto them related to the traffic light. The equipment hours' were 12 and the vehicle miles were 1,379.

Ms. Silvernail stated that it is that time of year to schedule the yearly Township road inspection. Mr. MacCombie stated he will contact Herb MacCombie and Mr. Taylor will coordinate with the Public Works Department to set the date for the road inspection.

Emergency Management Coordinator Report: Mr. Taylor reported he has no report other than he has 2 classes on-going.

Keystone Valley Fire Department Report: For the month of March 2015, the Keystone Valley Fire Department answered a total of 24 calls for: fire 5, rescue/medical assist 13, fire police only 2, and 4 false alarms. The response by municipality was as follows: Sadsbury Township 4, West Sadsbury Township 11, Highland Township 1, Parkesburg Borough 4, and out of district 3. The response by personnel per call was 14 with a total of 317 personnel for combined response hours of 321.44. The average response time was 5:15 in-district and 6:10 out of district. Fire units traveled 2,903 miles and used 473.2 gallons of fuel. The ambulance traveled 3,076 miles and used 218.2 gallons of fuel. There were 32 total maintenance hours and \$5,708.76 spent on repairs. The EMS Division of Keystone Valley Fire Department answered 102 calls for: treated/transported ALS 43, treated/transported BLS 21, no services required 15, patient refusal 14, lift assist 3,

recalled on route 2, recalled on-scene 1, unfounded 1, dead on arrival 1, and transferred to Air medical 1. The Municipal break-down as follows: Sadsbury Township 34, Parkesburg Borough 31, West Sadsbury 24, Highland Township 7, Christiana Borough 2, Atglen Borough 2, West Fallowfield Township 1, and Sadsbury Township Lancaster County 1.

Sadsburyville Fire Company Report: Mr. Grossman reported that for the month of March 2015 Sadsburyville Fire Company responded to 13 calls for: 3 automatic fire alarms, 1 gas leak, 3 assist EMS, 3 motor vehicle accidents, 1 trash fire, 1 CO alarm, and 1 smoke/odor investigation. The response locations are: Sadsbury Township North 10, Sadsbury Township South 1, West Caln Township 1, and Valley Township 1. The miles traveled were 45 with an average 3.4 miles per call. The time in service was 3 hours and 13 minutes with an average of 14.8 minutes per call. There were 95 volunteer firefighters responding with an average of 8 volunteers per call. The combined firefighter training hours were 131 with 95 combined personnel fundraising hours.

Township Engineer Report: Mr. MacCombie reported that he has reviewed the bid packages opened at the March 2015 Board of Supervisors meeting for the Stove Pipe Hill Road storm sewer project and the metering manhole and flow meter project and is ready to make recommendations to the Board. Mr. MacCombie stated the low responsible bid was submitted by Wexcon, Inc. of Mohrsville, PA in the amount of \$20,830.00 for the Stove Pipe Hill Project. Mr. MacCombie stated that the Township Auditor, Mr. Drozd, said the money can be taken out of the Liquid Fuels Account.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to award the contract, as submitted for the Stove Pipe Hill Road Storm Sewer Repairs & Modifications Project to Wexcon, Inc. of Mohrsville, PA in the amount of \$20,830.00 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie recommended the Board consider awarding the Sadsbury Meter Manhole Project to Veterans Construction & Utility Services of Coatesville in the amount of \$81,923.78. This recommendation is made by eliminating bid item 7 for three ISCO portable meters totaling \$25,982.79, and using Alternative A-1 in lieu of bid item 3 for an additional savings of \$1,461.34.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to award the contract for the Sadsbury Meter Manhole Project to Veterans Construction & Utility Services of Coatesville, PA in the amount of \$81,923.78 by eliminating bid item 7 for three ISCO portable meters totaling \$25,982.79 and using Alternative A-1 in lieu of bid item 3 for an additional savings of \$1,461.34 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated there are some repairs that need to be made at the Stottsville Pump Station. The hoist needs to be replaced and the wet well needs to be cleaned. Mr. MacCombie stated that P & B Maintenance will no longer be able to maintain the pump station. Mr. MacCombie reported that he received two proposals to operate and maintain

the pump station. The proposal from Aqua American is \$1,148.00 a month fee and the proposal from Pennsylvania American Water Company is \$505.00 a month, which is similar to what was paid to P& B Maintenance. Mr. MacCombie recommends Pennsylvania American Water since they are local and are in the area on a daily basis. Mr. Gable from Pennsylvania American stated it would be a 30 day process to be reviewed by the PUC.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to agree to the Pennsylvania American operation and maintenance of the wastewater pump station located on Timacula Road, subject to the PUC review. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported that bids were received in the past for the Wick Drive sewer drain pipe repairs. A bid was received from Technovate, Inc. for \$6,338.20, Gaige Dirt Works bid \$6,030.00, and The Lowery Brothers for \$4,200. The reason the Lowery bid is low is because the Public Works Department would supply the pipe and do the final paving. Mr. MacCombie stated he would recommend the job be awarded to Gaige Dirt Works for \$6,030.00. Their bid covers the whole job, including excavating, getting rid of old pipe, installation of new pipe, and seal coating the road. Mr. Taylor stated he feels the Public Works Department has their hands full with road repairs in the Township and would agree with Mr. MacCombie's recommendation of Gaige Dirt Works.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to award the Wick Drive Sewer Drain Pipe job to Gaige Dirt Works for \$6,030.00 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported that the Sadsbury Village Enhancement Project will go out to bid the first week in May. PennDOT added a traffic signal to the project plus handicap accessibility, adding \$30,000 to the project. A municipal resolution is required from PennDOT for the application for the installation of the traffic signal.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to adopt Resolution 2015-04 as required by PennDOT to make an application for the installation of a traffic signal added by PennDOT for the Sadsbury Village Enhancement Project. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that this has been a 7 year project and there will be a shortfall of approximately \$89,065.00, which the Township will have to receive from local funding. Mr. Lymberis has given the Township \$52,000 to pay for some construction costs. With an additional 85 units being built at Lafayette Square in the future, it would bring in another \$113,220. Mr. MacCombie stated the project should start August of 2015.

Susan Bankert asked if truck traffic will still be coming past her house and will they be backed up since they have to go at a slower speed? Mr. MacCombie stated that truck traffic will be slower and the cart ways will be smaller. Every vehicle will be coming

through at a slower speed. Mr. MacCombie believes that PennDOT is moving forward with redoing the bypass ramps at Airport Road.

Ms. Silvernail stated the Township is committed to moving forward with the project. There has been too much tax payer money involved to not continue.

Mr. Robert Silvernail stated that with the \$90,000 shortage, and funding from Lafayette Square will be awhile, and bills will have to be paid if the project starts in August, the Township has to pay up-front before being reimbursed by the state.

Mr. MacCombie stated that the \$90,000 would be used at the later part of the project for items such as stamp paving and line stripping. The money from the government is 100% guaranteed. Mr. MacCombie stated the state government needs a letter or e-mail stating local funds will be available for the project.

Ms. Silvernail made a motion, seconded by Mr. Taylor to have Mr. MacCombie contact PennDOT stating that the Township has \$89,065.00 funding available. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported Sikorsky was awarded a grant for 2.5 million dollars allocated for the Washington Lane crossing project. A representative of the Western Chester County Chamber of Commerce is going to come to a meeting to discuss this grant.

Mr. MacCombie stated that Sadsbury Commons has been in contact with the Township office and cannot get their escrow releases. Ms. Silvernail stated she will look into the matter.

Mr. MacCombie stated his office has looked at the plans from Chuck DiLabbio for the project he has for Bert Reel Park in honor of his son. Mr. Taylor stated this would be a great plus for children in the area and a great tribute to his son.

Township Solicitor Report: Mr. Pompo stated that in February, 2015, a Conditional Use Hearing was held for the application of Harold K. Mast and Daniel L. Mast to develop a shopping center at the property located at the northwest corner of Lincoln Highway (Route 30) and Octorara Trail (Route 10). The project has two phases in the development. Phase 1 – CVS Pharmacy and Phase 2 – 3 proposed retail (1 restaurant). Council for the applicant stated the Conditional Use was acceptable as drafted.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to approve the Conditional Use Decision and Order for the application of Harold K. Mast and Daniel L. Mast to develop a shopping center at the property located at the northwest corner of Route 10 and Route 30 to be done in two phases. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Planning Commission Report: Mr. Greenfield reported the Planning Commission met on Wednesday March 11, 2015. The January minutes were approved.

Vick Kelly of Commonwealth Engineers came before the Planning Commission regarding Morris Farm – Lot 2, The Greg Vietri building expansion asking for relief from the Township Landscaping Ordinance and to ask for a recommendation for preliminary approval. After discussion and questions on landscaping, Ms. Heineman made a motion, seconded by Tim Sarbaum, to recommend to the Board of Supervisors to grant Preliminary approval for Lot 2, Morris Farm, the Vietri 40,000 square foot expansion to waive 194 deciduous trees and 194 evergreen trees with the planting of the required shrubs on the eastern buffer to the extent it does not negatively impact the existing plantings and buffer and on condition they comply with the MacCombie recommendation letter dated March 11, 2015. With there being no questions, the motion passed. With no further business, the meeting was adjourned.

Township Zoning Report: Mr. MacCombie reported that he has had a zoning permit for a fence on Whitetail Lane. The Walker property is still on hold as Mr. Walker is still waiting for death certificates from the state.

Chester County Airport Update: Mr. Roberts reported the airport is still pushing for a control tower.

Payment of Invoices:

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay the March General Fund invoices in the amount of \$87,457.04. 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 March Sanitary Sewer invoices in the amount of \$50,903.84. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New Business

Michael Gill, representing Sadsbury Commons came before the Board to present a development update and discuss Act 209 issues. Mr. Gill stated Sadsbury Commons has been a project that has been underway for several years. He is happy to report that Lancaster General is fully operational. Mr. Gill stated they would like to build out the remainder of the connector road between Route 10 and Route 30. The connector road was not part of the 209 Capital Plan because there was no certainty that the road would be constructed. The impact fee credit would depend on how Mr. Pompo can proceed with Sadsbury Commons in that regard. Mr. Gill stated the road can be privately owned with the property owner taking over the maintenance. There is no change from original plan, as it will be designed to Township road standards but will not be a Township road. Mr. Gill stated small shops are interested to fill the small shop space on the Route 30 side of the development. There are no big users as of yet. Mr. Gill stated the plan is to rename the shopping center as “Shops at Sadsbury Square.” Mr. DiLabbio asked Mr. Gill about the walking path that was in the original plan. Mr. Silvers stated the residents rejected the idea. Ms. Silvernail asked Mr. Gill to revisit the walkway. Mr. Gill stated they have a strong desire to tie into public sewer and it is only a matter of time until everything is done

to accommodate public sewer on the property. The Board has no objection for Mr. Gill to continue to correspond with the Township Solicitor on the project.

Vick Kelly of Commonwealth Engineers came before the Board to present a preliminary plan review for Greg Vietri/Lot 2, Morris Farm. Mr. Kelly stated that Mr. Vietri wants to build a 40,000 square foot separate building. He has received 7 or 8 comments from the Chester County Conservation District in a letter dated April 3, 2015 and received a comment letter from Jamie MacCombie dated March 26, 2015. Mr. Kelly had a question on whether the project was subject to open space. Mr. Pompo stated that a fee in lieu of would have to be done by Ordinance. The Board uses the fees to improve recreational facilities. Mr. Kelly will talk to his client. Mr. Kelly would like to have a waiver on the Landscaping Ordinance for 194 evergreen trees and 194 deciduous trees.

Ms. Silvernail made a motion, seconded by Mr. Taylor to grant preliminary approval to the Greg Vietri/Lot 2 Morris Farm project with the conditions to resolving the landscaping issues and resolving the fee in lieu of open space. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Andrew McGuire and Sean Barron from Global Self Storage came before the Board of Supervisors for permission to purchase a 16 foot, climate controlled, box truck to have on location at the storage facility. The truck will be owned by Global Storage and would be a free accommodation to new customers. It is the trend now for storage facilities to own 1 truck for the convenience of their customers. When not in use, the truck will be parked out of view. The decision was left up to the Zoning Officer and the Township Solicitor to make the call to allow the purchase of the truck. Neither had a problem and gave permission for the truck to be purchased.

The Black Walnut Winery has been carrying a balance in an escrow account of \$228.80 for a few years. An e-mail was received by the owners to have the money released. Mr. MacCombie stated these funds were in escrow for Engineer fees associated with the connection of the Township sewer system. The county was not going to give an occupancy permit unless they were connected to public sewer. The winery paid half of the tapping fee. Mr. MacCombie has no problem releasing the funds as long as the owners realize that releasing these funds does not release them from the obligation to connect to public sewer.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to release the funds in escrow to Black Walnut Winery with the stipulation that release of funds does not release them from the obligation to connect to public sewer. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail stated that the Township has received 3 applications for timbering in the Township. There is no fee in the Township fee schedule pertaining to timbering. Mr. Pompo will look at the fee schedule at another Township and report back at the next Board of Supervisors meeting.

Ms. Silvernail asked if any Supervisor would like to attend the PSATS Spring Conference for one day. Mr. Greenfield stated he could attend on Monday, April 20, 2015. Ms. Silvernail stated that date is fine with her. Ms. Silvernail and Mr. Greenfield will attend the PSATS Spring Conference for one day on Monday, April 20, 2015.

Public Comment:

Mr. MacCombie stated the Act 537 is almost done and will make the presentation to the Planning Commission. The Act 537 covers all of the sewer in the Township but not the Western Sewer District.

Ms. Silvernail stated that there is some misconception about sewer being installed on Compass Road. The rumor is not true; there will be no sewer on Compass Road.

Mr. MacCombie stated that the Act 537 required them to monitor 40% of the on-site sewer systems in the Township. There is no extension of the sewer lines.

A resident in the Township approached the Board with a problem with sewer billing. Pennsylvania American made an error in the reading of his meter. He was charged for 12,500 gallons of water that should have been billed to the meter belonging to the neighboring tenant. Ms. Silvernail stated to credit the one meter and debit the other to fix the sewer billing.

Don Roberts stated that Sikorsky is hovering their helicopters for 30 minutes at a time. Where is the standing on the noise level? Mr. Taylor stated the Board is trying to get them to come to a meeting. So far has not been successful.

Mr. Taylor stated he would like to discuss the road closure problems on Washington Lane. The Board of Supervisors never approved closing the road for transport of their helicopters.

Susan Bankert stated there was an agreement with Keystone Helicopter before Sikorsky took over. Sikorsky was supposed to abide by the agreement made with Keystone. Who is supposed to enforce that? They should have some compassion for the residents in the Township.

Vicky Horan asked who advocates for the homeowners'?

Ms. Silvernail stated she has to recuse herself from the conversation but will have the Solicitor and Engineer look into any agreements.

Mr. MacCombie stated the Noise Ordinance was passed 15 or 18 years ago.

Vicky Horan wants to know if they are doing something they are not permitted to do.

Mr. Roberts stated there are helicopters coming in and out of the airport that may not be Sikorsky. Another thing Sikorsky does is testing all day long, 7 days a week.

Mr. Joel Vigue stated that nothing illegal is going on at Sikorsky.

Mr. Roberts said that the noise level was acceptable. Now it is louder than ever before.

Ms. Silvernail stated that she is relying on Mr. Greenfield and Mr. Taylor to communicate with Mr. Pompo and Mr. McCombie for direction with regard to the Sikorsky complaints.

Mr. Greenfield stated the people in Pomeroy Heights have lived in that area for years, and they are the ones that have to put up with the speeding traffic, truck traffic, closing roads, and noise.

Doug Skiles reported that there are 5 & 6 inch deep pot holes on Skiles Road. From drainage run-off the road is disintegrating. Milk trucks, trash trucks, and buses use the road daily. Mr. Skiles stated the Township was given permission to dig a drainage hole and it is over 10 feet deep now.

Ms. Silvernail directed Mr. Skiles to give his address and the Board will look into it on the road inspection.

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