

## **Board of Supervisors Regular Meeting Tuesday, December 4, 2012**

A regular meeting of the Board of Supervisors was conducted on Tuesday, December 4, 2012 commencing at 7:00 p.m. Chairwoman, Ms. Silvernail called the meeting to order. Present were Supervisors Mr. Greenfield and Ms. Horan, 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 November 29, 2012 at 10:15 a.m. to discuss personnel matters.

The moment of silence and pledge of allegiance were observed.

Ms. Silvernail made a motion, seconded by Ms. Horan, 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 Groce reported for the month of November, 2012 the police patrolled 5,074 miles and handled 128 complaints from the public for: 2 burglary, 1 theft, 9 suspicious persons/conditions, 2 911 hang-ups, 15 alarms, 12 domestics, 10 accidents, 3 disturbances, 10 assist to other departments, 4 harassment, and 2 animal. There were 9 parking tickets issued for the month and 16 traffic citations. There were 5 criminal arrests for: theft/forgery 1, harassment/assault 3, and driving under suspicion 1. Patrol activities included 16 traffic checks and 271 property checks.

Ms. Silvernail announced the retirement tonight of Chief Groce and stated this will be his last Police report for the Township. On behalf of the Board of Supervisors, Ms. Silvernail presented Chief Groce with a plaque of appreciation for his more than forty years of service to Sadsbury Township. Sergeant Ranck presented Chief Groce with a gift certificate on behalf of the Police Association. Chief Groce stated it was a privilege to work with the community, the residents, and the officers in the Sadsbury Township police department. It is the officers in the police department who make it all happen with the support of the officers of other Townships. Earl Taylor thanked Chief Groce for his help to the Fire Department and the Emergency Services, especially in the event of Hurricane Sandy. Ms. Silvernail stated that there are refreshments in the conference room and all the visiting police officers and county personnel could partake at this time.

### **Township Engineer Report:**

Mr. MacCombie stated he has a lot of items to discuss but will bring with escrow releases.

Mr. MacCombie stated he has a certificate of completion letter of credit reduction for Sadsbury Commons, Medical Office Development-Phase 1B in the amount of \$258,287.39 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve a certificate of completion letter of credit reduction for Sadsbury Commons, Medical Office Development-Phase 1B in the amount of \$258,287.39 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has an Engineering Escrow release of funds for Sadsbury Commons-Phase 1B Lancaster General Hospital Medical Office Building in the amount of \$589.37 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineering Escrow release of funds for Sadsbury Commons-Phase 1B Lancaster General Hospital Medical Office building in the amount of \$589.37 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has a two-part release for a certificate of completion letter of credit reduction for Sadsbury Commons, Medical Office Development Phase-1A in the amount of \$14,404.29 and also a certificate of release of funds from the base account for Sadsbury Commons, Medical Office Development Phase-1A in the amount of \$46,263.71 for a total release of \$60,668.00 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve a certificate of completion letter of credit reduction for Sadsbury Commons, Medical Office Development-Phase 1A in the amount of \$14,404.29 and also a certificate of release of funds from the base account for Sadsbury Commons, Medical Office Development-Phase 1A in the amount of \$46,263.71 for a total release of \$60,668.00 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has an Engineering Escrow release of funds for Sadsbury Commons-Phase 1A in the amount of \$245.62 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineering Escrow release of funds for Sadsbury Commons-Phase 1A in the amount of \$245.62 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has a certificate of completion letter of credit reduction for Sadsbury Commons, Medical Office Development-Phase 1B in the amount of \$46,495.80 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve a certificate of completion letter of credit reduction for Sadsbury Commons, Medical Office Development-Phase 1B in the amount of \$46,495.80 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has an Engineering Escrow release of funds for Sadsbury Commons-Phase 1B in the amount of \$298.12 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineering Escrow release of funds for Sadsbury Commons-Phase 1B in the amount of \$298.12 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has an Engineering Escrow release of funds for Sadsbury Arcadia Associates, L.P. Sadsbury Park Phase-2A in the amount of \$316.87 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve an Engineering Escrow release of funds for Sadsbury Arcadia Associates, L.P. Sadsbury Park Phase-2A in the amount of \$316.87 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has an Engineering Escrow release of funds for Sadsbury Arcadia Associates, L.P. Sadsbury Park Phase-4C in the amount of \$218.12 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineering Escrow release of funds for Sadsbury Arcadia Associates, L.P. Sadsbury Park Phase-4C in the amount of \$218.12 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated he has an Engineering Surveillance Escrow release of funds for the Military Readiness Center for the Stryker Bridge Combat Team Commonwealth of Pennsylvania Department of General Services in the amount of \$382.50 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve an Engineering Surveillance Escrow release of funds for the Military Readiness Center for the Stryker Bridge Combat Team Commonwealth of Pennsylvania Department of General Services in the amount of \$382.50 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 wrote a letter to the Board of Supervisors regarding the Stottsville Inn sewer flow. The owner of the Stottsville Inn, Mr. Saleh, desires to have his EDU's changed from 13 to 3. Mr. MacCombie states that he recommends that the

Board change the count for the Stottsville Inn to 3 EDU's according to the amount of flow that has been used according to Mr. MacCombie's calculations. Mr. MacCombie made it clear to Mr. Saleh that if the flow increased and merited more EDU's, they would have to be purchased from the Township at the prevailing rate at the time of purchase. Mr. MacCombie stated Mr. Saleh is also asking for relief or credit on the 2012 billing charges. Mr. Greenfield asked if the Township can make someone purchase more EDU's if their flow increases over the amount of EDU's purchased. Mr. MacCombie stated that the way the Ordinance is drafted, the answer is yes. Ms. Silvernail stated that she doesn't have an issue with the EDU reduction, but perhaps something should be put in writing for the future in case the Inn is sold and the new owner would have an understanding of the agreement. Mr. Pompo stated that the Board could require the owner to sign a Capacity Relinquishment Agreement. Mr. Pompo stated he has this form at his office. Ms. Horan stated that formerly it didn't make a difference because of the billing being done incorrectly. Ms. Horan wondered if this would set a precedent. Ms. Horan stated she would have liked the owner to come before the Board of Supervisors and ask for a reduction instead of writing a letter to the Engineer, but is agreeable to the reduction in the EDU count for the Stottsville Inn.

Ms. Silvernail made a motion, seconded by Ms. Horan, to reduce the EDU count at the Stottsville Inn from the present number of 13 to 3 contingent on the owner of the Stottsville Inn signing the Capacity Relinquishment Agreement form presented to the Board of Supervisors by Mr. Pompo, and denying the request for a reduction or credit on the billing for the year 2012. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated the Chester County Airport sign location at Waverly Boulevard has been placed and does not interfere with the Sikorsky pedestrian road crossing. The sign says "Martin Brower Next Left". They want another sign that says "Turn Here".

Mr. MacCombie stated the sewer at Lincoln Crest Trailer Park is still an issue from the second quarter billing concerning a blockage in the meter. There is a difference of approximately \$12,000 that remains unpaid at this time. Mr. MacCombie stated Lincoln Crest Management claims there was a blockage for the second quarter and the meter reading appears to be inflated. Mr. MacCombie stated it is not the Township's responsibility to monitor Lincoln Crest's meter. Mr. MacCombie stated that the Trailer Park uses approximately 11 thousand to 12 thousand gallons daily, but during a storm they can use 80 thousand to 90 thousand gallons daily. Mr. MacCombie stated they have not fixed their issues with the infrastructure. Ms. Silvernail stated that if the Township grants them a credit on their bill, this will give them no incentive to fix their problem. Ms. Silvernail stated that it is not the Township's responsibility to maintain Lincoln Crest's meter. Mr. Pompo stated the Board should consider writing a letter stating that the Board is waiting for a timeline for the corrections and repairs outlined in the September 29, 2011 letter from the law offices of Vincent Mancini & Associates.

Mr. MacCombie stated he met with Pennsylvania American Water Company to finalize the Industrial Pretreatment Program. PAWC states Sadsbury Township is surpassing

the discharge allowed under the program, and PAWC will add a surcharge of approximately \$375.00 per month. Mr. MacCombie asked Mr. Pompo if it is in the agreement to do this. Mr. Pompo stated he has not had a chance to look at the agreement, but his recollection is that Industrial pretreatment regulations state the surcharge should be used against the users. Mr. Pompo stated that to his knowledge, nothing should be charged against the Township.

**Township Solicitor Report:** Mr. Pompo stated he is presenting the West Caln Second Agreement of Conveyance of waste water from West Caln through Sadsbury Township for the Board's approval. Mr. Pompo stated this agreement states that after the connection of the third West Caln development (Lawrence), the Developer agrees to the fullest extent permitted by law to save harmless PAWC and Sadsbury Township against all losses, costs or damages on account of any injury to persons or property occurring in the performance of this Agreement because of the negligence of Developers, their agents or employees. Mr. Pompo stated that this agreement has been approved and signed by West Caln Township and the Lawrence Development. Mr. Pompo stated that PAWC has not yet signed the agreement. Mr. Pompo stated it is his understanding that the local office of PAWC has signed the agreement and they have sent it on to Hershey, for signing.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt the Second Agreement for the Conveyance of Wastewater From West Caln Township Through Sadsbury Township. An agreement between Pennsylvania American Water Company, Sadsbury Township, West Caln Township, and the Lawrence Developers, L.P. contingent on Pennsylvania American Water Company signing off on their portion of the agreement. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated that the Zoning Hearing Board will hear the application from Bull Dog Construction regarding out-door storage plus the addition of an office building. This was cancelled from an earlier date and at that time the Board asked for legal representation. Mr. Pompo would like to know if the Board still desired legal representation at the meeting on Thursday, December 6, 2012. Ms. Silvernail stated the main concern was that out-door storage does not extend to other portions of the property and future plans do not include sub-division. The Board requires Mr. Pompo to provide legal representation at the Zoning Hearing Board application from Bull Dog Construction on Thursday, December 6, 2012 at 7:00 p.m.

Mr. Pompo stated the review from the Chester County Planning Commission concerning the amendment to the Sadsbury Township Zoning Ordinance to authorize outside commercial and industrial storage by conditional use rather than special exception should be received by the end of this week. Mr. Pompo explained that this ordinance change gives the authorization for commercial and industrial storage back to the Board of Supervisors rather than the Zoning Hearing Board. Mr. Pompo stated he would like to advertise the Ordinance for adoption for the 1<sup>st</sup> meeting in January on January 7, 2013.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to authorize Mr. Pompo to advertise the amendment to the Sadsbury Township Zoning Ordinance to authorize outside commercial and industrial storage by conditional use rather than special exception for adoption at the January 7, 2013 Board of Supervisors meeting. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

**Township Planning Commission Report:** Mr. Greenfield stated that Mr. John Jaros, representing Bull Dog Construction, came before the Planning Commission with a revised sketch plan for 110 Shamrock Lane. Mr. Jaros stated they will be going before the Zoning Hearing Board on December 6 for approval for outside storage and an added office building to the plan. The Planning Commission gave consent for Mr. Jaros and the Bull Dog Construction project to move on to the Zoning Hearing Board and the Land Development process. The Planning Commission also had no objection to the Zoning Ordinance change of outside commercial and industrial storage by conditional use rather than special exception.

**Township Zoning Report:** Mr. MacCombie stated that Gateway Church applied for a sign permit without the LED feature. Mr. Pompo reported the application by Gateway Church for the LED sign approved by the Zoning Hearing Board and challenged by the Township is now before the Court of Common Pleas. Mr. MacCombie reported that Sadsbury Self Storage will remove the window signs. Mr. MacCombie stated he could not find that sign permits were ever applied for or approved. Ms. Silvernail stated she believes that according to the Code, window signs, wall signs or banners are not permitted. Mr. MacCombie suggested that in the future, the Board of Supervisors should look into whether there should be a stipulation on the number of wall and window signs per square foot, and how low and high they can be placed.

**Pomeroy Fire Company Report:** Mr. Taylor reported that there were a total of 11 calls for the month of November: 1 gas leak outside, 1 mobile home, 2 automatic alarms, 4 auto accidents, 1 car fire, 1 dwelling, and 1 appliance. There were a total of 11 assists to other departments: Parkesburg Boro 2, Sadsbury 5, Highland 1, West Caln 2, and West Sadsbury 1. Time in service was 4 hours and 26 minutes and 28.25 man hours. Mr. Taylor reported that for the month of November the Pomeroy Ambulance handled 29 calls for: Sadsbury 11, West Sadsbury 4, Parkesburg 8, East Fallowfield 2, West Caln 1, Atglen Boro 1, Coatesville 1, and Christiana Lancaster County 1. Parkesburg handled 29 calls making the Consolidated Call Volume 61. Type of calls were: medical 25, vehicle 3, fire 1, recalled/refusal 8, and the total number of transports were 21.

**Sadsbury Fire Company Report:** No report given

**Emergency Management Coordinator Report:** No report given

**Chester County Airport Update:** No report given

## **Payment of Invoices**

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay the November invoices in the amount of \$79,521.09. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Ms. Horan, to pay the November sanitary sewer invoices in the amount of \$45,351.16. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

## **New Business**

Mr. MacCombie stated that Mr. Art Herling owned two properties on Maple Avenue in Sadsbury Township. Mr. Herling received a waiver by DEP for the subdivision of one of the properties which consists of two homes. Mr. Herling could not get a waiver from DEP for the second property and has applied to the Township for a resolution for plan revision for new land development to send to the Department of Environmental Protection.

Ms. Silvernail made a motion, seconded by Ms. Horan, to adopt Resolution 2012-08; a resolution for plan revision for new land development for Mr. Arthur Herling for a Maple Avenue Subdivision to determine a proposed method of sewage disposal to be sent to the Department of Environmental Protection. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Victor Kelly, of Commonwealth Engineers came before the Board to present the recently submitted Subdivision and Land Development Plan for Valley View Business Park Lot 8. Mr. Kelley stated that All County Properties is building 115 town homes in Valley Township off of Washington Lane. The southern portion will be built at the end of Hoffman Avenue, of which one-tenth of an acre is in Sadsbury Township. The traffic in and out of the development would use Hoffman Avenue. Mr. Kelly reminded the Board that All County did many improvements to the Sadsbury portion of Washington Lane. Mr. MacCombie stated that two years ago he met with All County on behalf of Sadsbury Township and the major concern was the traffic on Hoffman Avenue. Mr. MacCombie stated on the original plan there was a cul-de-sac. Mr. Kelly reported that Valley Township, through their Conditional Use stated they did not want the cul-de-sac, instead they wanted thru access. Mr. MacCombie asked if Sadsbury would be due 209 monies. Ms. Silvernail stated that Sadsbury Township has all the tractor trailer traffic from Keystone foods, which is located in Valley Township. Ms. Silvernail stated that Sadsbury Township will feel the impact of the Development and not get revenue. Ms. Silvernail stated that Hoffman Avenue has 5 or 6 houses; the impact of traffic from a development would be substantial. Mr. Pompo asked what would prohibit Sadsbury to refute the thru access of the Development using the 800 feet of Hoffman Road in Sadsbury Township. Mr. Kelley stated that it is a public road. Ms. Silvernail stated that the part of Hoffman Road in Sadsbury is the Township’s jurisdiction and Valley

Township did not even consult with us as to the decision to take the cul-de-sac off the previous plan. Mr. Pompo stated that he can't understand why Valley Township chose not to put Sadsbury Township into the meeting concerning their own road. Mr. MacCombie stated that the cul-de-sac restricted the flow of traffic into Hoffman Avenue, why would Valley Township not want that? Mr. Pompo stated that he believes the Township has the say on what can be done in Sadsbury Township roads. Mr. MacCombie suggested that the Township could make Hoffman Road one way into Valley Township. Mr. Kelly stated there will be no improvements on the Sadsbury side of Hoffman, but will be making the Valley side 24 feet wider. Mr. Pompo stated that it does not seem reasonable to only widen the side at Valley Township as it will become a safety issue. Mr. Pompo stated he has a concern that this will become a legal issue, and Ms. Silvernail agreed. Mr. Pompo asked for a copy of the Subdivision/Land Development Plan from Mr. Kelly.

Mr. Gary Moskowitz, representing Cosmos Properties stated that the Sadsbury Self Storage entered into an agreement of sale in August 2012. A cease and desist order was received from the Zoning Officer against Penske truck rental doing business out of Sadsbury Self Storage. The proposed use is limited to use of truck rental for customers only. Penske Truck Rental will not agree to the limitation of customer use only, but wants to serve the public. Mr. Moskowitz stated the buyer would like to assume the use of Penske Trucking with the purchase. Mr. Moskowitz stated that many facilities have truck rentals on their sites. Mr. Moskowitz would like the Board of Supervisors to consider amending the Zoning Ordinance for accessory use for truck rental under Section 1224 "Mini-Warehouse (Self Storage)". Mr. Moskowitz stated there has been an agreement with Penske Trucking and Sadsbury Self Storage since 2008, and it was believed to be an accessory use. Ms. Silvernail asked why this was not brought up in the Conditional Use process? John Lymberis stated the Sadsbury Self Storage is not a truck depot, does not have an inventory of trucks. Trucks are ordered on-line or at the counter and trucks are gone the next day. The trucking company does not want their inventory sitting around. Ms. Horan stated that no one thought to ask Mr. Pompo to be sure the truck rental was allowed? Ms. Silvernail stated she is not comfortable changing the Zoning Ordinance to make a use fit. If we change the Ordinance to make it fit for everyone, it could have a profound impact on controlling our Zoning Ordinance. Ms. Horan stated she does not have a problem with the trucking business, but she has a problem with how this all happened. Ms. Horan stated she does not have a problem with the combination of the business, but we need to know how to fix this situation. Mr. Lymberis stated that local residents that need to rent a truck for any reason, could do so locally. Earl Taylor stated that if he needed a truck for any reason, he would like to rent one locally. Ms. Silvernail stated the Board will think about if there is any way to address the situation without changing the Zoning Ordinance. Ms. Silvernail stated the Board will look at all options. Mr. Moskowitz stated he would like to continue this discussion and will keep in touch with Mr. Pompo. Mr. Lymberis asked if this could be a Planning Commission concern? Ms. Silvernail stated that this does not need to go to the Planning Commission at this time.

Ms. Silvernail stated the budget has a proposed tax increase included to cover extended police patrol hours. Ms. Silvernail stated that police calls have increased in the Township. Residents have complained in the past about the State Police being in the Township at hours when there are no Township Police on duty. The Board will increase coverage hours for the Township Police using two full time and 6 part time police officers. The millage rate for Township tax now is at .25 mills, the projected increase is .9 mills. Ms. Silvernail stated that if there is anyway the millage can be lowered in the budget, the Board will do it. Ms. Silvernail stated there is outstanding revenue in the general fund for trash collection of \$200,000 and in the sewer fund of \$209,000 that would help revenue if it was paid. Ms. Silvernail stated the Township has not raised taxes in the last eight years.

Ms. Silvernail stated that the Township will be taking over the sewer billing since Pennsylvania American Water Company no longer wishes to be in the sewer billing business. This would warrant a part-time clerk to be shared with the Police Department, who is in need of someone to do administrative work. The position would be advertised for 20 hours a week. Ms. Silvernail suggested to advertise the position in the Community Courier and Ms. Horan suggested the internet would also be a good source of advertisement.

Ms. Silvernail made a motion, seconded by Ms. Horan, to advertise for a part-time clerk position as billing clerk and police clerical work in the Community Courier for a period of 3 weeks. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail stated that with the retirement of the chief of police for Sadsbury Township, she would like to make Sergeant Gerald Rank interim Chief prior to the January Board of Supervisors meeting and promote Patrolman Richard Imhoff to interim Sergeant prior to the January Board of Supervisors meeting

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to appoint Gerald Rank to interim Chief of Police, to be made full time Chief of Police at the January 7, 2013 Board of Supervisors 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 appoint Richard Imhoff to interim Sergeant of Police, to be made full time Sergeant at the January 7, 2013 Board of Supervisors meeting. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Public Comment:**

Mr. Dague stated that the Sadsbury Township Historic Committee has 2013 calendars on sale for \$10.00.

Jesse Donovan asked why the rate of tax increase is such a large percentage.

Ms. Silvernail stated there has not been a tax increase in 8 years, and the increase still keeps the rate below 1 mill. There will be more police activity in the Township and if the outstanding debts are paid, the tax rate could be adjusted.

Ms. Silvernail stated the Board of Supervisors will meet on Wednesday, December 31, 2012 to adopt the budget and close the books for 2012 and the reorganizational meeting will be January 7, 2013 with the regular Board meeting to follow.

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

Respectfully submitted,

Linda Shank  
Assistant Secretary