

## **Board of Supervisors Regular Meeting Tuesday May 5, 2015**

A regular meeting of the Board of Supervisors was conducted on Tuesday, May 5, 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.

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 from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Taylor, 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 reported that during the month of April there were 4,703 miles patrolled within the Township including a total of 178 calls handled by the police. Criminal arrests for the month which does not include any pending arrest are as follows: Burglary, 2 thefts, criminal trespass, receiving stolen property, harassments, and disorderly conducts. As the warm weather is approaching, there have been several complaints from residents of vehicles speeding throughout the Township. There are details currently scheduled in an effort to minimize the speed of motorists. The Police incidents are as follows: 911 hang-ups 5, hit and run crash 1, vehicle crash with injuries 2, property damage crash 6, pedestrian struck 1, accident involving police vehicle 1, alarm fire 2, alarm police 9, animal complaint 1, assault no injuries 1, assist from other Police Department 1, assist ambulance 29, assist fire department 5, assist to other Police Department 3, burglary 1, civil dispute 1, credit card theft/fraud 1, child custody dispute 1, disabled vehicle 1, disturbance 2, domestic disturbance 8, public intoxication alcohol/drugs 1, erratic driver 4, field or brush fire 1, fire arms act 1, for police information 5, harassment 1, harassing phone calls 1, house fire 1, identity theft 2, keys locked (vehicle or house, etc.) 5, miscellaneous police nature 2, phone assignments 19, report only (NIP incident) 7, suspicious condition 7, suspicious person 1, suspicious vehicle 2, traffic general hazards 3, trespasser 2, traffic stop 20, validations 6, and 5 well-being checks.

Mr. Calvin Rowland and Reverend Grove addressed the Board on concerns they have with excessive speeding on Route 372 at the corner of Brewer Memorial Baptist Church. The church is in service a couple days during the week, some special services and every Sunday between the hours of 9:00 a.m. to approximately 1:00 p.m. Mr. Rowland stated he would like rumble strips placed at the area of Route 372 to slow traffic. Ms. Silvernail stated that Route 372 is a state road. Mr. MacCombie stated that the Township could request strips but it is up to Penn Dot to comply. Mr. MacCombie also stated that if a speed study is requested in that area, it can work either way as to

the determination by Penn Dot to lower or even raise the speed limit at that area. Chief Ranck stated that the speed limit in that area is 45 mph and he cannot stop someone until they do 55 mph. Chief Ranck stated he will put the radar machine at the side of the church and the church should put cones in the middle yellow line. Mr. Gathercole stated that the Keystone Fire Department will donate 3 cones to the church. Mr. Rowland will address the safety issues with Penn Dot.

**Township Public Works Report:** Mr. Taylor gave the Public Works report prepared by Mr. Simmons, the Public Works Foreman. For the month of April the Public Works Department spent a majority of its time cleaning up from the winter season and preparing Township owned properties for mowing. At the Township Building tree pruning, removal of woody debris and trash, sweeping of sidewalks and parking areas were completed. At Sadsbury Park, trash and other debris were removed. At Bert Reel Park many fallen tree limbs were removed and chipped, trash and debris was picked up, water to park facilities was turned on and a sink hole was filled. The Township, Sadsbury Park and Bert Park were mowed for the first time this season. All pot holes have been filled with 2A modified stone on Skiles Road and on Old Mill Road (the one way). Smaller holes on Quaker Road were filled with cold patch material. The larger holes on Quaker will be filled with hot patch material within the next week or two. Basic maintenance checks have been performed on all the equipment regularly throughout the month. The 2006 Ford F350 was taken out of service and had several repairs completed on it this month. The truck is currently back in service. Storm drains, ditches and storm pipe inlets and outlets have been maintained with the exception of a few that still needs to be cleared. Sewer meter readings have been recorded for the First Quarter of 2015. The traffic light at Route 10 and Route 30 malfunctioned on April 24, 2015 for the second time in two months. State Police Dispatch notified the Public Works Foreman of the malfunction both times. Signal Service was contacted both times and the result was faulty wiring was responsible for the malfunction. The equipment hours were 5, and the vehicle miles were 369.

**Emergency Management Coordinator Report:** Mr. Taylor reported that the County is offering several classes this month that he hopes to attend.

Ms. Silvernail wanted to take this opportunity to thank the Public Works Department, Mr. Greenfield, Mr. Taylor, and Officer Haldeman, for all participating in the clean-up of Old Wilmington Road this morning.

**Keystone Valley Fire Department:** Mr. Gathercole reported that for the month of April, 2015, the Keystone Valley Fire Department answered a total of 28 calls for: fire 12, rescue/medical assist 8, fire police only 1, and false alarm 7. The response by municipality was as follows: Sadsbury Township 6, West Sadsbury Township 8, Highland Township 5, Parkesburg Borough 7, and 2 out of district. The response by personnel averaged 9 per call with a total of 236 personnel for combined response hours 321.44. The average response time in-district was 5:35 and 6:35 for out of district. There were 6 trainings with 78 members attending for 210.50 hours combined training hours. Public Events consisted of Demo Days, static display at Tractor Supply

and CPR/AED training for Girl Scout Leaders of the Western Chester County area. Thirteen members participated for 6.0 hours combined in Events and Details. Keystone Valley Fire Department receives Ambulance Service of the Year Award for 2014 and will be honored on May 21, 2015 at the Chester County EMS Banquet. Mr. Gathercole warns residents that brush fire season is here and to please monitor the Red Flag Warnings for open burning on days with windy conditions. On May 1, 2015 six brush fires were responded to. Events: May 10<sup>th</sup> – Poston Poppers Raceway detail, May 17<sup>th</sup> – Parkesburg VFW Memorial Day Parade and on May 19<sup>th</sup> – Octorara High School mock crash event (Prom Awareness). The EMS Division of Keystone Valley Fire Department answered 88 calls for: treated/transported ALS 36, treated/transported BLS 21, no services required 12, patient refusal 11, recalled obscene 3, recalled enroute 2, lift assist 2 and 1 unfounded. The municipal break-down as follows: Parkesburg Borough 36, Sadsbury Township 32, West Sadsbury Township 10, Highland Township 3, Atglen Borough 2, West Fallowfield Township 2, Christiana Borough 1, Sadsbury Township Lancaster County 1, and Bart Township Lancaster County 1.

**Sadsburyville Fire Company Report:** No Report

**Township Engineer Report:** Mr. MacCombie reported that the Wick Drive storm drain repair will likely start a week from today and the Stove Pipe Hill Project is at Penn Dot waiting for approval. Mr. Herb MacCombie and the Public Works Department did a road inspection throughout the Township. The problem with drainage run off on Skiles Road is not entirely Sadsbury's fault; a lot of drainage is coming from West Caln Township. Jamie MacCombie will look at the situation. Pump Data View Services will be cleaning the wet well at the Stottsville Pump Station for \$1,200.00. Mr. Taylor stated that all the roads in the Township took a beating this winter, but all in all the roads are in fairly good condition. Some roads need some attention, but with some attention they should be okay for a while. Mr. MacCombie stated that the hot mix for road repair is starting to be made, they stated in mid-April.

**Township Solicitor Report:** Mr. Pompo reported that pursuant to 425.C.2 of the Sadsbury Township Subdivision and Land Development Ordinance, and 503(11) of the Municipal Planning Code, a resolution can be adopted implementing the adoption of a fee in lieu of the dedication of lands and required improvement for open space, park and recreation facilities development. Act 135 of 2014 amended the 503(11) of the Municipal Planning Code to allow such fees to be used or acquiring, operating or maintaining municipal park or recreation facilities delineated in the Township's Park and Recreation Plan, as opposed to limiting such fees to any specific recreation facility for which the fees was received. In addition, Act 135 removed the prior limitation that the fees had to be spent within three years of payment. The Township's land planner, Wayne Grafton has provided advice on the amount of the fee, based upon the future recreation needs of the Township. The recommendation is a fee of \$2,192.45 per new residential dwelling unit and \$0.74 per square foot of building areas on all floors of new non-residential development. Mr. MacCombie stated he would suggest changing the square foot of building areas in the non-residential to "\$0.74 per square foot of gross building area on non-residential development." Mr. MacCombie stated that stairs and

elevators could cause contention on square feet of building area. Susan Bankart asked could a developer build behind someone and not put up a berm. Mr. MacCombie stated that this is a landscaping issue and has to do with open space. Ms. Silvernail stated that if a developer will put funds aside for recreational purposes, there will be no fee. This resolution is not mandatory, but an option. Mr. Simon Jesse asked if this decision would be made by the developer. Ms. Silvernail stated it depends on the situation. Mr. Pompo stated the Township has the final decision for open space or fee. The Park and Recreation Plan is being up-dated at this time. Mr. Lymberis stated that if a developer has 5 lots on a tract with no room for a park, the developer may ask for a fee in lieu of to improve the park down the street.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to adopt Resolution 2015-05 allowing for a fee in lieu of park and open space land dedication and required improvements in accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code with the change in fee of new non-residential development from \$0.74 per square foot of building area to \$.74 per square foot of gross building area. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated there has been a request to do timbering in the Township and there is no fee for timbering in our fee schedule. Mr. Pompo brought in an example from East Bradford Township's fee schedule including a timbering permit fee of \$100.00 plus a \$500.00 escrow deposit.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to update the Sadsbury Township fee schedule to include an update for Timber Harvesting. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated he will have a resolution ready to update the fee schedule at next month's meeting.

Mr. Pompo stated the Noise Ordinance was adopted in 1999, way before Keystone Helicopter came to the Township. Ordinance 1999-03 had an amendment to the Ordinance to exempt airplanes and helicopters at a properly licensed airport. Keystone was not a licensed airport and neither is Sikorsky. The legal counsel for Keystone Helicopter petitioned the Board at that time to amend the ordinance that it would not apply to heliports. That request was denied. A noise mitigation study was done by Keystone and it was determined they were non-compliant in some areas. A plan was put in place to control the noise in the area. Mr. Pompo stated it does not appear the current owners are abiding by the past agreement plan that was put in place in violation of the Noise Ordinance. Mr. Pompo feels the Noise Ordinance of 1999-03 is the way to go. In 1999 the noise enforcement officer was Amblic Environmental Limited. Mr. MacCombie will find out if the company is still qualified to do the work. Vicky Horan asked if it can be requested from Sikorsky for their actual time of run-ups and the duration. Mr. Lymberis asked if the goal is to bring them into compliance. Mr. Pompo stated that is the goal. Mr. Greenfield stated he is not anti-Sikorsky, he would just like

to have some peace and quiet on week-ends. Ms. Bankert stated that starting with the Noise Ordinance is something and the Township was supposed to put a contact person from Sikorsky on the web page and there is nothing there as of yet. Since the Township has no contact person, Mr. Greenfield asked Mr. Pompo to get in touch with Sikorsky to give us a contact person. Mr. Taylor asked Mr. Pompo to invite Sikorsky to come to a meeting to discuss issues and not make a big presentation like the last time.

**Township Planning Commission Report:** Mr. Greenfield reported that the Planning Commission met on Wednesday, April 15, 2015 at 7:00 p.m. All members were present. Ms. Kaitlin Miceli of Riley Riper came before the Commission regarding the CVS-Phase 1 Land Development Plan. Nothing has changed on the plan that was previously presented and she has come to ask for a recommendation for a preliminary/final approval. Ms. Heineman made a motion, seconded by Mr. Yen, to recommend to the Board of Supervisors to grant preliminary/final Land Development approval to CVS-Phase 1 contingent on compliance with the issues in Jamie MacCombie's letter of January 15, 2015 and also contingent that all waivers requested be approved. With no questions, the motion passed. With no further business the meeting was adjourned.

**Township Zoning Report:** Mr. MacCombie reported that during the month of April the zoning requests were for a sign, 2 fence requests, shed, deck, and a storage facility on Old Mill Road that was turned down. Ethermore was sent to the Zoning Hearing Board for a building expansion on a steep slope. Mr. Taylor stated that PJ's Deli has money in escrow and would like to have it returned. Mr. MacCombie stated that would be an issue for Courtney.

**Chester County Airport Update:** No Report

### **Payment of Invoices:**

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay the April General Fund invoices in the amount of \$99,686.88. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to pay the April Sanitary Sewer Fund invoices in the amount of \$74,912.59. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

### **Old Business:**

Alyson Zarro representing Summit Realty Advisors in regard to Phase 1-CVS asking for preliminary/final Land Development approval. Ms. Zarro stated that they received a recommendation from the Planning Commission for approval. There are a few waivers

requested including a waiver for the height of the light poles at 25' rather than 20' in section 426E7 of the Saldo. The next waiver is section 427F1 of the Saldo related to trees and shrubs. The landscaping is healthy but can't fit all trees on site and would like to switch shrubs for trees. Section 425H5A of Saldo requesting waiver of 10' of landscaping at parking area as the sidewalk goes right up to the building. Ms. Silvernail asked why the height of the light poles? Ms. Zarro answered that it is more efficient lighting and it does comply with the light standards.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to grant Preliminary/Final approval contingent on the conditions of the MacCombie letter dated January 2015, the Conditional Use land development modifications, waiver of light poles from 20' to 25', section 427FI of SALDO amending the landscaping, section 425H5A of the SALDO concerning landscaping in a parking area, plus submittal of Developers Agreement, Storm Water Management, Penn Dot agreement, and Storm Water Maintenance Planning waiver for holding tank. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

### **New Business:**

Mr. Keith Gabage, Senior Manager of Business Development with Pennsylvania American Water Company presented the Board with a power point presentation on the operations of Pennsylvania American Water Company. Mr. Gabage asked the Board to consider letting PAWC purchase the Township sanitary sewer system. The procedure would be for the Township to consult their Solicitor and gather information to come up with a purchase price and other issues. Pennsylvania American would do the rest of the procedure of filing with the Pennsylvania Public Utility Commission. Mr. Gabage stated this would eliminate the Township from maintaining the pump station and from doing sewer billing. Ms. Horan asked who approached who? Mr. Gabage stated he approached the Township because PAWC is always looking to grow and reinvest in systems. Ms. Horan asked if someone was not tied into the sewer system, would PAWC require they do so. Mr. Pompo stated that it is mandatory where the Township has invested in the infrastructure in the sewer district. Mr. Gabage stated that the connection ordinance from the Township would be abided to. Mr. Gabage stated there needs to be more study and information to make sure that a purchase would work.

Ms. Silvernail stated that Philp Mumford has requested to have the funds returned to him from the cancellation of his application to the Zoning Hearing Board. Mr. Mumford informed the Board that he will reapply to the Zoning Hearing Board.

Ms. Silvernail stated that the Township has received requests for a waiver of late fees and Admin fees from a resident for nonpayment of the 2014 trash fee. Ms. Silvernail stated the policy is not to waver from the Ordinance and there will be no waver granted.

Ms. Silvernail stated that the Board of Supervisors will be presenting a Certificate of Appreciation to Mae McGuigan on May 16, 2015 at Bert Reel Park to acknowledge her twenty five (25) years of service as Chair of the Sadsbury Township Historical Society.

Courtney Sarbaum is working on the certificate. Ms. Silvernail stated that if you want to know anything about the history of Sadsbury, Mae can tell you anything you want to know. The Historical Society meets at the Township Building on the first Monday of the month. Mr. Taylor stated that Ms. McGuigan is a hard charger in her 90's.

### **Public Comment**

Mr. Taylor wants to thank all the people who helped clean up Old Wilmington Road today.

Mr. Pompo wanted to know the Board's position on Ethernore who is seeking a relief from the Zoning Hearing Board to expand out the back of their building 5,000 square feet on steep slope. They must file a Land Development plan if they get relief. They must go through Zoning and the Planning Commission.

Mr. Simon Jesse stated that this place of business has trash pick-up at 4:00 in the morning and the noise at that time is disturbing. Ms. Silvernail directed the Zoning Officer to see if the trash collection can be moved to the other side of the building. Mr. Pompo told Mr. Jesse that according to the Noise Ordinance, he can make a complaint to the Township about the noise becoming a nuisance. The Zoning Officer can then take a look at the situation.

Michael Sweet of 917 Old Wilmington Road wants to know how to get rid of a television. Mr. Pompo related that the County could not find a recycler to take electronics this year. Mr. Sweet also stated that the buffer between his property and the Sadsbury Park Development is full of weeds and potholes. The storm run-off is draining onto his property, and no one will return his calls. He would like to know if the Township would get involved. Mr. MacCombie stated he will have Herb MacCombie look at the situation. Ms. Silvernail directed Mr. MacCombie to give Mr. Sweet a report.

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