

Board of Supervisors Regular Meeting Tuesday October 2, 2012

A regular meeting of the Board of Supervisors was conducted on Tuesday, October 2, 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 the board met in Executive Session on October 2, 2012 at 6:00 p.m. to discuss legal 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 Ms. Horan, 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 that for the month of September, 2012 the police patrolled 4,361 miles and handled 134 complaints from the public for: 7 thefts, 4 suspicious persons/conditions, 2-911 hang-ups, 17 alarms, 6 domestics, 6 accidents, 6 disturbances, 11 assist to other departments, 1 harassment, 3 criminal mischief, and 4 animal. There were 7 parking tickets issued for the month and 18 traffic citations. There were 11 criminal arrests for : Disorderly conduct 7, assault 3 and harassment 1. Patrol activities included: 28 traffic checks and 298 property checks.

Chief Groce stated the firearms policy is ready for the Board of Supervisors review. Ms. Silvernail stated the police vehicles are now going to be equipped with gun racks on adoption of the firearms policy.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to purchase four (4) Pro-Guard G5000UT-series partition-mount gun racks from Metropolitan Communications, Inc. for the total cost of \$1,640.00 including installation. 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 set the date and time for "Trick or Treat" to be Wednesday October 31, 2012 from 6:00 p.m. to 8:00 p.m., with the age limit to be 12 and under. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Engineer Report: Mr. MacCombie reported that the 2012 resurfacing and street improvements to Compass Road and Fredrick Drive have been completed.

Mr. MacCombie stated he has a request for payment for Lyons & Hohl for the 2012 Resurfacing and Street Improvements to Compass Road and Frederick Drive in the amount of \$9,975.00 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve payment for Lyons & Hohl for the 2012 Resurfacing and Street Improvement to Compass Road and Frederick Drive in the amount of \$9,975.00 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 a request for payment for Asphalt Maintenance Solutions, LLC for the 2012 Resurfacing and Street Improvements to Compass Road and Frederick Drive in the amount of \$38,577.00 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve payment for Asphalt Maintenance Solutions, LLC for the 2012 Resurfacing and Street Improvements to Compass Road and Frederick Drive in the amount of \$38,577.00 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 for Aerzen USA to reimburse the Township in the amount of \$645.00 for the Board's approval.

Ms. Silvernail recused herself and turned the motion over to Ms. Horan. Ms. Horan made a motion, seconded by Mr. Greenfield, to approve an Engineering Escrow release for Aerzen USA to reimburse the Township in the amount of \$645.00 per Mr. MacCombie's recommendation. With there being no questions from the public, Ms. Horan and Mr. Greenfield voting "aye", and Ms. Silvernail abstaining, the motion passed.

Mr. MacCombie stated he has a certificate of release of funds from working account letter of credit reduction from Sadsbury Commons, Medical Office Development-Phase 1B in the amount of \$26,375.77 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve a certificate of release of funds from working account letter of credit reduction from Sadsbury Commons, Medical Office Development-Phase 1B in the amount of \$26,375.77 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 to reimburse the Township from Sadsbury Commons-Phase 1A in the amount of \$118.75 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineer Escrow release of funds to reimburse the Township from Sadsbury Commons-Phase 1A in the

amount of \$118.75 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 to reimburse the Township from Sadsbury Commons-Phase 1B, Lancaster General Hospital Medical Office Building in the amount of \$820.00 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineering Escrow release of funds to reimburse the Township from Sadsbury Commons-Phase 1B, Lancaster General Hospital Medical Office Building in the amount of \$820.00 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 to reimburse the Township from Sadsbury Commons-Phase 1B in the amount of \$118.75 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve an Engineering Escrow release of funds to reimburse the Township for Sadsbury Commons-Phase 1B in the amount of \$118.75 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 to reimburse the Township from Sadsbury Arcadia Associates, L.P., Sadsbury Park Phase 2A in the amount of \$33.75 for the Board's approval.

Ms. Silvernail made a motion, seconded by Ms. Horan, to approve an Engineer Escrow release of funds to reimburse the Township from Sadsbury Arcadia Associates, L.P., Sadsbury Park Phase 2A in the amount of \$33.75 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 to reimburse the Township from Sadsbury Arcadia Associates, L.P., Sadsbury Park Phase 4C in the amount of \$400.00 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve an Engineer Escrow release of funds to reimburse the Township for Sadsbury Arcadia Associates, L.P., Sadsbury Park Phase 4C in the amount of \$400.00 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Solicitor Report: Mr. Pompo has explained that the Commonwealth of Pennsylvania (National Guard/Stryker Brigade) has presented the Board with a Settlement Agreement to allow bills for engineering and legal services rendered prior to the execution of the Developers Agreement to be paid. The Developers Agreement

was signed on April 3, 2012. The Department of General Services is unable to make payment for services performed before the date of execution. The Settlement Agreement will allow these payments to be made to the Township for the services.

Mr. Pompo noted there is a charge of \$52.50 dated May 8, 2012 that was not included in the payment amount of \$8,275.02. There were two invoices dated for May 8, 2012 and only one was included in the Settlement Agreement.

Ms. Silvernail stated the amount of the May 8, 2012 invoice should be included in the Settlement Agreement and instructed Mr. Pompo to include this amount in his correspondence with the Department of General Services.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to accept the Settlement Agreement from the Department of General Services for the National Guard/Stryker Brigade to pay engineering and legal bills to the Township in the amount of \$8,275.02 and also include the May 8, 2012 invoice of \$52.50 which would make the total due \$8,327.52. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated that in 2011 the Township was asked by the Chester County Airport Authority to participate in an Airport Hazard Zoning Ordinance. Mr. Pompo stated Sadsbury Township does have an Airport Hazard Zoning Ordinance in place. Mr. David Malman, Esquire, representing the Chester County Area Airport Authority Airport Hazard Zoning Ordinance Grant stated they have until next April to adopt, upgrade, or prove that municipalities do have an Airport Hazard Zoning Ordinance in place. The grant includes \$2,000 for each municipality impacted to review their Ordinance. Mr. Malman, stated he will e-mail some possible dates to schedule a meeting on the Airport Hazard Area Zoning Grant obtained by the Airport Authority. Ms. Silvernail stated the Supervisors will compare the Airport Hazard Zoning Ordinance to the Sadsbury Township Airport Hazard Zoning Ordinance and could possibly have to change some wording.

Ms. Silvernail made a motion, seconded by Ms. Horan, to appoint Mr. Greenfield to attend meetings of the Chester County Area Airport Authority Airport Hazard Zoning Ordinance Grant with Ms. Silvernail being the alternate. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated that a small portion of Rockdale Drive is located in Sadsbury Township with the majority of the road located in Valley Township. Valley Township would like Sadsbury Township to dedicate Rockdale Drive to them. Mr. Pompo stated that Valley Township holds all financial security and Valley is prepared to adopt Rockdale Drive and assume all maintenance. This will be discussed at the Board of Supervisors meeting for Valley Township on October 16, 2012.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to adopt Resolution 2012-07 Deed of Dedication of Rockdale Drive to Valley Township subject to the Board of Supervisors meeting on October 16, 2012 and second condition contingent on Valley Township agreement on maintaining Rockdale Drive from here to perpetuity. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo asked the Board's permission to advertise the Ordinance to vacate former location of relocated Rockdale Drive.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, giving Mr. Pompo Permission to advertise an Ordinance to vacate former location of relocated Rockdale Drive in time for the November Board of Supervisors meeting to vote. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Planning Commission Report: Mr. Greenfield reported the meeting for September was cancelled due to no business.

Township Zoning Report: Mr. MacCombie stated he has nothing to report on zoning issues. Mr. MacCombie stated that the owners of the Stottsville Inn have been in contact with his office about what can be done to reduce the number of EDU's owned by the Inn. Mr. MacCombie reported that in the beginning when the Stottsville Inn was owned by Mr. Carr, the intention was to have 10 rooms upstairs to rent; which resulted in the need for 13 EDUs. The fees were paid and the connections were made. The new owners say they do not need or utilize the 13 EDUs. Mr. Pompo stated the policy relative to a situation as this, is that the Township does not buy back EDUs and clearly there is no refund. In the event EDUs are relinquished and are needed back in the future, they would need to be purchased again at the prevailing rate. Mr. MacCombie stated the flows are down, but the inn still has 10 rooms. Ms. Silvernail asked how often the flows are monitored? Mr. MacCombie will meet with the owners to determine their EDU usage. Mr. MacCombie stated if the EDUs are relinquished, the bill will be reduced going forward but no credit will be given on late bills not paid.

Township Park Committee Report: Ms. Horan reported the Road Crew has not painted the swing frame as of yet. The swings ordered have been delivered and a new light has been approved for the park.

Pomeroy Fire Company Report: Mr. Taylor reported that there were a total of 8 calls for the month of September: 1 assist EMS, 5 automatic fire alarms, 1 building, and 1 auto accident. There were a total of 8 assists to other departments: West Sadsbury 4, and Sadsbury 4. Time in service was 4 hours and 13 minutes and 18.62 man hours. Mr. Taylor reported that the Pomeroy Fire Company EMS took 97 calls for the month of September: Pomeroy ran 56 calls and Parkesburg ran 41 calls.

Sadsbury Fire Company Report: No report.

Emergency Management Coordinator Report: Mr. Taylor reported he E-mailed the representative at CTDI on why they do not evacuate during fire alarms when there are definite issues present. He asked what the policy was for emergencies, and received no real response. Mr. Taylor reported he completed additional studies for advanced certification per the county, but still has more to do.

Chester County Airport Update: Mr. Roberts reported the Chester County Airport will hold its 50th Anniversary on October 6, 2012. Mr. Roberts stated the airplane hangar has been converted to a WWII Canteen for a dance. There will be an open house from 9:00 a.m. to 5:00 p.m. with free admission and parking. You can visit with local pilots and have an airplane ride from 9:00 a.m. to 6:00 p.m. Tickets for the dance are available at the Chester County Airport.

Payment of Invoices:

Ms. Silvernail made a motion, seconded by Ms. Horan, to pay the September invoices in the amount of \$88,458.20. 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 September sanitary sewer invoices in the amount of \$43,326.53. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

New Business:

Mr. George Thomas, Field Operations Supervisor, from Pennsylvania American Water Company stated he is requesting a waiver from the Township on restoring Washington Lane due to installation of public water at 46 Washington Lane due to the failure of the resident’s well. Mr. Thomas stated they cut a 3x2 patch in the road and the Ordinance would require they mill and overlay 200 feet of the roadway. Mr. Thomas would like to only do a patch. Mr. MacCombie stated that Pennsylvania American Water Company worked with the Township when the sewer was being put in the Heights area by asking the neighbors if they wanted public water. Not all the residents wanted public water and Mr. MacCombie stated that since the roads were open at that time, he suggested that Pennsylvania American put in connectors at each property so the roads would not have to be cut at a later time. Mr. MacCombie stated that Pennsylvania American chose not to do this. Ms. Silvernail stated she has not seen the area of the road but will go to Washington Lane and have a look. Mr. MacCombie stated he will look at the patch and see what needs to be done. Ms. Silvernail tabled the request until the next meeting.

Mr. Thomas stated that on Stove Pipe Hill Road there was a water main break or settlement from installation of water and sewer in the area. Mr. Thomas stated Pennsylvania American will mill down and pave the full width and repair the road according to the Township Ordinance.

Mr. John Jaros came before the Board to discuss the Application to the Zoning Hearing Board for Special Exception for Bulldog Construction at lot 5 consisting of 20 acres on Shamrock Lane for outdoor storage of equipment. Mr. MacCombie stated that the Conditional use process is the Zoning Officer's decision, not the Board of Supervisors. Mr. Pompo asked Ms. Silvernail if the Board had any issues with the Special Exception for Bulldog Construction on Shamrock Lane for outside storage. Ms. Silvernail stated excess storage and not to go beyond the approved area on the plan (fenced in area), and no renting or leasing to anyone else to store items.

Mr. Michael Moskel of Hilltop Drive stated he reinstalled shards of mirrored glass on his property after it was removed by the Township. Mr. Moskel stated the shards of glass are artwork along with bird houses, bird feeders, and a hedge row. Mr. Moskel stated that initially the mirror was in one piece 50 feet up his driveway and someone smashed it in his driveway. Ms. Silvernail stated that the mirrored glass cannot be placed in the Township right-of-way. If someone received an injury from the glass in the right-of-way, the Township could be sued for the injury. Ms. Silvernail warned the homeowner that if someone got hurt in his yard by the glass, his homeowners insurance may consider the glass an intentional act. Ms. Silvernail stated that if you have someone trespass on your property, the best thing to do is dial 911. Mr. Moskel stated he will review his artwork and make sure there is no danger. The Township will also follow up.

Ms. Silvernail announced that the Chester County Association of Township Officials (CCATO) is hosting a Fall Conference on November 8, 2012 at the Mendenhall Inn. Ms. Silvernail stated that the Supervisors annually attend this event and the cost for the meal is \$65.00 per person.

Ms. Silvernail made a motion, seconded by Ms. Horan for the Board of Supervisors and related guests to attend the Chester County Association of Township Officials (CATO) Fall Conference on November 8, 2012 at the Mendenhall Inn at a cost of \$65.00 per person. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail stated a member of the Board of Supervisors needs to appoint a member of the Board to act as liaison to the Fire Company Consolidation Committee.

Ms. Silvernail made a motion, seconded by Ms. Horan, to appoint Ms. Silvernail as liaison to the Fire Company Consolidation Committee and Mr. Greenfield as an alternate. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Public Comment:

Mr. Pompo stated he will attend the Zoning Hearing Board for Bulldog Construction Special Exception for outside storage if it pleases the Board.

Mr. Greenfield stated that at 12 midnight on Saturday, September 29, 2012, he called 911 about a disturbance at the Sadsburyville Fire Hall. Mr. Greenfield stated there was a party at the fire hall and half the party was in the parking lot. Mr. Greenfield asked Earl Taylor if the president of the fire company or an appointee is required to stay at the fire hall when it is rented out for a party or a function. Mr. Taylor stated that at Pomeroy fire hall, there is a member present at a function. Ms. Silvernail stated that a letter should be written to the President of the Sadsburyville Fire Company, Dave Reynolds, to have rentals monitored more closely at the fire hall.

Jackie Taylor stated there is a renter on North Street at the end of the street on the right hand side that is Section 8. The families renting this property have been destructive and unhealthy living. The lawn is never mowed and there are rats. Ms. Silvernail stated that the codes enforcer will be sent out to take a look for any violations. Ms. Taylor stated the place is being cleaned out so that it can be rented again.

A member of the Daryl Flings Towing Service stated that their service is available for commercial towing in Sadsbury Township.

Chief Groce asked Earl Taylor if the Pomeroy Fire Company would again help the police monitor the traffic light and the traffic on Route 30 for Halloween? Mr. Taylor agreed.

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

Respectfully Submitted,

Linda Shank
Assistant Secretary

