

## **Board of Supervisors Regular Meeting September 1, 2015**

A regular meeting of the Board of Supervisors was conducted on Tuesday, September 1, 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 of the previous meeting. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Police Report:** Chief Ranck reported that for the month of August, there were 4,914 miles patrolled within the Township and 205 calls for service were handled by the police. Criminal arrest for the month which does not include any pending criminal charges is bad checks and 2 disorderly conducts. The Police department is continuing to investigate 3 burglaries that occurred during the month of July including 2 burglaries and 2 attempted burglaries that occurred during the month of August. The police incidents for the month of August are as follows: 911 hang-up 1, accident other type 2, property damage crash 7, accident serious 1, alarm fire 2, alarm police 13, animal complaint 3, assist ambulance 26, assist fire department 1, assist to other police department 11, attempted burglary 2, bad checks 1, burglary 2, civil dispute 1, criminal mischief/vandalism 8, disabled vehicle 1, disturbance 2, domestic dispute 3, erratic driver 5, for police department information 8, harassment 1, harassing phone calls 1, keys locked (vehicle or house) 3, miscellaneous police nature 6, noise complaint 2, parking violation 1, phone assignment 24, repossession 1, report only (NIP incident) 3, suspicious condition 10, suspicious person 1, suspicious vehicle 4, theft 4, traffic general hazards 8, traffic stop 27, vacation check request 2, validations 1, and 6 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 August, the Public Works Department maintained Township owned properties, right-a-ways, buildings, signs, equipment, and our storm water drain system. A large amount of woody debris was removed from the right-a-way and chipped on a section of Compass Road. Line and curb painting was continued around handicapped areas and fire hydrants. There was also a need to assist the office staff with various tasks the entire month. On August 20, 2015 vandalism was discovered to the fence that surrounds the pumping station in Stottsville. The fence was cut from top to bottom and was temporarily repaired. A quote will be obtained for a permanent repair. In an effort to improve drainage on

Stovepipe Hill Road and North Street, Wexicon, Inc. has implemented a new system of drains and berms. The equipment hours were 11.5 and the equipment miles driven was 518.

**Emergency Management Coordinator Report:** Mr. Taylor stated he is still pushing for a Special Needs Registry. Mr. Taylor reported there is still an issue with the parking in the Sadsbury Park Community. There is no way to operate an emergency vehicle in the development. There will be a meeting with Eric Carlson and the homeowners association. Chief Gathercole stated that with all the vehicles parked in the street, the emergency vehicles had a hard time getting through.

**Keystone Valley Fire Department:** Chief Gathercole reported that for the month of August, the Keystone Valley Fire Department answered a total of 24 calls for: fire 6, rescue/medical assist 5, false alarm 3, fire police requests 5, and 4 carbon monoxide alarms. The response by municipality is as follows: Sadsbury Township 5, West Sadsbury Township 3, Highland Township 2, Parkesburg Borough 11, and Out of District 3. The average personnel response per call was 9 with a total of 205 personnel for combined response hours of 256.42. The average response time in-district was 5:49 and 6:00 for out of district. There were 5 trainings with 113 members attending for 234.00 hours combined training hours. The fire units traveled 2,015 miles using 351.9 gallons of fuel and the ambulance traveled 2,469 miles using 308.9 gallons of fuel. The EMS Division of Keystone Valley Fire Department answered a total of 88 calls for the month of August for: treated/transported BLS 19, treated/transported ALS 36, no service required 13, patient refusal 9, recalled enroute 3, recalled on-scene 2, lift assist-Public assist 4, dead at scene 1, and unfounded 1. The municipal breakdown: Parkesburg Borough 40, Sadsbury Township 23, West Sadsbury Township 10, Highland Township 4, Atglen Borough 2, Christiana Borough 5, West Fallowfield Township 1, Bart Township 1, Salisbury Township, Lancaster County 2.

**Sadsburyville Fire Company Report:** No Report

**Township Engineer Report:** Mr. MacCombie stated he has a Letter of Credit Certification of Completion for Sikorsky Helicopter Corporation in the Bellaire Business Center Hanger #3 for \$648,689.13 separated into two releases for \$583,820.20 and \$64,868.93 for the Board's approval.

Ms. Silvernail announced she would recuse herself from the vote.

Mr. Taylor made a motion, seconded by Mr. Greenfield to approve a Letter of Credit Certificate of Completion for Sikorsky Helicopter Corporation for Hanger #3 in the amount of \$648,689.13 divided into two separate releases in the amount of \$583,820.20 and \$64,868.93 per Mr. MacCombie's recommendation. With there being no questions from the public, Mr. Taylor and Mr. Greenfield voting "aye", the motion passed.

Mr. MacCombie stated he has a Letter of Credit Certificate of Completion reduction for 103 Independence Way, LLC, Morris Farm Lot 2, in the amount of \$77,148.90 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve a Letter of Credit Certification of Completion reduction for 103, Independence Way, LLC, Morris Farm Lot 2, in the amount of \$77,148.90 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 Lot 2 Morris Farm, 103 Independence Way, LLC in the amount of \$3,056.87 for the Board's approval.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to approve an Engineering Escrow release of funds for Lot 2 Morris Farm, 103 Independence Way, LLC in the amount of \$3,056.87 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 a release for Wexcon, Inc. for storm sewer repairs and modifications on Stovepipe Hill Road for \$20,254.50 which is 90% of the total release. Mr. MacCombie reported that Mrs. Sellers does not want the berm in front of her home and the inlet next to her garage is hideous. Mrs. Seller stated she has had water problems ever since the sewer was installed on North Street and she does not want the water to run into her yard. Mr. MacCombie stated that we haven't had much rain, but what we did have went into the inlet and not in her yard. Mr. MacCombie will meet with Mrs. Sellers on September 9<sup>th</sup>. Mr. Taylor stated the drain in front of his house is fixed.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to release \$20,254.50 or 90% of the storm sewer repairs and modifications for Stovepipe Hill Road certificate to Wexcon, Inc. 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 Skiles Road is in dire need of repair. There are 15 to 17 potholes and the concrete storm drain has collapsed which could cost up to \$15,000 to repair. Ms. Silvernail stated that this would be discussed at the next budget meeting, but the Public Works Department can fix the pot holes and sink hole temporarily.

Donald Haas, from Bogia Engineering, Inc. came before the Board of Supervisors asking for permission to use a portion of Leike Road in the Township as a detour route through the Township for a sewer main replacement project that will be done in Parkesburg. Pennsylvania American Water Company is in the process of obtaining permits to replace the sewer and water main along Main Street in Parkesburg. Main St will have to be temporarily closed to truck traffic making deliveries to business on Main Street, if deliveries cannot be done before 9:00 am or after 3:00 pm. The only

restriction is truck traffic, due to height clearance and weight restrictions. The restrictions for truck traffic will only be from 9:00 am to 3:00 pm. There is no start date for the project as of yet and Penn DOT is requiring the detour. Ms. Silvernail stated that this is not good timing with the Route 41 project being done at this time and detouring traffic through Sadsbury Township. There is a concern for damage or deterioration of Leike Road. Mr. MacCombie suggested to video tape the road before the detour. Mr. Haas stated that West Sadsbury has already agreed for traffic detour through their Township. Mr. MacCombie wants to get more information from Pennsylvania American and the Board will wait until the October Board of Supervisors Meeting to vote on the detour.

Mr. MacCombie stated the Sadsbury Village Enhancement Project will go out to bid in October and construction will start in the spring of 2016. Penn Dot will install the handicapped ramps, and this will be a burden off the Township.

Ms. Silvernail stated the Township has received a request from Tyler Codi of 317 Old Mill Road asking for permission to hire MacCombie Engineering to file for an exception to FEMA to purchase flood insurance for his property. Mr. MacCombie stated that his firm does do this kind of work, but would need permission from the Township to do private work for a resident since he is the Township Engineer.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to allow Mr. MacCombie's office help Mr. Codi file an exception to FEMA to purchase flood insurance for his property. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Solicitor Report:** Mr. Pompo stated that when the Township Zoning Ordinance was updated in 2010, an error was made. The original Ordinance pertaining to reserved parking, and not the 2003 amended Ordinance was put in the update. The Ordinance needs to be amended from requiring a Zoning exception before the Zoning Hearing Board to a Conditional Use before the Board of Supervisors. Aerzen, USA has applied for a Conditional Use Hearing to amend their Decision and Order for reserved parking. Mr. Pompo recommends the Board allow the advertisement of the Zoning Amendment to be approved at the October Board of Supervisors Meeting. Ms. Silvernail recused herself from the vote.

Mr. Taylor made a motion, seconded by Mr. Greenfield, to allow Mr. Pompo to advertise the Zoning Amendment pertaining to allow a reduction of parking spaces by Conditional Use rather than Special Exception. With there being no questions from the public, Mr. Taylor and Mr. Greenfield voting "aye", the motion passed.

Mr. Pompo stated a hearing date for Aerzen, USA needs to be set for their Conditional Use Application.

Mr. Taylor made a motion, seconded by Mr. Greenfield, to set the hearing date of October 6, 2015 for the Conditional Use Application for Aerzen, USA to amend the 2005 Decision and Order to hold 32 parking spaces in reserve. With there being no questions from the public, Mr. Taylor and Mr. Greenfield voting "aye", the motion passed.

**Township Planning Commission Report:** Mr. Greenfield reported that the Planning Commission met on August 12, 2015 at 7:00 p.m. The meeting minutes from the July meeting were approved. Joe Russella came before the Planning Commission asking for a recommendation for approval of the final plans for the Ethermore Project at 12A Bellaire Business Center. Mr. Russella stated they can comply with all the conditions set forth in the July 27, 2015 letter from Jamie MacCombie. Partial relief is being sought for the Landscaping Ordinance. The Planning Commission recommended to the Board of Supervisors to approve the final plan of Ethermore & Associates contingent on compliance with the July 27, 2015 letter from Jamie MacCombie and approval of the Storm Water Management Plan. Also acceptance of the waiver of the Landscape Plan. The Parks, Recreation and Open Space plan was reviewed and accepted. With no further business the meeting was adjourned.

**Township Zoning Report:** Mr. MacCombie reported that zoning was approved on 3 decks, 1 fence, and a calf barn. The Compass Road complaint has been resolved and the Belvedere fencing issues may be resolved. Mr. Walker e-mailed Mr. MacCombie's office stating he is almost in compliance. Certified and regular letters sent out to 1936 Valley Road concerning unregistered vehicles have been returned. This issue is not resolved. A complaint was received about 33 Lincoln Avenue having chickens.

**Chester County Airport Update:** Mr. Roberts reported there was no meeting but the Fall Festival is scheduled for October 3, 2015.

### **Payment of Invoices**

Ms. Silvernail made a motion, seconded by Mr. Taylor; to pay the August General Fund invoices, including payroll in the amount of \$176,773.01. 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 August Sanitary Sewer Fund invoices in the amount of \$49,300.74. With there being no questions from the public, the Board voting, "aye", the motion passed unanimously.

### **New Business:**

Kaitlin Miceli from Riley Riper Hollin & Colagreco, representing CVS came before the Board asking for approval of the Penn DOT Right of Way Storm water Management Facilities Operation Maintenance and Endowment Agreement. Mr. Pompo reported that

he has worked on this with Penn DOT and it is the same form of agreement signed with Lafayette Square years ago. The agreement states the Township shall have no responsibility for the construction, maintenance, repair, or relocation of the storm water collection facilities which are proposed to be constructed on the property that are located outside of Penn DOT right-of-way. The maintenance and repair of the on-site Storm water Collection Facilities are the sole responsibility of the owner of the property on which they are located. By executing this agreement, the Township in no way assumes or accepts maintenance responsibility for the on-site Storm water Collection Facilities.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve the Penn DOT Right-of Way Storm water Management Facilities Operation, Maintenance, and Endowment Agreement regarding the underground storm water facilities within the Penn DOT right-of-way for the Summit Realty CVS Project. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Joe Russella, representing Ethermore (Nathan Trotter) came before the Board seeking Preliminary/Final Land Development approval and a landscaping waiver. Mr. Russella stated he received a clean letter from Jamie MacCombie dated August 31, 2015. Mr. Russella stated they complied with the Landscaping Plan when the building was built in 2006 and it should be significant amount of landscaping. The landscape in place has grown nicely. Trees will be taken from the area of the expansion and planted along the street front at a cost of \$950.00 per tree to move. The Planning Commission did recommend a waiver of the landscaping requirements. Mr. Russella is asking for a waiver request of section 427.FI of the Landscaping requirements. Mr. Russella stated that an Industrial Park requires too much landscaping and he would have to plant over 100 trees to comply with the Ordinance. He doesn't feel they should have to contribute any additional money since they are moving and transplanting mature trees. Mr. Pompo stated the additional cost of transplanting the trees should be submitted to Mr. MacCombie's office to recalculate the fee of \$24,875.00. Mr. Russella disagrees with the traffic impact fee of 4 peak hour trips at \$2,130.00 per trip. According to their traffic study there were not any additional peak trips. Mr. Russella is requesting not to be subject to the Act 209 Traffic Impact Fee. The Board will send the request to the Township Traffic consultant and let them determine the Act 209 fee. Mr. MacCombie will have that amount for next month. Mr. Russella asked what is the fee- in- lieu of for open space based on. Ms. Silvernail stated the intent of the Ordinance is if an applicant did not provide open space for their project, they would pay a fee-in-lieu of. Mr. Russella stated that when the Board has specific amounts for landscaping and the Act 209 Traffic Impact Fee he will comply with them. The Board agreed to have these numbers and Mr. Russella will come back to the Board in October. Mr. Taylor stated the Knox Box issue is settled.

## **Public Comment**

Mr. Simon Jesse of Sadsbury Park said that the Homeowners Association and the Management Company for Sadsbury Park are encouraging parking on North and South Harner Boulevard and Fox Trail to slow down traffic

Mr. Taylor stated it is very difficult to get emergency vehicles through the streets in Sadsbury Park. He has a meeting with Eric Carlson, a builder at Sadsbury Park.

With there being no further business, Ms. Silvernail made a motion, seconded by Mr. Taylor 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