

Board of Supervisors Regular Meeting October 6, 2015

A regular meeting of the Board of Supervisors was conducted on Tuesday, October 6, 2015 commencing at 7:00 p.m. Chairwoman, Ms. Silvernail called the meeting to order. Present were Supervisors Mr. Taylor and Mr. Greenfield, 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 September 22, 2015 at 12:00.

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. 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.

Because Ms. Silvernail had to recuse herself from the proceedings due to a business relationship with Aerzen, USA, Mr. Taylor made a motion, seconded by Mr. Greenfield, to temporarily adjourn the business meeting to conduct two public hearings. With there being no questions from the public, Mr. Taylor and Mr. Greenfield voting "aye", the motion passed.

The first hearing was a public hearing on Zoning Ordinance amendment to allow for reserved parking by Conditional Use rather than Special Exception. The second hearing was a Conditional Use Hearing for the application of Aerzen USA to allow for reserved parking to hold 32 parking spaces in reserve and to amend the 2005 Decision and Order in order to do so.

Both of the transcripts of the hearings were recorded by a court stenographer.

Mr. Taylor made a motion, seconded by Mr. Greenfield, to close the public hearing. With there being no questions from the public, Mr. Taylor and Mr. Greenfield voting "aye", the motion passed.

Mr. Taylor made a motion, seconded by Mr. Greenfield, to resume the regular meeting. With there being no questions from the public, Mr. Taylor and Mr. Greenfield voting "aye", the motion passed.

Mr. Taylor made a motion, seconded by Mr. Greenfield, to adopt Ordinance 2015-02, an Ordinance amending the Sadsbury Township Zoning Ordinance, Ordinance #2010-04, as amended, section 1305.C.3 pertaining to off street parking by allowing 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.

Township Police Report: Chief Ranck reported that for the month of September, there were 4,681 miles patrolled within the Township and 187 calls for service were handled by the police for: 911 hang-up 1, vehicle crash with injuries 1, property damage crash 9, alarm fire 1, alarm police 7, animal complaint 2, assault with injuries 1, assist ambulance 27, assist to other police department 5, civil dispute 3, disabled vehicle 2, disturbance 5, domestic disturbance 7, erratic driver 11, escort person or money 1, for police information only 10, fraud 1, harassment 1, harassing phone calls 1, lost property 1, miscellaneous police nature 1, noise complaint 1, Township park check 1, phone assignment 25, report only (NIP incident) 8, suspicious conditions 7, suspicious person 1, suspicious vehicle 5, theft 4, theft from vehicle 1, traffic general hazards 3, trespasser 1, traffic stop 29, and 2 well-being checks.

Chief Ranck reported to the Board that the discussions with West Sadsbury Police Department to determine if there is an interest in a future consolidation of both police departments is on-going and he will keep the Board of Supervisors informed on the matter.

A discussion was held on a letter that was addressed to the Board about cut through/speeding traffic on Ramsey Alley. Chief Ranck will monitor the traffic speed on the alley, and consider posting a 25 mph speed limit sign.

Township Public Works Report: Mr. Taylor gave the Public Works report prepared by Mr. Simmons, the Public Works Foreman. For the month of September, the Public Works Department maintained the Township owned properties, right-a-ways, buildings, signs, equipment, and our storm drain system. All potholes on Skiles Road have been cleaned out and filled with a top coat hot patch material. Pot holes were also filled on Old Mill Road using a cold patch material. An area within the salt bin was hot patched in an effort to make loading trucks with the loader easier. Due to multiple heavy rains that have occurred this month, storm drains and pipes have been checked and cleared frequently. All three of the trucks, the 1988 International Dump Truck, 2006 Ford F250 and the 2009 Ford F550 have been inspected and have begun being prepared for this coming winters plowing and deicing tasks. Some minor assistance to the Township Office staff was still needed for the month of September. Equipment hours were 1.2 and vehicle miles was 841. Mr. Taylor reported that the John Deere is going bad. The starter costs \$600.00, but special equipment is needed to get to it, which would bring the cost to \$1,200 to fix the loader. Ms. Silvernail suggested that Mr. Taylor get a estimate in writing from John Deere and bring it to the next budget meeting on October 28, 2015.

Emergency Management Coordinator Report: Mr. Taylor reported that he has been invited to a workshop for emergency personnel from Pennsylvania American Water Company.

Keystone Valley Fire Department: Mr. Klinger, Assistant Chief, reported that for the month of September, the Keystone Valley Fire Department answered a total of 21 calls for: fire 7, rescue/medical assist 7, false alarm 4, fire police requests 1. The response by municipality was as follows: Sadsbury Township 3, West Sadsbury Township 6, Highland Township 2, Parkesburg Borough 8, and 2 out of district. The average response by personnel per call was 8, with a total of 149 personnel for combined response hours 69.57. The average response time in-district was 5:50 and 6:00 out of district. There was zero dollar loss for the month of September. There were 4 trainings, 61 members attending for 177.50 hours combined training hours including special details. The fire units travelled 1,295 miles and used 240.6 gallons of fuel. The ambulance travelled 2,470 miles and used 237.8 gallons of fuel. Repairs totaled \$11,125.57, including ambulance \$51.72, Engine 8-1 \$5,961.61 and Engine 8-2 \$5,112.24. The Keystone Valley EMS Division answered a total of 93 calls for the month of September for: treated/transported BLS 34, treated/transported ALS 32, no service required 8, patient refusal 15, recalled enroute 2, recalled on scene 1, and unfunded 1. The municipal breakdown is as follows: Parkesburg borough 35, Sadsbury Township 27, West Sadsbury Township 20, Highland Township 7, Atglen Borough 1, Christiana Borough 1, City of Coatesville 1, and Valley Township 1.

Sadsburyville Fire Company Report: Mr. Grossman reported that for the month of September, the Sadsburyville Fire Company responded to 15 calls for: automatic fire alarm 1, 3 engine transfer, 4 house fires, 1 wires fire, 1 smoke/odor investigation, 2 assist EMS, 2 motor vehicle accidents, and 1 building fire. The municipal break-down is as follows: Sadsbury Township North 4, Sadsbury Township South 2, West Grove Borough 2, Valley Township 2, East Brandywine Township 1, Parkesburg Borough 1, City of Coatesville 1, South Coatesville Borough 1, and East Fallowfield Township 1. 97 miles were travelled with an average of 6.4 miles per call. The time in service was 8 hours and 24 minutes with an average of 33.6 minutes per call. The volunteer firefighters responding were 99 with an average of 7 per call. In district the average response time was 8 minutes. The combined firefighter training hours was 155 and the combined personnel fundraising hours were 135. During the month of September 1 firefighter was in advanced training and 1 firefighter in pumper driver/operator training in Chester County. Additionally 3 firefighters were in Lancaster taking hazardous materials awareness training. In the month of October, Sadsburyville Fire Company will be providing fire prevention education to the Upper Octorara Presbyterian and Little Jewels Preschool and the Kiddie Barn Daycare. In addition there will be a fire prevention open house at the Fire Station on First Avenue in Sadsburyville on October 17th, from 5:00 p.m. to 8:00 p.m. There will be fire apparatus on display, firefighting demonstrations and light snacks. This event is open to the public.

Township Engineer Report: Mr. MacCombie stated he has an Engineering Escrow release of funds for Lot #2 Morris Farm, 103 Independence Way, LLC in the amount of \$851.87 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 \$851.87 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported the metering manhole project has been completed by Veterans Construction. The release to them is in the amount of \$73,731.40, which is 90% of the bid. They are requesting an additional \$12,000 because the water was excessive and had to be pumped, and an additional \$10,000 because raising the manholes took larger equipment than anticipated. Mr. MacCombie is not recommending approval of these amounts. Ms. Silvernail stated they bid on the project and that is what they will be paid.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to pay Veteran Construction & Utility Services, Inc. \$73,731.40, which is 90% of the original bid to do work on the manholes at the Stottsville Pump Station, per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie recommends that the Township pay Wexcon, Inc. the remaining 10% of their bid for work on Stovepipe Hill Road. A resident on North Street will not let the contractor finish the project and is parking her car over the berm across her driveway, so it cannot be sealed. You can't penalize the contractor because a resident won't let them finish the project. Mr. Taylor will speak to her and try to get her to put in writing what she wants done to make it agreeable to her needs.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay Wexcon, Inc. the remaining amount of \$2,250.50, the final 10% for storm water repairs and modifications to Stovepipe Hill Road, per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated the MS4 Storm Water Program must be submitted to DEP on December 31, 2015. It has to be advertised to allow the public a 30 day comment period. There are 60 communities in Chester County and out of that, 50 communities have to respond to DEP. Mr. MacCombie stated Dave Porter will be attending the Planning Commission in October to report on the 537 Plan. Mr. MacCombie reported the Township received a letter from Justin Smith of 2877 Lincoln Highway asking for a refund of his connection fee of \$3,843.08, which he paid when his home was for sale. A condition of the sale was that the house was tied into public sewer. His home is not in the sewer district and he would have had to have easements through a neighbor's yard to reach a manhole that is in excess of five hundred feet away. He has since decided to stay in the home and not sell it. The septic system is not failing and he would request a

refund. Mr. MacCombie will look at the situation and write a letter back to the Board. Mr. MacCombie reported that the Western Sewer District modules require a resolution to be adopted by the Township before it can be sent to DEP.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to adopt Resolution 2015-06 for Sadsbury Commons Sewage Planning Modules for the Western Sewer District. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Solicitor Report: Mr. Pompo reported that last week there was a meeting with Lincoln Crest. Flow data from Lincoln Crest sewage meter was transmitted to Mr. MacCombie's office recording rainfall calculations to see if there were spikes in the flow during rainfall; and there are spikes. A new meter was installed at the Trailer Park because there were concerns with blockages in the meter. Mr. MacCombie could gain data on the meter and feels this is a better meter. Mr. MacCombie stated the Township needs data downloaded to measure the flow and whoever is maintaining the system needs to be out there more often. Mr. Pompo stated Lincoln Crest must present an updated remediation proposal of what to do to upgrade the system within 10 days. Mr. Pompo also stated that a sticking point in the talks with Lincoln Crest is that they pay none of the existing lien, interest, or penalty.

Mr. Pompo stated a date needs to be set for the continued Zoning Ordinance amendment and Conditional Use Hearing for Sadsbury Commons. The Board directed Mr. Pompo to advertise the Conditional Use Hearing for Sadsbury Commons Conditional Use Hearing for November 4, 2015.

Mr. Pompo stated the Village Enhancement Project has reversed its opinion on MacCombie Engineering to be the consultant for the project due to not having a particular certification. Another consultant will need to be picked for the project. Mr. Pompo stated that PennDOT guidelines stated the Township needed to adopt a resolution to appoint a committee to establish a ranking system for the Township to appoint a consultant. The number 1 choice was MacCombie Engineering. MacCombie Engineering was approved, and now that decision has been reversed. It has been run past Joe Banks from PennDOT to pick the #2 ranking consultant which is McCormick & Taylor. Mr. Pompo contacted the office of McCormick & Taylor to see if they were available and still interested. They will get back to Mr. Pompo with their availability. The procedure would be for the Township to make a motion to appoint #2 choice, it goes to Mr. Banks, who takes it to PennDOT, who sets approval. Ms. Silvernail stated that this has been the worst ordeal the Township has ever undertaken. We are at the point of no return, too much money has been invested in this project to stop it now. It has been going on for about 10 years.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to appoint the #2 choice, McCormick & Taylor Engineering to be the consultant on the Village Enhancement Project, replacing the #1 choice, MacCombie Engineering. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Township Planning Commission Report: Mr. Greenfield reported there was no meeting in September.

Township Zoning Report: Mr. MacCombie reported that the attorney for Stephen Stoltzfus has approached him because the Zoning Hearing Board turned down his request for a machine shop. He is challenging the wording of the Zoning Ordinance concerning Agriculture. His feeling is Agriculture should be treated differently. Mr. MacCombie will respond. Concerning the junk cars at 1936 Valley Road, one vehicle has been removed. The owner has a lease with the renters who were to be out by the end of September. He is going to court to get them evicted. The vehicles will then be removed. The chicken issue on Lincoln Avenue has been resolved. An anonymous letter was received by the Township from residents on Friendship Way and Settlers Path. It is the Township policy not to respond to anonymous complaints, but Mr. MacCombie will look into the complaint.

Chester County Airport Update: Mr. Roberts reported the Festival was cancelled last week due to the weather, and it will be held this Saturday.

Payment of Invoices

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to pay the September General Fund invoices in the amount of \$217,454.38. 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 September Sanitary Sewer invoices in the amount of \$106,608.53. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Old Business

Mr. Pompo stated that Joe Russella, representing Ethernore (Nathan Trotter) was here at the September meeting and was close to finalizing Land Development Plans. The agreements have been worked through for Landscaping, Stormwater, and Financial Security. A clean letter was received from Jamie MacCombie. The condition of approval item #2 has been revised to state that if the transplanted trees do not survive, the applicant or its successors or assigns shall provide two replacement trees for each tree that does not survive.

Ms. Silvernail made a motion, seconded by Mr. Taylor, to approve Preliminary/Final Land Development for Ethernore (Nathan Trotter). 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 approve Subdivision and Land Development Agreement, Financial Security Agreement, Storm Water Management Facilities Maintenance Agreement and Landscape Restrictive Covenant for Ethermore (Nathan Trotter). With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

New Business

Trick or Treat will be October 31, 2015 from 6:00pm to 8:00 pm for children aged 12 and under.

Ms. Silvernail stated the CCATO Fall Convention at the Mendenhall Inn will be on November 5, 2015.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, to approve members of the Board of Supervisors, Secretary, Engineers, and Building Code Officer to attend the CCATO Fall Convention at the Mendenhall Inn on November 5, 2015. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Ms. Silvernail stated a letter was received from a resident on Fox Trail, asking for relief on the sewer bill his tenant left without paying. He is asking for a reduction in the amount of usage to align with previous billings and to eliminate the 10% penalty. Mrs. Silvernail stated that this is a rental property and all the sewer billings have been sent to the owner of the property, so he knew the bill was not paid. It is the policy of the Township to give no relief or credit. The Township is a bulk user of Pennsylvania American Water and the amount of this bill has already been paid to them.

Ms. Silvernail made a motion, seconded by Mr. Greenfield, not to accept the proposal to reduce the invoices and eliminate the 10% penalty. The invoices are owed as stated. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Public Comment

Mr. Taylor will schedule a time to go through Sadsbury Park with emergency vehicles.

Mr. Jesse thanked the Township and Mr. Biloon for taking care of the noise pollution in the mornings.

Vicky Horan wanted to know if the Board would contemplate updating the Noise Ordinance to include noise from corporations such as Sikorsky. Ms. Silvernail will look into that. Mr. Taylor stated that the new manager at Sikorsky was supposed to be more neighbor friendly.

Vicky Horan wanted to know if the playground at Bert Reel Park was still a go. Mr. Taylor stated that Mr. Dilabbio has ordered the equipment and it could take up to 6 months for delivery.

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