

## **Board of Supervisors Regular Meeting, Tuesday, March 1, 2016**

A regular meeting of the Board of Supervisors was conducted on Tuesday, March 1, 2016 commencing at 7:00 p.m. Chairman Dale Hensel called the meeting to order. Present was Supervisors Mr. Taylor and Mr. Schuibbeo, Township Solicitor Mr. Pompo and Mr. O'Keefe, Township Engineer, Mr. MacCombie, Township Building/Zoning Officer Mr. Lowry, and members of the community.

Mr. Hensel announced the Board met in Executive Session on Thursday, February 11, 2016, Monday February 15, 2016, and Tuesday, March 1, 2016 before this evenings meeting.

A moment of silence and the Pledge of Allegiance were observed.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, 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.

Mr. Hensel 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.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to adjourn the regular meeting for continuance of Sadsbury Commons Conditional Use Hearing. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo reported the Conditional Use Hearing will be continued on May 3, 2016 at 7:00 p.m. at the Township Building.

**Township Police Report:** Chief Ranck reported the police patrolled 3,833 miles during the month of February and answered 184 calls for service as follows: vehicle crash with injuries 1, accident other type 1, property crash damage 7, alarm police 13, animal complaint 3, assist fire department 1, assist to other police department 9, burglary 1, civil dispute 3, criminal mischief/vandalism 1, disabled vehicle 3, disturbance 2, domestic dispute 2, driving under the influence 1, DUI related crash 1, erratic driver 3, for police department information 12, gas leak outside 1, keys locked (vehicle or house, etc.) 3, Keys (person child in vehicle) 1, medical emergency 26, miscellaneous police nature 25, missing person 1, noise complaint 4, parking violation 1, recovered property 1, repossession 1, report only (NIP incident) 3, Robbery 1, suspicious condition 7, traffic general hazards 9, traffic stop 28, warrant hit or service 1, and 6 well being checks. Chief Ranck stated that as the warmer weather approaches, several speed details have been scheduled for the month of March.

**Township Public Works Department:** Mr. Taylor read the Public Works report prepared by Mr. Simmons, Public Works Foreman. For the month of February, the Public Works Department spent a majority of time preparing and responding to three

separate winter weather events in which plowing operations were deployed and the treatment of roads with de-icing agents were used and one weather event involving heavy rain and flooding issues. All vehicles have a maintenance check before and after a weather event, such as check fluid levels, adjust tire chains, belts, hoses, wiring, hydraulic lines and connections, lights, tire pressure, work or damaged parts and many other various items. All equipment is washed that may have come in contact with salt to prevent corrosion. On the evening of February 23<sup>rd</sup> the Public Works responded to a fourth weather event which involved heavy rains causing serious flooding on every road in Sadsbury Township that intersects the Buck Run Creek. Roads impacted were Greenbelt Drive, Old Mill Road, Compass Road, Quaker Road, Octorara Road, and Skiles Road. Compass Road, Old Mill Road (north of Lincoln Highway) and Greenbelt Drive had to be barricaded and closed off completely to vehicular traffic at the height of the flooding. All the roads, with the exception of Greenbelt were closed for approximately 2 to 3 hours. Greenbelt was closed for approximately 10 hours. Immediately after the storm, mud, stones, rocks, and woody debris was removed from all the previously mentioned roads. Roads impacted only received minor damage in the form of erosion and undermining of road edges. The worst road was the one way portion of Old Mill Road. This portion of the roadway was considered to be in poor condition before the flooding occurred. Photographs and other documentation of damage were recorded and repairs have already begun by back filling road edges. All documentation regarding Winter Storm Jonas relating to labor, equipment and material loss have been submitted to the Chester County Department of Emergency Services on February 8, 2016 in hopes of reimbursement by FEMA. Sadsbury Township submitted a total claim of \$23,376.25. Chester County, in order to be eligible for reimbursement needed to reach 1.7 million dollars submitted in claims. Chester County exceeded this with a total of 3.5 million dollars submitted in claims. Another requirement for eligibility hinges on other Pennsylvania Counties meeting their thresholds as well as the State. Pennsylvania counties spent in excess of \$55 million in clean-up costs. On February 22, 2016, Governor Wolf has asked the President to declare a major disaster in Pennsylvania to reimburse municipalities in 31 counties. If the Governor's request is approved, counties can be reimbursed up to 75 per cent of the costs incurred on eligible expenses. The request is currently under review by FEMA and once a determination is made, FEMA will make an announcement. When the Department was not responding to weather events, 18 to 24 pot holes were filled on Skiles Road. The Department is also repairing a small collapsed area of roadway on Hill Top Lane. This area is located at the storm drain where Hill Top Drive and Greenbelt meet. This area collapsed during the flooding on February 23, 2016. Several road signs that were damaged over the past month have been repaired or replaced. Equipment hours: 26.1 and vehicle miles: 1,509.

Mr. Taylor reported that the Public Works Department received a letter from a resident of Wagontown, thanking them for getting him unstuck from a snow drift at Sadsbury Road on February 13<sup>th</sup>, and thanks to Robert Florian and an a resident on Limestone Road for allowing the Public Works to pile snow on their property.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to approve the following part-time employees who worked and were paid for snow removal in 2016: Davis Crum, Jared M. Dalmas, Robert Herzog, Danny LaBell, Christopher Loesch, Dexter Pascoe, and Earl Taylor. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Hensel stated the Public Works Garage was originally to be built out back of the Township Building. Mr. Taylor stated there is money earmarked for a garage by Arcadia. Mr. Pompo reported that the money is in a letter of credit for the construction of a garage. Originally the Township was to design a garage, but Arcadia would do the design, but take the fee out of the Letter of Credit. Mr. MacCombie stated that in his opinion, there is not enough money allocated by Arcadia, to build a garage. Mr. Hensel asked the Board if they would entertain getting the old Township Building appraised and selling it to help fund a new Township garage.

Mr. Hensel made a motion, seconded by Mr. Taylor, to have Mr. Lowry, Township Building and Zoning Officer get a proposal from an appraiser. With there being no question from the public, the Board voting "aye", the motion passed unanimously.

**Emergency Coordinator Report:** Mr. Taylor reported that the Chester County Department of Emergency Services is currently exploring options to provide Chester County Municipal Public Works departments with access to the County public safety radio system. This option would allow communications between municipal public works and responders, the 9-1-1 Communications Center, and the Chester County Emergency Operations Center. In the last blizzard many ambulances were getting stuck attempting to get to calls and sending a plow truck to assist on those calls proved invaluable. Currently there is not the capability via radio to talk directly to the Public Works staff. Through a Homeland Security funded grant program the County is looking to explore the purchase of mobile or portable radios for Chester County Municipal Public works department. Mr. Taylor stated the radios are not cheap and the purchasing will be done in phases and he would like to have 5 radios for the Township. These radios would not be for everyday use and only during times of emergencies or large scale incidents affecting Chester County. Mr. Taylor has several certifications to be placed into his files.

Mr. Taylor stated the County wants the Township to review its most recent Emergency Services Resolution which was done in 2013 and also encourages the Township adopt an Ordinance pertaining to the new Harris Digital Radio System, that went online January 4, 2016. Radio coverage inside buildings will be different than with the present EF Johnson radio system. Mr. Pompo will prepare an Ordinance for advertisement and adoption at the April 5<sup>th</sup> Board of Supervisors Meeting.

The Board instructed Mr. Pompo to review the last Ordinance, and advertise the new Ordinance to be adopted at the April meeting.

**Keystone Valley Fire Company Report:** Chief Gathercole reported that for the month of February the Keystone Valley Fire Department responded to 25 calls for: fire 6, rescue assist 10, fire only 2, false alarm 6, carbon monoxide incident 0, and relocate to cover another station 1. The response by Municipality is as follows: Sadsbury Township 3, West Sadsbury Township 10, Highland Township 1, Parkesburg Borough 6, and out of district 5. The average response per call was 10 with a total of 231 personnel for combined response hours of 165.41. The average response time in district was 5:30 and 6:29 out of district. There were 7 trainings with 64 members attending for 218.50 hours combined training hours. The Keystone Valley Fire Department EMS Division handled a total of 95 calls for: treated/transported BLS 21, treated/transported ALS 40, no service required 10, patient refusal 9, recalled enroute 4, recalled on scene 3, treated and transferred care 2, lift assist- public assist 1, dead at scene 1, treated and transferred to air medical 1, and unfounded 3. The break down by Municipality is as follows: Parkesburg Borough 28, Sadsbury Township 27, West Sadsbury Township 21, Highland Township 12, Christiana Borough 3, Atglen Borough 2, West Fallowfield Township 1, and Salisbury Township 1.

**Sadsburyville Fire Company Report:** Dave Reynolds reported that for the month of February the Sadsburyville Fire Company responded to 12 fire responses for: 2 building, 2 gas leak inside, 1 wires fire, 1 barn fire, 3 motor vehicle accidents, 2 automatic fire alarm, and 1 house fire. The response by municipality was as follows: Sadsbury Township North 6, Sadsbury Township South 0, West Caln Township 3, and Parkesburg Borough 3. Miles traveled were 64 with an average of 5.3 miles per call and the time in service was 5 hours and 53 minutes with an average of 29.4 minutes per call. The combined firefighter training hours was 250 and 100 hours of combined fundraising hours. Mr. Reynolds stated that Keystone Valley Fire Department is not representing Sadsbury Township as it should. He would like the Emergency Services Resolution rewritten to state Sadsburyville Fire Company can cover the whole Township and Keystone Valley should give mutual aid in the Township. Mr. Hensel stated the budget is already done for this year; bring it up at budget time next year. Mr. Hensel stated the Township covers the worker comp and liability insurance for Sadsburyville Fire Company and does not cover any expenses for Keystone Valley.

**Township Engineer Report:** Mr. MacCombie stated he has an Engineering Escrow release of funds for Lot # 2 Morris Farm 103 Independence Way in the amount of \$496.25 for the Board's approval.

Mr. Hensel made a motion, seconded by Mr. Taylor, to approve an Engineering Escrow release of funds for Lot #2 Morris Farm 103 Independence Way in the amount of \$496.25 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 Ethermore and Associates in the amount of \$153.12 for the Board's approval.

Mr. Hensel made a motion, seconded by Mr. Taylor, to approve an Engineering Escrow release of funds for Ethermore and Associates in the amount of \$153.12 per Mr. MacCombie's recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported there is a meeting of the Chester County Economic Council in Eagleview at 3:00 p.m. for reassessment of Washington Lane. He will attend the meeting. Mr. MacCombie reported he received a letter from FEMA dated February 24, 2016 in which FEMA is changing the flood maps and each community must adopt a new or amended floodplain ordinance that meets the NFIP (National Flood Insurance Program) minimum requirements or face possible suspension from the NFIP. It is up to the community to reach out to those citizens affected by the changes on the FIRM and inform them of the potential flood insurance implications. Mr. MacCombie reported the Octorara Road Bridge will cost approximately \$456,358 to repair and a whole new bridge would cost around \$300,000. Mr. Hensel directed Mr. MacCombie to give this information to our Accountant, Mr. Drozd for the budget. The Sadsbury Village Enhancement Project will soon go out to bid with a completion date of December 31, 2016.

Mr. MacCombie stated he has met with Ms. Sellers about drainage issues at her residence on North Street. Drainage and rain run-off on Stovepipe Hill Road is flooding her property. Ms. Seller's son, Jeff Sellers, feels the drainage issues are a result of how the road was constructed after the sewers were put in the Township. Mr. Sellers stated his mother has lived at her residence for 50 years and had no flooding issues. Now, a mild rain runs directly in her house causing thousands of dollars in damage. The water used to go to the east side of the house, now it comes down over the blacktop into the front door and through the yard making gutters. He stated that when the sewer was put in and they paved the road, they raised it causing the flooding. The stucco is coming off the house, drive way is tore up, and there is mud and water in the house, and probably mold now. He stated that during the rain, his 80 year old mother was outside trying to unplug the drain to stop the water coming into the house. Mr. MacCombie stated he met with Ms. Sellers about 3 times. She told the construction guys to stop, she did not want a curb over her driveway. Mr. Taylor stated he went to her house after the last rain, and it was a mess. Mr. MacCombie stated the road could be re-profiled to prevent rain going into her house. He needs direction from the Board on what to do. Mr. Hensel directed Mr. MacCombie to come back to the Board with costs and an alternative way to solve this, as he wants to have this problem fixed.

**Township Solicitor Report:** Mr. O'Keefe discussed with the Board the process of filling seats on the Zoning Hearing Board. The Township needs 1 member and 1 alternate. Mr. O'Keefe instructed the Board to take resumes for the positions and these positions would be appointed by resolution. It would be a good idea to put the information on the web page. Adopting a Park Resolution would mean appointing a Park Committee that would have monthly meetings, elect officers, and make recommendations to the Board of Supervisors for park matters.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo to adopt Resolution 2016-05, a Resolution of the Board of Supervisors of Sadsbury Township, Chester County creating a Parks and Recreation Committee. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Hensel stated he has received a contract for storage of Road Department equipment at Martins Corner Fire House.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to approve the contract for storage of the Road Department equipment. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo reported there is an on-going dispute with Lincoln Crest Trailer Park regarding sewer billings, infiltration and inflow into the Township sewer system. We thought we were close to resolving this issue and thought we had an agreement with the owner to correct their infiltration issues. They have reneged on the agreement to abide by billing by sewer readings and have failed to fix the infiltration, therefore, sad to report court litigation will commence with Lincoln Crest. Mr. Pompo stated that the one silver lining is the large payment made to the Township in February based on water meter reading and not sewer meter reading can on agreement with Lincoln Crest, be cashed with no obligation on the part of the Township. Mr. MacCombie stated a portable meter could be placed at the manhole to tell what flows are coming from Lincoln Crest. The meter could cost anywhere from \$6,000 to \$8,000. Mr. MacCombie will get firm pricing and discuss this with Mr. Drozd..

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to not extend any time to Lincoln Crest and enter court litigation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo stated the cell tower owner, American Tower would like the Township to consider extension of the lease for 5 year terms. There are 10 years left as it currently exists. They feel they don't have the ability to market it without longer lease time. Mr. Pompo will ask for a firm proposal and report back at the next Township meeting.

Mr. Pompo reported that the Sadsbury Village Enhancement Project needs to have a new contact as the past contact person is no longer with the Township.

Mr. Schuibbeo made a motion, seconded by Mr. Taylor, to appoint Dale Hensel as the official contact for the Village Enhancement Project. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

**Township Planning Commission Report:** Mr. Hensel reported that Ms. Heineman called the meeting to order. All members were present. Representatives from Aerzen, USA came before the Planning Commission to discuss and ask for preliminary plan approval for their 21,000 square foot building expansion of the assembly area and the administration offices and the addition of 87 parking spaces with 32 spaces in reserve.

A motion was made and seconded to recommend to the Board of Supervisors approval of the Preliminary Land Development Plan of Aerzen, USA with conditions. The Planning Commission was asked to review the changes that were made to the SALDO. Mr. Grafton will mark the area of change so that it can be easier to review. With no further business, the meeting was adjourned.

**Township Building and Zoning Report:** Mr. Lowry reported that five inspections were performed. Sixteen inquiries have been received. Two permits were issued in February; one to rebuild an industrial building and one garage structural repair. Inspections were performed on a mobile home on Lincoln Highway used as a music studio and wanting to be exempt from trash billing.

**Chester County Airport Update:** A meeting is scheduled by the Chester County Economic Council at Eagleville to reassess Washington Lane grant funding.

### **Payment of Invoices:**

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to pay the February 2016 General Fund invoices in the amount of \$124,879.87. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

Mr. Hensel made a motion, seconded by Mr. Taylor, to pay the February 2016 Sanitary Sewer invoices in the amount of \$55,952.03. With there being no questions from the public, the Board voting “aye”, the motion passed unanimously.

### **Old Business**

Scott Larsen of 3211 Lincoln Highway came to the Board of Supervisors concerning 2 trash bills he received for his property. The property was inspected by Mr. Lowry and found the trailer on his property is being used as a music studio. Mr. Larson will be contacted to pay the 2 trash bills on this property.

### **New Business**

Scott Kelly representing Aerzen, USA came before the Board asking for Preliminary Land Development approval to construct a 21,000 square foot addition to the existing warehouse/office building at 108 Independence Way. The two review letters from Jamie MacCombie dated February 9, 2016 and February 29, 2016 can be complied with except for the landscaping plan. Mr. Kelly stated they could not get all the trees on the project for the land design. They are proposing, but not yet submitted to the Township, 66 shortage of Deciduous trees, 138 shortage of Evergreen trees, and a surplus of 406 shrubs. Mr. MacCombie stated he feels the plan is not ready for Preliminary approval, as there are still stormwater issues. Mr. Pompo advised the Board that it does not make sense give approval at this time, to have them come back next month.

The Chester County Tax Collection Committee has sent a letter to verify the current primary and alternate delegates that have been appointed by Sadsbury Township to the committee. Under the law, each school district and municipality that levies an earned income tax must appoint one voting primary delegate and one or more voting alternates to the committee.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to elect Mr. Hensel as the primary delegate, Mr. Taylor as the second delegate, and Mr. Shuibbeo as the alternate delegate. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Simon Jesse came before the Board with a report of an informal discussion on some ways to promote and improve the Township's parks and recreation facilities. Chuck DiLabbio's impressive plan to replace the existing playground facilities in Bert Reel Park is hoped to be just the start of improvements to come. The Bert Reel Park sign is in very poor condition and in need of replacement. Could the sign be replaced with one that would incorporate something to acknowledge the generous gift from the DiLabbio family? Mr. DiLabbio indicated that under the circumstances, he would probably be able to find funding for the sign from the money he has set aside for the new playground. Also discussed was the need for a cleanup of Bert Reel Park, including the pavilion and the snack shack. The plan is to have a Community Day in May, so a speedy response by the Township would be appreciated. Mr. Jesse stated there is no design for the sign as of yet. Mr. Lowry told him to come up with a design and he will review the Township sign ordinance.

Mr. Pompo reported that he has documents for the proposed CVS Pharmacy for the Board's approval. Alyson Zarro representing CVS stated the outstanding items and recent changes were only to correct typos. The Mast family will be owners of Phase 2 of the property. Mr. Pompo stated an easement for a conditional dedication of sewer easements of the CVS Property and regional pump station shown on plan and to record the plan for future facility. The Act 209 Impact Fee is an issue that is attempting to be resolved. The fee calculated and credit is based on improvements at 10 & 30. Our Engineer and the Traffic Planner will determine what the fee should be.

Mr. Hensel made a motion, seconded by Mr. Schuibbeo, to enter into a Developers Agreement with CVS Pharmacy for Financial Security, Stormwater Management Facilities Maintenance Agreement, Landscaping Restrictive Covenant, Operations and Maintenance and Maintenance agreement for holding tank, and extinguishment and termination of the retaining tank agreement for Turkey Hill holding tank. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

## **Public Comment**

Mr. Schuibbeo reported he attended the PSATS Training and found it very educational. Next Tuesday he will attend an Emergency Management Course offered by the County free of charge.

Mr. Hensel stated he received a memo from the accountant, Mr. Drozd, asking Tammy Russell be added on as check signer and keep Linda Shank on as a signer to help in situations when it is difficult to get signatures of at least two Board members on a timely bases, to prevent the Township from being charged late fees and penalties because a Board member is not available. Mr. Pompo stated as long as 1 Supervisor signs the checks, there would be no problem.

Mr. Hensel made a motion, seconded by Mr. Taylor, to authorize Tammy Russell, Treasurer and Linda Shank, Secretary to be authorized signers on checks as long as one Supervisor also signs. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Schuibbeo is asking for park volunteers and is taking resumes. Community Day is scheduled for May 21<sup>st</sup>.

Stephen Allgyer asked if there are flood plan maps available at the Township. Mr. MacCombie stated there will be more changes in 2018. The flood maps are at the Township but have to be looked at and not removed from the Township.

John Lymeris congratulated Mr. MacCombie and the Board of Supervisors for working on the Sadsbury Village Enhancement Project.

Dave Reynolds asked if the Sadsburyville Fire Company could have a new dumpster as the one they have has no lock and residents are putting trash and televisions into it. The Secretary will call Eagle Disposal tomorrow to get them a dumpster with a lock.

Mr. Pompo stated the trash contract with Eagle is done this year. In the past, the bid process was handled by Mr. Pompo's office. The Board directed Mr. Pompo to handle the bid process.

The Board received letters from the Southern Chester County Babe Ruth League requesting use of the Bert Reel Park's baseball field from March to mid-July for games and practice. Also a letter was received from the Coatesville Area Fallowfield Fillies requesting the use of the Sadsbury Township field located on 1<sup>st</sup> Avenue across from the Sadsburyville Fire Company. They would like to use the field from March 14<sup>th</sup> through the end of June 2016 for its spring season. Mr. Hensel stated these teams use the fields every year.

With there being no further business, Mr. Hensel 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