

## **Board of Supervisors Regular Meeting held Tuesday December 20, 2005**

A regular meeting of the Board of Supervisors was held on Tuesday December 20, 2005 commencing at 9:00 a.m. Chairman Mr. Garris called the meeting to order. Present were Supervisors Mr. Doratt and Mr. Hensel, Mr. Pompo Township Solicitor, Mr. MacCombie Township Engineer, Mr. Lowry, Township Zoning Officer and members of the community.

A moment of silence and pledge of allegiance were observed.

**Township Engineer report.** Mr. MacCombie reported that he is in receipt of a proposal from Penn Power Systems to perform maintenance to the generator at the pump station. Mr. MacCombie stated that the Board hired Core to perform the maintenance to the pump station at \$1,000.00 a year. Core is going out of business and has not done any maintenance to the pump station. Penn Power Systems proposal for a (3) year package is \$655.00. Mr. MacCombie states the pump station generator is in need of maintenance.

Mr. Garris made a motion, seconded by Mr. Doratt, to award the annual maintenance proposal to Penn Power Systems at \$655.00 per (3) year contract. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie stated that he has prepared certificate #2 sanitary sewer construction to N. Abbonizio for phase's 2A and Springview Manor in the amount of \$155,844.00 for the Boards review and approval.

Mr. Doratt made a motion, seconded by Mr. Garris, to approve certificate #2 sanitary sewer construction to N. Abbonizio for phase's 2A and Springview Manor in the amount of \$155,844.00 per Mr. MacCombies recommendation. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. MacCombie reported that he attended a meeting at West Brandywine Township to discuss the 537 Plan and Pennsylvania American Water Company. Mr. MacCombie stated that Pennsylvania American Water Company is setting a meeting up with the Township Supervisors on January 6, 2005 at 9:00 a.m.

**Township Solicitors report.** Mr. Pompo reported that he is in receipt of the financial and construction agreements for the new Township complex and to place such on the December 30, 2005 meeting agenda. Mr. Pompo stated he had nothing else to report. Mr. Doratt asked what the status of the Barkman Landfill matter? Mr. Pompo stated that the only change that he is aware of is that (1) Municipality has backed out of the group involved in the lawsuit agreement.

**Township Zoning report.** Mr. Lowry stated that the temporary certificate of occupancy of Tractor Supply expires December 30, 2005 and if they do not comply, Mr. Lowry requested to involve the Township Solicitor and the Board agreed to allow Mr. Lowry to do so. Mr. Lowry stated that a Zoning Hearing is scheduled for January 5, 2005 at 7:00

p.m. for the former Landing Zone which is requesting a Special Exception to section 1002.A and Variances from Section 1504.A (1) Section 1504.A (2), Section 1504.A (3) and Section 1710.B of the Township Zoning Ordinance in order to expand the kitchen and construct an outside dining covered deck at 2800 Lincoln Highway. An application has also been accepted for Tractor Supply at 985 Octorara Trail seeking a variance from Section 1406.D.2 in order to enlarge the existing free standing identification sign along Route 10.

Mr. John Jarvis representing JYF Partners presented the Board with a request for approval of Lafayette Square and agrees to follow all the comments made in Mr. MacCombie's review letter dated November 29, 2005. Mr. Jarvis stated that this submission has gone before the Planning Commission and was approved.

Mr. Garris made a motion; seconded by Mr. Doratt, to approve the preliminary plans for Lafayette Square contingent upon Mr. MacCombie's review letter dated November 29, 2005. With there being no questions from the public the Board voting "aye", the motion passed unanimously.

Andrew DeFonzo representing Cosmos Properties is requesting preliminary approval for the Cowan Estates contingent upon Mr. MacCombie's review letter dated October 27, 2005. Mr. DeFonzo stated that the preliminary plans have gone before the Township Planning Commission and have been approved. Mr. Pompo added that a cap sewer system must be noted on the final plan. Mr. DeFonzo stated that he also has a waiver requested from the Subdivision Land Development Code as follows: Section 109-43A sidewalks, Section 109-42D curbing, Section 109-26D for lots 1,2,3,15,16,17 double frontage and Section 109-48B street lights. No action was taken on the waiver request.

Mr. Garris made a motion, seconded by Mr. Doratt, to approve the preliminary plans of Cosmos Properties named Cowan Estates contingent upon all items of Mr. MacCombie's review letter dated October 27, 2005 and cap sewer system be noted on the plan. With there being no questions from the public, with Mr. Garris voting "aye", Mr. Doratt voting "aye", Mr. Hensel abstained, the motion passed.

The Board discussed renewing the Chester County SPCA contract for the 2006 year with total costs to be \$1,871.00. Chief Groce stated that he has reviewed this contract and have found it to be in order.

Mr. Garris made a motion, seconded by Mr. Doratt, to accept the Chester County SPCA contract for the 2006 year in the amount of \$1,871.00. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. Pompo explained the text of Ordinance 2005-09, which pertains to the amending of Ordinance 1998-7 schedule of attorney's fees by including new charges and amending the description of legal services. Mr. Pompo states this Ordinance updates the schedules and adds new categories.

Mr. Garris made a motion, seconded by Mr. Doratt, to adopt Ordinance 2005-09 pertaining to amending the schedule of attorney's fees. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

The Board discussed amending section 107.27 delinquent payments, penalties, and municipal liens, which currently reads penalty, shall bear interest from the due date at the rate of 5% per month. The amendment will read penalty of 10% per year shall be added.

Mr. Garris made a motion, seconded by Mr. Hensel, to advertise the amendment to Section 101.27 of the sanitary sewer Ordinance. With there being no questions from the public, the Board voting "aye", the motion passed unanimously.

Mr. William Keen representing the Hostetter and Johnsons family regarding the land between Lincoln Highway and Route 30. Mr. Keen stated that (4) tax parcels belonging to Harlan, Bedrick, Hostetter and Johnsons are currently zoned RR. Mr. Keen states that Lincoln Highway and Route 30 are two of the busiest roads in the County and noisy. Mr. Keen is requesting that the zoning be changed to C-1 for all (4) parcels. Mr. Keen states that this request is not considered to be spot zoning. Mr. Pompo states that according to the Pennsylvania Municipalities Planning Code any zoning change must be consistent with the comprehensive plan to make sure it fits within the Township's plans. Mr. Pompo states that access to the commercial parcels may be an issue. Stephanie Silvernail states that this request is non-conforming; she stated that she read the overlay Ordinance and depth is 300 feet. Mr. Hensel stated that a request of C-1 is the request not overlay. The Board after lengthily discussion requested that Mr. Pompo and Mr. MacCombie are to review this request and make a recommendation back to the Board. Mr. Holster stated that his farm is zoning commercial and can't understand why a little piece of his land was left RR. Again the Board stated that Mr. Pompo and Mr. MacCombie would review this request and give their recommendations with the Township to pick up the expense of the review only for the recommendation period.

Brian Kinny was present and stated he is a lifelong resident of North Street and cannot understand why no parking signs were placed leaving him no place to park. The Board stated North Street has been part of the "no parking" Ordinance for years and signs were placed and knocked down and never replaced or enforced. Mr. Kinney states he has no place to park other than on the street. The Board requested that Mr. Lowry do an inspection and meet with Mr. Kinney and report findings back to the Board. Mr. Kinney is requesting a (6) month waiver to allow him to park on the street until he can figure something else out.

The Board stated a request has been made of the Township Secretary to write a letter to Mr. Hanaway regarding placing on site sewer on the industrial portion of his property located between the Nafziger property and Valley Road. Mr. MacCombie stated that he reviews this request and there currently is no plan for sewer within ½ mile from this property. Mr. Pompo stated that a letter could be written to state a temporary cap sewer system is allowed and if public sewer ever comes in it will be made mandatory for the

property to tie into public sewer. Mr. Garris directed Mr. Pompo and Mr. MacCombie draft the letter to Mr. Hanaway.

Public Comment:

Susan Franco- asked if the Township can relax the “no parking” Ordinance when parents are picking up their children from the bus stop, apparently parents are parking waiting for their children to get off the bus and are being told to keep moving, therefore mothers and fathers are circling the development waiting for the school bus. Ms. Franco stated a request has been made to Kraft Busing to pick up and drop off at the gazebo area and Kraft responded “NO”. The Board asked Chief Groce if there was any resolution to this problem, he stated they are enforcing the laws of the commonwealth and he has no suggestions. Ms. Franco stated this problem endangers our children. Mr. MacCombie suggested that the parents in the Quarry Ridge Development go to the school board, after all the busing company works for the school board and he thinks going right to the employer will help get resolution in this matter.

The Board announced that a ground breaking for the new municipal complex will be happening right after this meeting and all are welcome to join.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer