



## BOARD OF SUPERVISORS MEETING MINUTES

May 14, 2024

7:30 PM

### BOARD ATTENDANCE:

Butch Myers, Chairman  
Merv Engel, Vice Chairman  
John Keeseey, Member

### OTHERS IN ATTENDANCE:

Helen Esbenshade, Esq., Lamb McErlane	Robert Hosier	Frank Tavani, P.E.
Casey Kerschner, Becker Engineering	Deidre Hosier	Gary Fedor
Chelsy Oswald, Township Secretary	Samuel Glick	Frank Miller
Seth Hiller, Esq	Barry Edwards	Chuck Eggen
Wes Bruckno, AICP., CCPC	Diane Palmer	Kate Clark
Brian Gathercole, KVFD	Aaron King	Jerry Baker, P.E.
Dwight Yoder, Esq	Nancy Stoltzfus	
Ed Haas	Matt Bush, P.E.	
Cory Rathman, P.E.	Aaron Zook	

### Opening

Chairman Myers opened the meeting at 7:30 p.m. Chairman Myers announced that One Special Meeting was held on April 25, 2024, and One Work Session was held on May 13, 2024.

### Public Comment on Agenda

Deidre Hosier questioned when the Work session agenda was posted. Chairman Myers noted that the agenda was posted to the door on Saturday.

### Past Meeting Minutes Approval

Chairman Myers made a motion to approve April 9, 2024, BOS Meeting Minutes. The motion was seconded by Member Engel, motion carried 3-0.

Chairman Myers made a motion to approve the April 25, 2024, BOS Special Meeting minutes. The motion was seconded by Member Engel, motion carried 3-0.

Chairman Myers made a motion to approve May 13, 2024, BOS Special Meeting. The motion was seconded by Member Engel, motion carried 3-0.

### Police Report

Chairman Myers made a motion to approve the police report that was presented and read at the meeting. The motion was seconded by Member Engel, motion carried 3-0.

2 Part-time officers were sworn in at 7 pm.

### **Treasurer's Report**

Chairman Myers made a motion to approve the treasure's report. Member Engel seconded the motion, motion carried 3-0.

Chairman Myers made a motion to approve the list of bills. Member Engel seconded the motion, motion carried 3-0.

### **Zoning Report**

Chairman Myers made a motion to approve the Zoning report. Member Engle seconded the motion, motion carried 3-0.

### **Fire Company**

Chairman Myers made a motion to approve the Fire Company Report that was presented and read at the meeting. Member Engel seconded the motion, motion carried 3-0.

### **Road Master's Report**

Chairman Myers made a motion to approve the Road Master's Report. Member Engel seconded the motion, motion carried 3-0.

Chairman Myers made a motion to approve the hiring of one part-time road crew employee at the rate of \$18.00/hour for a maximum amount of 26 hours/week. Vice Chairman Keesey seconded the motion, motion carried 3-0.

### **Tax Collector's Report**

Chairman Myers made a motion to approve the Tax Collector's Report. Member Engel seconded the motion, motion carried 3-0.

### **Engineer's report**

#### **New hope Properties, LLC, 5791 W. Lincoln Highway**

The Preliminary/Final Subdivision and Land Development Plan was discussed at length by the Supervisors, Applicant's Team (Seth Hiller, Esq., Matt Bush, P.E., Frank Tavani, P.E.), and Township subconsultants (Helen Esbenshade, Esq., Casey Kerschner, Jerry Baker, P.E.), and Wes Bruckno, AICP (Chester County Planning Commission). The majority of the time spent discussing the project was related to Ultimate R.O.W. to be Reserved for Dedication to West Sadsbury Township (0.512-AC), and Ultimate R.O.W. to be Reserved for Dedication to Salisbury Township (1.441-AC), and as shown on the proposed Plans. Applicant's team's general position was that there was little likelihood of a future alignment project and that the Ultimate R.O.W. should be removed from the plan. Jerry Baker, P.E., noted that the areas shown on the plans by the applicant's consultant are conservative and likely take up more land than would be necessary as part of a future alignment project, and briefly discussed different roadway design options that could minimize the amount of land currently being reserved for dedication. Seth Hiller, Esq. noted that the current planning and desired use of property is not impacted by the proposed Ultimate R.O.W. , and that the owner has no intention to utilize the areas being

proposed as Ultimate R.O.W. for any future buildings. Casey Kerschner expanded Seth's comments, noting that the area being discussed is simply a line being shown on a plan at this time and has no effect on the overall plan set except perhaps a few notes and plan shading. Wes Bruckno, AICP, highlighted comments from his review letter, dated May 19, 2023, noting that the intersection improvement was identified as a priority project in the Route 30 Multimodal Study, published in June 2016, and that the applicant and Township should work to achieve this improvement, recommending that the plans do not prohibit this potential improvement from happening in the future. Frank Tavani, P.E., noted that while this project is on the Traffic Improvement Inventory (TII) it is low on the list. Casey Kerschner, reviewed miscellaneous comments from the April 24, 2024, Becker Engineering Review Letter No. 4. The Township BOS confirmed that they were satisfied with the proposed landscaping, satisfied with the proposed parking spaces and arrangements for both of the proposed lots, satisfied with the proposed lot lines, etc. Casey Kerschner noted that a "Clarification" letter had been received from Salisbury Township, dated March 20, 2024, highlighting Access Drive Intersection Offset, Zoning Hearing Board Decisions, and Deferral of Land Development Plan review. Casey read a portion of the Salisbury "Clarification" letter regarding the proposed R.O.W., "...realignment of the street could be beneficial, except that with the proposed layout, there would be a rather large portion of land that would not be necessary to be held as part of the realigned right-of-way." The BOS discussed different options, and informed the applicant that the Township is not interested in accepting dedication of the proposed R.O.W. at this time, but that the applicant should propose an option that reserved that space for potential improvement, and that nothing is built or placed there that would prohibit a future project. The Board also discussed potential entertainment of a termed agreement. Jerry Baker, P.E., highlighted miscellaneous comments from his Review Letter No. 4, dated April 25, 2024. The BOS expect the applicant to come to the next BOS meeting to continue discussions.

Chairman Myers made a motion to authorize the signatures of the miscellaneous Sewage Facilities Planning Module paperwork and approve the Resolution for Plan Revision for New Land Development, Resolution 2024-05. Vice Chairman Keesey seconded the motion, motion carried 3-0.

Chairman Myers made a motion to authorize the signature of the PennDOT M-950AA – Applicant's Authorization for Agent to Apply for Highway Occupancy Permit, with the understanding that any potential future maintenance of the stormwater conveyance system will not be the responsibility of the Township, and any maintenance agreement must be drafted and executed to the satisfaction of the Township, prior to final approval of the plans. Member Engel seconded the motion, motion carried 3-0.

Chairman Myers made a motion to deny the request for approval of the application for the reasons stated in the in the Becker Engineering Review Letter No. 4, dated April 24, 2024, the Traffic Planning and Design, Inc. (TPD) Review Letter No. 4, dated April 25, 2024, and the Traffic Planning and Design, Inc. (TPD) Right-of Way Layout Concept Review Letter, dated August 31, 2023, provided, however, that should a written time extension of time for review of the plan be submitted by the applicant, or it's consultant, before May 18, 2024, the denial should void. Member Engel seconded the motion, motion carried 3-0.

## M21 Capital Development, 400 Zook Rd

Minimal plan discussions ensued.

Chairman Myers made a motion to approve waiver/modification §22-305 related to Preliminary processing, and allow the plan to be processed as a Preliminary/Final Plan. Member Engel seconded the motion, motion carried 3-0.

Chairman Myers made a motion to accept the written time extension dated April 23, 2024, extending the deadline for action an additional 90-days until August 16, 2024. Member Engel seconded the motion, motion carried 3-0.

## King Swings

Chairman Myers made a motion to authorize an \$8,081.37 reduction in the current financial security, resulting in a remaining financial security of \$25,000. Member Engel seconded the motion, motion carried 3-0.

## 662 Gap Newport Pike

Chairman Myers made a motion to authorize a full Financial Security Release, resulting in a remaining Security of \$0; AND

to authorize a full Escrow Release, once the May invoicing cycle is complete. Member Engel seconded the motion, motion carried 3-0.

## **Old Business**

Nancy Stoltzfus checked into Interest Bearing accounts and determined that Meridian is the best choice.

## **New Business**

Chairman Myers made a motion to appoint Member Engel to Vice Chairman and Fire Liaison. Motion was seconded by Vice Chairman Keeseey, motion carried 3-0.

Chairman Myers made a motion to appoint alternate ZHB member Charles Meyer to Zoning Board. Motion was seconded by Member Keeseey, motion carried 3-0.

Chairman Myers made a motion to Bond the Secretary/Treasurer. Vice Chairman Engel seconded the motion, motion carried 3-0.

Chairman Myers made a motion to adopt the West Sadsbury Township Books of Record Resolution 2024-04 and to house the Books of Record in the vault. Motion was seconded by Vice Chairman Engel, motion carried 3-0.

Lengthy discussions ensued about the Draft Comprehensive Plan. After hearing testimony from various property owners and representatives, the BOS requested that the County adjust the Draft, so that any areas currently zoned Office Commercial on the 2011 Zoning Map, be shown as Office Commercial on the Draft Comprehensive Plan Future Land Use Map, rather than Agricultural as currently shown on the Draft Comprehensive

Plan Future Land Use Map. An updated Draft will be before the BOS at a future meeting for action, no action taken at this meeting.

Chairman Myers made a motion to deny the SRBC Grant Award. Vice Chairman Engel seconded the motion, motion carried 3-0.

Chairman Myers made a motion to advertise the Officers Run project for public bidding. Motion was seconded by Vice Chairman Engel, motion carried 3-0.

Chairman Myers made a motion to approve and accept the C3AP contract. Motion was seconded by Vice Chairman Engel, motion carried 3-0.

Cory Rathman, P.E., presented a proposal for Bid and Construction Phase services associated with the Officers Run project that also included post construction monitoring and maintenance. The proposal included Tasks 1-6 related to bid and construction related services and Tasks 7-8 related to post construction monitoring and post construction maintenance. The Board approved Tasks 1-6 of the proposal and deferred action on Tasks 7-8 of the proposal until a later date when it became clear if any portion of Tasks 7 and/or 8 would be funded by grants.

### **Public Comment**

Deidre Hosier feels as though the townships meeting are not well advertised and need to be monitored. Looking for ideas on how to improve this.

Chuck Eggen questioned Chief Moore on how often the police ticket non-handicapped drivers for parking in Handicap spaces, uses Wawa as an example. Chief Moore satisfied the question.

Frank Miller brought to the BOS a noise complaint with International Paper. He purchased a noise level instrument and loud noises from grinders, ventilators, and trains can be heard upwards of 70 decibels from the back deck of his home. Frank noted that the trains were running at times that differed from those that were provided in previous ZHB testimony.

Diane Palmer brought newsletters containing information on the summer reading kick off on June 15th and upcoming events from the Atglen Public Library.

Chuck Eggen recognized Kate Clark for her help with the comprehensive plan.

Gary Fedor questions the township policies on the burning of trash at a residential home near him. He is working with Technicon to implement violations on burning and Livestock in a residential area.

Gary Fedor inquired about Township man hours to mow and how the budget is affected when compared to purchasing a mower and paying a Township employee, compared to outsourcing the service.

Chuck Eggen requested that the comparison requested by Gary Fedor also include FICA, taxes, workers compensation., etc.

Ed Haas questioned the purchase of the mower and associated trailer. Chairman Myers responded that Covid-19 Economic Relief Assistance for America (Covid Relief) Funds were used to purchase the mower and that it was purchased through COSTARS.

**Announcement**

Chairman Myers noted that the next BOS meeting will be held on June 11, 2024, at 7:30 p.m.

**Adjournment**

Chairman Myers made a motion to adjourn the BOS Meeting at 10:30 p.m. The motion was seconded by Vice Chairman Engel. Motion carried 3-0

Respectfully submitted,

Chelsy Oswald  
West Sadsbury Township  
Secretary