

**West Vincent Township  
Board of Supervisors Meeting**

**May 4, 2009**

**9:00 AM**

Attendance: Chairman Kenneth Miller, Vice Chairperson Zoë Perkins, Barry DiLibero, Michael Crotty of Siana, Bellwoar & McAndrew, LLP Township Solicitor, Ken Yerger, Carroll Engineering, Township Engineer, Township Manager Jim Wendelgass, Police Chief Michael Swinger, Zoning Officer Sandra Cantrell-Edwards and Township Secretary Tammy Swavely.

Chairman Miller called the meeting to order at 9:05 AM.

The minutes of April 13, 2009 were tabled for further review.

**Reports:**

Township Building: No Report

Township Manager Report: The Township Manager Report for the week ending 5/2/09 was acknowledged as submitted. Wendelgass added that on Friday afternoon the Township received stormwater drainage plans from the residents on Hilltop Road. This will be forwarded to the Road Master for review. Wendelgass discussed the Phase II walkthrough that was held last week with representatives from Carroll Engineering and West Vincent Associates. This was to create a punch list of items. The sidewalks were reviewed and there are approximately 35 squares that are deteriorating. It has not been determined on how the Applicant will deal with them since the Applicant feels that they are not structural. The surface is coming off which could be related to the application of salt in the winter.

Active Subdivision List: There are currently no pending deadlines.

Bills List: The Bills List was reviewed. Perkins made the motion to approve the Bills List dated 5/1/09 in the total amount \$50,779.82. DiLibero seconded the motion which carried unanimously.

Officer Austin Russell, West Vincent Township and East Vincent Township Police Officer Jim Billotta came to the Board of Supervisors to thank them for the Township's support for their **Trout Rodeo on May 2, 2009**. This was very successful event, with approximately 70 children plus parents attending. There were 800 fish released and almost all of them were caught.

**Correspondence:**

An e-mail was received from Brenda McCann, The Airedale Terrier Club to use the meeting room. Perkins made the motion that the Airedale Terrier Club be permitted to

**use the meeting room on May 15, 2009.** DiLibero seconded the motion which carried unanimously.

An e-mail was received from Steve Grubb, of Guys Read to use the Township Park. Perkins made the motion that the Guys Read be permitted to **use the Township Park on June 3, 2009.** DiLibero seconded the motion which carried unanimously.

A thank you note dated 4/27/09 from the Ludwig's Corner Riding and Driving Club for the use of the Township Building for the Tack Sale was acknowledged as received.

A request was received from Sue Miller, Republican Committee to use the meeting room. Perkins made the motion that the Republican Committee be permitted to **use the meeting room on May 12, 2009.** DiLibero seconded the motion which carried unanimously.

### **Subdivision/Land Development:**

Owen J. Roberts School District: When the school district planned to construct the elementary school the sewage was going to be taken to the Ludwig's Corner Waste Water Distribution System. The plans were changed and now it is being taken to the Weatherstone Waste Water Treatment Plant. Owen J. Roberts School District has requested that an easement for a pump station be extinguished since it is no longer needed. The Township Solicitor has prepared the Extinguishment of Easement agreement. Perkins made the motion that the West Vincent Township Board of Supervisors be authorized to sign and execute the Extinguishing of Pumping Station Easement agreement in the form as presented by the Township Solicitor and as executed by the OJR School District. DiLibero seconded the motion which carried unanimously.

### **Old Business:**

Chairman Miller noted that the maintenance of dirt roads requires dust control in the summer months. For the last few years the Township has been using soybean oil applied directly to the surface. This has worked out well since not only is it a biodegradable food based product, but once it is applied it hardens to form a hard surface on the road. The problem with the soybean oil is that it also creates a nuisance while in the hardening stage, which can take up to two (2) weeks, depending on the weather. About 6 years ago a meeting was held with all of the residents on Green Lane and all were in agreement that the dust control should be applied. Last week the Township received a letter from several residents requesting that soybean oil not be put on Green Lane due to the difficulties that it presents during the drying process. It gets on cars, feet, etc., and they do not desire to have it. However, **Nick Travaglini, 1377 Green Lane, Tax Parcel 25-3-7** was present to ask the Board to reconsider the decision and to request that the soybean oil be applied by the Township since the dust control is helpful and not applying it would cause a health problem for him. He cannot use his front patio during certain summer days due to the amount of dust from passing cars. He requested that a compromise be made and to just oil the end portion that affects his property. Miller stated that this can be done. Perkins asked if there was another material that could be used that is less objectionable. Miller

stated that there is the possibility of using an oil refining by-product, which was used previously, but which was a little more expensive and which is extremely difficult to remove when it sticks to cars. The residents who made the prior request (i.e., that the soybean oil not be applied) will be informed that soybean oil is going to be applied to the end of Green Lane where it should only affect Mr. Travaglini since there is another entrance. The homeowner just above the Travaglini residence will be contacted to see if they would like soybean oil applied also. Miller gave additional information regarding the application of the soybean oil stating that the road crew has been adding sand and screening on top of the oil to make it bind faster. This worked well on the dirt portion of St. Matthews Road in 2008. The dirt roads are part of the environment that makes people want to live in West Vincent Township.

Carroll Engineering was contacted to determine an estimated price for the **proposed athletic fields at the Weatherstone Open Space C**. To develop a schematic design, construction plans, specifications and soil permeability testing and a field survey the estimated costs will be \$18,750.00. Perkins stated that she is in favor of doing this and the only way to know how much it would be to do this kind of study. This needs to be considered seriously due to the economic times. This will be forwarded to the Park and Recreation Commission for their review and recommendation.

#### **New Business:**

The Township has been informed by the Chester County Health Department that the sewage system has failed at Trevdan, a local building supply company at 1031 Pottstown Pike, Tax Parcel 25-6-30. Holding tanks will be necessary and an escrow agreement needs to be set up. The Board will be glad to work with them; it is a small system since it is a business that does not require food preparation. The Township Solicitor will see that the agreements are prepared.

An e-mail was received regarding the estate of Josephine Hopkins from the family's attorney, Daniel Mannix. The property is in both West Pikeland and West Vincent Townships. Mr. Mannix is asking that the Township waive the subdivision fee. The applicant does plan to place an easement on the land. This will be a 2-lot minor subdivision. The Board decided that the Manager should contact Mr. Mannix to confirm what the plan will look like for the West Vincent portion of the land.

#### **Business from the floor:**

Township Manager Wendelgass informed the Board that he was forwarded an e-mail from Chairman Miller who received it from a resident. The resident's email is in regard to a statement made by Richard Malasics, 414 Black Horse Road at his store, Eagle Hardware, to her. The resident noted that she is concerned and would like the Board to investigate the information she received. Per her email, Mr. Malasics informed her that a West Vincent Township police officer pulled him over for a traffic stop and pulled a gun on him for no reason. Police Chief Michael Swinger was present to clear up any misunderstandings. Chief Swinger stated that at no time during the traffic stop did the

officer pull out his gun. The whole incident is on video and has been reviewed by Chief Swinger. Mr. Malasics stated that he did not think the Police Department had a video since it was not shown in court. Chief Swinger stated that the video did not need to be shown in court. Perkins asked Michael Crotty, Township Solicitor, if the video could be made public record to reassure this resident that there is no need to worry about the West Vincent Police Department. Mr. Crotty stated that this video is not necessarily a public record, but that the Supervisors could vote to make it available. The resident will be informed that it is available and it is available as well for Mr. Malasics to review. Chief Swinger told the Board that he is upset that one of his officers has been falsely accused of this conduct. He also stated that Supervisor DiLibero came to his office the next day after the traffic stop to set up a meeting between himself and Mr. Malasics to discuss it with him. Chief Swinger said that he then informed Mr. DiLibero that he could not discuss it with him and that at that time Mr. DiLibero noted that he understood the Police Chief's position. DiLibero stated that what happened the day of his conversation with Chief Swinger was that he went to Mike and asked for a meeting between the officer, Rich Malasics, himself and the Chief and that the Chief said that he saw the video and the citations were going to be written and that DiLibero then stated "then I can't talk to you about this anymore" and then he, DiLibero, left. The video will be made available to view by contacting the police department.

Barry DiLibero stated that at the last Northern Federation of Chester County meeting, it was determined that they would like a representative for West Vincent Township for the Steering Committee from the Park and Recreation Committee, plus an alternate. He will continue to be the Board of Supervisor representative. On another issue with the Northern Federation, Wendelgass informed him that an invoice was just received for the Township's share of the Park and Recreation Study.

Police Chief Swinger has asked to have the Township cover the costs of his education. All officers are to be reimbursed 75% of the costs of all tuition according to their contract. The total costs are approximately \$12,000.00. Chief Swinger plans to do this online with the University of Bellevue who also works with the FBI Academy. DiLibero stated that if it is the contract then the Township must pay for it. Resident Art Ewell stated that, if this education is for his job, then the Township should incur the whole expense. Chief Swinger will be getting a degree in the Administration of Criminal Justice. He will get the details of the program for the Board.

Perkins made a motion to adjourn, DiLibero seconded, and the motion passed unanimously.

Meeting adjourned 10:00 AM

Respectfully Submitted,

Tammy Swavely  
Township Secretary