

**West Vincent Township
Board of Supervisors Meeting**

September 14, 2009

7:30 PM

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

Chairman Miller called the meeting to order at 7:34 PM.

Reports:

Township Building: The Weatherstone Waste Water Treatment Plant is in need of some repairs to the automatic transfer switch. This could be covered under the maintenance bond that the Township has with The Hankin Group, it depends on if it is determined if it is wear and tear or a malfunction. Perkins made the motion to approve the repairs to the main circuit board automatic transfer switch for a total amount of \$765.00 as stated in the Powerton Generator quote of 8/20/09. The St. Stephen's Green flowmeter needs to be replaced. Perkins made the motion to approve the purchase of a flowmeter for St. Stephens Green Waste Water Treatment Plant in the total amount not to exceed \$2600.00 as stated in the quote of 8/19/09 from WEMS Resources, Inc. DiLibero seconded the motion which carried unanimously.

Township Manager Report: The Township Manager Report for three weeks ending 9/12/09 was acknowledged as submitted. DiLibero asked about the comments on the Zoning Ordinance from the Chester County Planning Commission. Wendelgass stated that there were a few minor suggestions and they will be addressed by the Planning Commission Thursday evening. The Phoenixville Regional Planning Committee had a few comments also. Their main concern is if it is consistent with the Regional Plan and they have determined that it is. Once the Planning Commission sees the reviews, Wendelgass will get a draft together and send it to the Board. It could be possible to have public comment on September 28th. A resident along Pughtown Road would like to do work within the creek. She wants to replace pipes since this is a large active tributary and flows into French Creek, it would be very expensive. The Township met with her and identified the issues along with the permits that will be needed. This is a private property issue and not a Township issue.

Active Subdivision List: An Extension Request was received from Ron Agulnick, representing Celeste Weyl for the Weyl Subdivision. Perkins made the motion to accept the time which the Township must act on the Weyl Subdivision until November 15, 2009. DiLibero seconded the motion which carried unanimously.

Bills List: The Bills List was reviewed. Perkins made the motion to approve the Bills List dated 9/14/09 in the total amount \$71,537.96. DiLibero seconded the motion which carried unanimously.

Correspondence:

A thank you dated 9/3/09 was acknowledged as received from Chris Przemieniecki, Assistant Professor Department of Criminal Justice, Montgomery County Community College for the **community policing done by Pat Butler** at the Township Park when he and his family were there.

A fax request was received to use the Township Meeting room for the Ludwig's Corner Horse Show. Perkins made the motion that the Ludwig's Corner Horse Show be permitted to **use the meeting room** on September 23 and September 30, 2009 at 6:00 PM. DiLibero seconded the motion which carried unanimously.

An e-mail request was received 9/9/09 to use the Township Meeting room for the Airedale Terrier Club. Perkins made the motion that the Airedale Terrier Club be permitted to **use the meeting room** on September 18, 2009 at 7:30 PM. DiLibero seconded the motion which carried unanimously.

A letter dated 9/9/09 was acknowledged as received from **Donald Rosato, 1169 St. Matthews Road**, thanking the West Vincent Police Department for their assistance during the Ludwig's Corner Horse Show.

Subdivision/Land Development:

Oxford Rise: Oxford Properties would like to put up a larger sign to advertise the apartments than is permitted by zoning. At the last Board meeting they were asked to come up with a drawing and present it to the Zoning Officer and then the Board. Oxford is asking for a temporary sign for 30 days. The maximum by right is 16 square feet (2 x 8). The banner sign that Oxford Properties is asking for is 6' x 24' for a total of 288 square feet. They also want the sign on Township property. The Fire Department does not want a sign on their property. Residents present were concerned that this would set a precedent with other businesses along Route 100. This is to be a temporary sign renewable every 30 days. The Board asked the Planning Commission to weigh in on this issue at their meeting this Thursday.

Birchrun Village: John Diemer, Wilkinson Associates, came to the Board of Supervisors with a revised sketch plan. He stated that this plan is similar to the previous sketch but the impervious coverage has been decreased by 15%. A rain garden was added near the stream bed to work with storm drainage. The pavement is now proposed to be pervious pavement. There are three (3) 2,500 square foot buildings for a total square footage of 10,000 square feet which includes the old school house. The buildings are proposed to be office buildings at this time. There are 34 parking spaces on the plan, which is what is called for under the Zoning Ordinance. **Susan Roth, 1360 School House Lane, Tax**

Parcel 25-3-84 asked if the wetlands were going to be restored from the installation of the pipe. Mr. Diemer informed her that there were no delineated wetlands on the property and the pipe was installed under a DEP permit. The 100' setback from the stream was discussed. This plan does not comply with that section of the ordinance and the Applicant feels that this property is grandfathered under the old zoning setback of 50'. This will be discussed at another time. The Applicant plans to go to the Planning Commission this Thursday.

Burch Subdivision: John Bachich, Woodstone Homes could not come to the meeting tonight as planned. He wanted to discuss the sewage disposal on the site. He will attend the Planning Commission on Thursday.

Hopkins Lot Line Change: This plan has been before the Planning Commission and received a recommendation to the Board of Supervisors for approval pending compliance with the Carroll Engineering letter of August 8, 2009. Daniel Mannix, Esq. and Ted Gacomis, EB Walsh, came before the Board requesting Preliminary/Final Approval. Perkins read the Decision into the record and made the motion that the Board Grant Preliminary/Final Decision to the Hopkins Lot Line Change as read tonight consisting of Findings of Fact and Discussion, Conclusion of Law and a Decision with a total of six pages. DiLibero seconded the motion which carried unanimously.

Old Business:

Chester County 2020 and the West Vincent Township Planning Commission are planning to have a **Community Conversation** with all residents who can come. It will be October 8th at the Township Building from 6:00-9:30 PM with a light supper included. A post card has been sent out to all residents and posters will be hung along with an announcement on the website. Registration is necessary for the light supper.

Township Manager Jim Wendelgass sent a letter to Don Houser, Dominion Pipelines to confirm the location of the planned **Keystone Connector pipeline**. Mr. Houser responded with an e-mail confirming that the joint pipeline of Williams and Dominion is planned to connect in York County.

The **Phoenixville Regional Plan Implementation Agreement** requires two (2) representatives from each municipality. One must be from the governing body and the other must be from the Planning Commission. In addition, the Implementation Agreement says that each municipality shall designate an alternate to attend any meeting where both of the regular representatives are not available. Perkins made the motion that Township Manager Wendelgass be appointed the Alternate to the Phoenixville Regional Planning Committee. DiLibero seconded the motion which carried unanimously.

Comcast has been contacted by the Township and a resident to obtain Wildcat TV on Kimberton Road. A representative from Comcast informed the office that they have found a way to have those homes on Kimberton Road access Wildcat TV. It has not yet working according to the resident. This will be monitored to see what happens.

Michelle Thomas, 17 Weidner Way, Tax Parcel 25-7-47 came before the Board with questions on her property on Weidner Way. The Board went into an Executive Session for a few minutes to discuss this first. Upon returning, Ms. Thomas informed the Board that she is requesting the Board to permit her to obtain tax parcel identification numbers for the five (5) lots she claims to have. Zoning Officer Sandra Cantrell-Edwards replied to a previous request informing her that there were two (2) lots on the property and that the one lot was not composed of five (5) separate parcels. Ms. Thomas feels that she cannot comply with the conditions imposed on the property during the Conditional Use and therefore her position is that the Lot Line Change is null and void. Ms. Thomas had the property surveyed at the Board's suggestion in 2008 since she found an old plan referring to Glad Acres. The plan was from the 1960's and has never been signed by the Township or recorded. Ms. Thomas stated that her engineer found pins and a roadway was begun. This Glad Acres plan was received by the Township in 1998, even though the plan date is 1965. Ms. Thomas feels that she should be able to obtain tax parcels for the lots on this Glad Acres Plan. She would like three (3) tax parcel identification numbers for the five (5) that the plan shows. This would provide a lot for each of her children in a trust and another one for herself. Solicitor Allan Greenwood stated that her original request was given to the Zoning Officer and since the Zoning Officer has determined that it cannot be done, than the Board cannot reverse her decision. The fact that Ms. Thomas feels she cannot meet the Conditional Use requirements will be researched by Solicitor Greenwood. The Board has asked Ms. Thomas to write down specifically what she would like them to consider.

Sara Shick informed the Board that the Park and Recreation Commission will have a **Halloween outreach on October 31st** in the afternoon. The estimated costs will be approximately \$500.00. The Fire Department will provide a truck and they will pass out candy and informational cards on the Park and Recreation Commission. They might try to obtain information from the residents on the future needs of recreation in the Township.

Bob Landis and Steve Graham, **Ludwig's Village, 2932 Conestoga Road Tax Parcel 25-6-30.1** came before the Board proposing the Township consider permitting electronic digital message signs. Mr. Landis stated that during this economic climate, they are looking for any way possible to help their tenants. He also stated that this is not just economical, but studies have shown that they are in fact safer than the traditional lit sign plus much more productive in bringing in customers. The Board suggested that they go to the Planning Commission for its input.

The Township Treasurer has brought to the attention of the Board that since the Monday morning meetings have been cancelled, it is going to be quite possible that there will be late fees assessed on many bills, particularly the PECO and Verizon bills. The Board cannot pre-approve any bills; all must be approved at a regular meeting. It is the hope of the Board that not many late fees will be assessed. The Board asked the treasurer to call PECO to determine if a different date could be set so that the chance of a late fee would be less.

The Township needs to determine how much it will need to pay into the Police Pension fund for next year for the State. Robert Brown, Township Treasurer has determined the figure according to the State regulations. Perkins made the motion that the **Minimum Municipal Obligation to the Police Pension for 2010** be \$28,976.00. DiLibero seconded the motion which carried unanimously.

A resident on Pine Drive has made a complaint to the Board via an e-mail stating that his neighbor was not cutting his yard and since there is no Township ordinance to regulate this, he is afraid his grandchildren will get ticks. Wendelgass stated that what has happened is when a property is either for sale or in foreclosure, they tend not to mow it as much as a homeowner. There are many problems with adopting a **mowing ordinance**. It needs to be determined who would be included and how long is too long. Then the issue of making sure everyone is in compliance would be another problem. If the Township mowed these lawns, how would they recoup the funds expended? This seems to be more of a Home Owner's Association matter. The Township Stewardship Plan has a meadow plan in it where it states that longer grass is better to control stormwater. The Board decided not to move forward with a mowing ordinance.

Business from the floor:

Ken Cassella, 37 St. Andrews Lane, Tax Parcel 25-6-135 came before the Board regarding on what he referred to as a misunderstanding on his part. This is regarding a stone wall that he constructed along the road way on St. Andrews Lane in front of his property. A few years ago the Township installed a culvert with guard rail on St. Andrews Lane in the front of his property and he feels that the metal guard rail was too much and very ugly. Miller told him that the guard rail installed was to Penn DOT specs, but they did remove some of it to reduce its size. Cassella removed the remaining guard rail and constructed a large stone wall in place of it without first contacting the Township. Ken Yerger, Township Engineer stated that what was up was guide rail which guides vehicles away from an obstruction and what Mr. Cassella has done is put up an obstruction. Mr. Cassella will change what he has done at his own expense, but would like to know what he can install. Miller stated that as long as it meets Penn DOT specs, it does not matter to him. It is possible that he can install a guide rail in front of the stone wall. He will draw up a plan and have Ken Yerger review it before anything is done. The stone wall may have to be removed depending on the right-of-way.

Monday, September 21, 2009 at 7:00 PM the **Phoenixville Regional Planning Committee** will meet at West Vincent Township to discuss Transferable Development Rights, with John Snook of the Brandywine Conservancy and Township Manager Jim Wendelgass.

Barry DiLibero stated that a resident has informed him that his neighbors have installed extra driveways. Wendelgass informed him that this particular property has had 2 driveways for farming for over 50 years, but another one was installed for emergency

access. They have been told to close this driveway and have done so with a cable across which is sufficient.

Miller announced that there would be an **Executive Session** to discuss personnel and real estate.

Perkins made a motion to adjourn, DiLibero seconded, and the motion passed unanimously. Meeting Adjourned 10:45 PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary