

West Vincent Township
Board of Supervisors Meeting

May 12, 2014 7:30 PM

Attendance: Chairman Kenneth Miller, Jr., Vice Chairman David Brown, John Jacobs, Michael Crotty of Siana, Bellwoar & McAndrew, LLP, Township Solicitor, Kenneth Yerger of Carroll Engineering, Township Engineer, Township Manager James Wendelgass, and Township Secretary Tammy Swavely.

Chairman Miller called the Conditional Use Hearing for Glenlin, LLC to order at 7:31 PM.

Solicitor Crotty opened the **Conditional Use Hearing for Glenlin, LLC** for the property at 1825 Kimberton Road, Tax Parcels 25-5-36.1, 25-5-36.2, and 25-5-36.3. A Court Reporter was present to take a Transcript. This hearing was continued from April 28, 2014. Mr. Crotty entered T-8, Affidavit of Posting into the record. Mr. Miller asked if anyone wanted to be a Party to the Proceedings. No one came forward. Mr. Crotty stated that the record was closed as well as the hearing. Mr. Crotty stated that the Board has reviewed a draft Decision that his office has prepared. Mr. Miller made the motion to approve the Conditional Use Decision as summarized by Solicitor Crotty. AND NOW, this 12th day of May, 2014, in consideration of the application of Glenlin, LLC, the testimony and documentary evidence presented in the hearings, and the Board's credibility determinations as to the same, the West Vincent Township Board of Supervisors hereby GRANTS the Applicant's Conditional Use Application to operate a commercial boarding stable on the Subject Property pursuant to Zoning Ordinance Section 603.B.3 and 2220, and to conduct certain activities within High Groundwater Areas pursuant to Zoning Ordinance Section 2306, being subject to conditions outlined in the Decision. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously with Mr. Jacobs recusing himself.

Eagle Farms Road Vacation Hearing: Mr. Crotty stated that the continuation of this hearing was scheduled for this evening, but the Applicant has asked that it be postponed because it would like to dedicate other roads at the same time. This paperwork is not complete at this time. Mr. Miller opened the Eagle Farms Road Vacation hearing and continued it until June 9, 2014 at 7:30 PM.

Mr. Miller announced that there was an **Executive Session** on May 5, 2014 to discuss real estate and litigation and personnel.

Public Comment on Non-Agenda Items:

A number of residents made comments on items not on the agenda.

The minutes of **April 28, 2014** were unanimously approved on a motion by Mr. Brown and a second by Mr. Jacobs.

Reports (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 5/12/2014 was acknowledged as submitted. Mr. Wendelgass informed the Board that two aerators in the Matthews Meadows Sewer Plant that have stopped working. These are very large and need to be removed by a crane. The operator of the plant is recommending a smaller unit that would not need a crane and would have a five (5) year warranty. Each unit costs \$4,920. Mr. Brown made the motion to purchase two (2) generators for the Matthews Meadows Sewer Plant. Mr. Jacobs seconded the motion which carried unanimously.

Road Master Report: Mr. Miller read the attached Road Master Report for the month of April which was acknowledged as received.

Active Subdivision List: There are no pending deadlines.

Bills List: Mr. Brown made the motion to approve the Bills List dated 5/12/14 in the total amount of \$195,054.07. Mr. Miller seconded the motion. The Board answered some questions and the motion carried unanimously with Mr. Jacobs recusing himself due to a possible conflict of interest.

Mr. Miller moved Jan Bowers up in the Agenda to accommodate her schedule.

Chester County Water Resource Authority: Jan Bowers came to the Township to help the Board and the residents understand the reasons why there is a Chester County Stormwater Ordinance and how it affects West Vincent. Act 167 mandates all counties in Pennsylvania to have a stormwater plan for the townships within them. Chester County worked with DEP and 73 municipalities in the county to streamline this process. It was all to help municipalities comply with Act 167 and the MS4 Permit Program. DEP has made this set of requirements specifically for Chester County which are less stringent than other counties. The West Vincent Board did not pass this ordinance last spring. They were interested in what happens to Townships who do not pass such a mandate. Ms. Bowers stated that there are three (3) different exposures the Township has if it is not passed. Under Act 167, DEP has enforcement powers. The next issue is the MS4 Permit. This requires Townships to meet numerous requirements for stormwater issues. West Vincent Township was one of the few townships which obtained a waiver until 2018. There is no guarantee that the DEP will grant another waiver, in fact is less likely with the new stormwater ordinance requirements. The third area where the Township could be at risk is under Act 167, the Township could be at risk since it would be open to lawsuits by 3rd parties. A discussion ensued on how this will affect the homeowner and how this will impact single family home construction. This ordinance will require reviews and inspections that would not have been incurred without this ordinance. Whatever BMP's (Best Management Practices) are approved with each permit must be included in an OM (Operation and Maintenance) Agreement. Mr. Yerger, Township Engineer was asked to estimate how much this could cost a homeowner. He responded by saying that it really depends on the site, but anywhere from \$5,000-\$10,000 more. West Vincent Township used the model ordinance and took the least restrictive scenarios as possible so as to be less onerous to the homeowner. At this time, 57 of the 73 municipalities have adopted a Stormwater Ordinance for their Township. Each one is slightly different. The Board thanked Ms. Bowers for her insight to them and the residents of West Vincent.

Correspondence:

A request was received from Bridgit Hill on behalf of the **West Vincent Elementary School** to use the gazebo and park on June 9, 2014 from 9:00 AM - 2:00 PM. Mr. Brown made the motion to permit the same. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

An email was received from Karen Arthur, Camphill Village, resigning from the Sustainability Committee. The Sustainability Committee have recommended that James McQuillan fill this position. Mr. Miller made the motion that the Board appoint **James McQuillan** to fill the remainder of Ms. Arthur's term, until December 31, 2017. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

A letter was acknowledged as received dated April 29, 2014 from the Weatherstone HOA acknowledging that the police department and Chief Swinger have provided advice and support on numerous occasions.

A memo was acknowledged as received from the **Chester County Recycling Coordinator** dated May 12, 2014. This is informing residents that the Regional Household Hazardous Waste and Electronics Collection will be at OJR Middle School on May 17 from 9:00 am – 3:00 pm.

Information regarding the **5K Run for Parkinson's Awareness** was received. This will be on May 31 from 9 am – noon. All permits have been received from with Penn DOT and Chief Swinger has been informed and cleared this event. The roads affected are St. Matthews Road, Fellowship Road, and Horseshoe Trail. Mr. Jacobs made the motion that this 5K Run be approved as submitted. Mr. Brown seconded the motion which carried unanimously.

Subdivision/Land Development

Brunner Land Development: Neal Fisher, West Vincent Associates, came before the Board with a Developer Agreement signed by Richard Hankin along with a Resolution from the Township's Special Solicitor Ann Porter authorizing the execution of the Developers Agreement. Ken Yerger has not seen this until this evening. Mr. Yerger asked if the escrows were funded. Mr. Fisher stated that the escrows were funded and the Letters of Credit are on file with the Township. The Board asked him if he was looking for a Sanitary Sewer Agreement also. Mr. Fisher said that he was, but had a different idea to submit to the Board for the pump and haul. He would like to discharge the effluent to the Weatherstone WWTP via truck and the Township receive funds for taking it. The Board desires to get an opinion from counsel and the Township engineer before they take any action. All Agreements can be considered at the May 27, 2014 meeting.

Old Business:

Sidewalk to Elementary School: Mr. Miller stated that he would like to find out where the sidewalk installation stands along Conestoga Road from the elementary school to the traffic signal at

Conestoga Road and Lexington Blvd. and either move it forward or close the issue. Mr. Wendelgass will inform the Board what has been done to this point.

Fellowship Trail: There is a proposed trail to connect the Weatherstone Subdivision to the Township Park. Mr. Wendelgass will contact Upper Uwchlan to set up a meeting to review this plan to see how it works with their trail plan.

New Business:

The Weatherstone Open Space B, Tax Parcel 25-7-20.2 parcel located at the corner of Flowing Springs Road and Westover Lane is currently being mowed. Charles Dickinson owns property across the street and would like to mow it for the Township, paying the Township \$1.00/acre per mowing. The Township currently pays someone to mow the field. Mr. Jacobs would like to review the lease before voting on the matter. This was tabled until the next Board meeting.

Meeting Adjourned 9:50 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary