

West Vincent Township  
Board of Supervisors Meeting

March 23, 2015

7:30 PM

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

Chairman Miller called the meeting to order at 7:30 PM.

**Public Comment on Non-Agenda Items:**

**Sharon Davis, 932 Jaime Lane**, shared that two residents died over the last week and the times and places of their services: Mary Dunn, 1004 Birchrun Road and Jane Vasile, 2712 Horseshoe Trail.

**Maria Jacobs, 2351 Beaver Hill Road** commented on the Budget vs. Actual for 2014.

**Brian Curry, 512 Blackhorse Road** commented on the Board preparing a legal bill breakdown for 2014. Mr. Jacobs and Mr. Brown will get together and try to have something for the next meeting.

**Sara Shick, 1201 Davis Lane** commented on the reimbursable legal bills and how they should be treated differently.

**Chris Peeples, 1611 Kimberton Road** thanked the Board for their response letter to him. He also commented on counsel at Township meetings. Mr. Peeples was concerned about the condition of a stone wall that he thought the Township owned. The Township does not, but can try to find out who does.

**Approval of Minutes:**

The minutes of **March 9, 2015 and March 12, 2015** 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 3/23/15 was acknowledged as submitted.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending February 28, 2015 which was acknowledged as received.

Police Report: The Police Report for the month of February 2015 was presented by Chief Swinger and was acknowledged as received.

Active Subdivision List: An extension was submitted by Dave Gibbons for the Batchelor Subdivision. Mr. Brown made the motion to grant the Extension for the **Batchelor Subdivision** until May 30, 2015. Mr. Jacobs seconded the motion which carried unanimously.

Bills List: Mr. Brown made the motion to approve the Bills List dated 3/23/15 in the total amount of \$69,399.77. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

### **Correspondence:**

A request was received from **Tara Soloman, MOMS Club of West Vincent** to use the Township Gazebo and Park on March 30, 2015 for an Easter Egg Hunt. Mr. Brown made the motion to permit the same. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

A request was received from **Lisa Tattershall, Delaware Yorkshire Terrier Club** to use the Township Gazebo and Park on May 17, 2015. Mr. Brown made the motion to permit the same. Mr. Jacobs seconded the motion. Mr. Jacobs stated that this request is a reminder to him that the ordinance the Board was considering adopting on park rules had a requirement for everyone reserving the park be a resident. He is not in favor of that requirement. He would like it open to all. After a few comments on resident participation and dog waste removal, this was approved unanimously.

A letter was received from French and Pickering Creeks Conservation Trust regarding their **Annual French Creek Iron Tour**. Mr. Brown made the motion that the Township contribute \$1000 towards the Tour as provided for in the budget. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

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

Brunner Land Development: Anne Porter, Special Solicitor for West Vincent Township informed the Board that West Vincent Associates has assigned their rights to Pulte Homes for the Brunner Land Development along with the financial responsibilities in two phases and all of the Agreements will follow. Mr. Jacobs asked if there was any downside for the Township. Ms. Porter stated that she would love to say no, but developers need to remain financially sound and that is not necessarily a guarantee. Ms. Porter feels that as long as they remain financially strong, that there would be no issue. Pulte will be taking on the same requirements that the Township had with West Vincent Associates including the permits. Mr. Wendelgass stated that Pulte is a \$6 billion company and most companies form a limited partnership to do a development. As long as financial security is posted, the Township is getting the same as they had with West Vincent Associates. Ms. Porter read the final portion of **Resolution 8-2015. NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of West Vincent

Township, Chester County, Pennsylvania approves the ASSIGNMENT OF PORTIONS OF SETTLEMENT AGREEMENT AND RELATED AGREEMENTS, dated March 23, 2015;

**BE IT FURTHER RESOLVED**, that the development of either phase is contingent on adherence to the terms and provisions of the Settlement Agreement, Final Approved Plans, modified Bruner Settlement Plans, Bruner Sewer Agreement, and Bruner Development and Security Agreement, except as modified by this Resolution.

**BE IT FURTHER RESOLVED**, that the appropriate officials of the Township are authorized to issue building permits in compliance with the Bruner Residential Development Plan and Bruner Phase Subdivision Plan, subject to the specific conditions that no building permit shall be issued until Pulte has presented evidence that the assignments of the following permits: Sewage Pump and Haul Permit No. 1509411; Water Quality Management Permit No. 1509411; NPDES Permit No. PAIO1151202; Water Obstruction and Encroachment Permit No. E15-799; and Highway Occupancy Permit No. 06084576 have been authorized by the issuing authorities and accepted by the Township's Special Solicitor/Special Counsel Catherine Anne Porter, Esquire and has posted the required financial security.

Mr. Miller made the motion that the Board adopt **Resolution 8-2015**. Mr. Brown seconded the motion which carried unanimously.

Eagle Farms Subdivision: An ordinance was advertised for the Board to consider so that West Vincent complies with the Upper Uwchlan Township and the Upper Uwchlan Municipal Authority. Houses in the Eagle Farms Subdivision have their sewage treated in Upper Uwchlan. It then comes back to West Vincent for disposal. This ordinance makes it mandatory that all the homes in West Vincent Township connect to the sewer. Mr. Brown read Ordinance 167-2015 title portion into the record. AN ORDINANCE OF WEST VINCENT TOWNSHIP, CHESTER COUNTY, ESTABLISHING AND MEMORIALIZING THE MANDATORY SEWER CONNECTION REQUIREMENTS FOR THE EWING DEVELOPMENT PURSUANT TO THE SEPTEMBER 29, 2003 INTERMUNICIPAL SEWER SERVICE AGREEMENT BETWEEN THE TOWNSHIP, UPPER UWCHLAN TOWNSHIP AND THE UPPER UWCHLAN TOWNSHIP MUNICIPAL AUTHORITY.

BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST VINCENT AND IT IS ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME.

Mr. Brown made the motion to adopt Ordinance 167-2015. Mr. Jacobs seconded the motion which carried unanimously.

**Old Business:**

Griffith Porch Repair: Mr. Miller read the bid results.

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| CRJ Construction<br>425 Highview Dr.<br>Wayne, PA 19087 | Porch:<br>With Pressure Treated Flooring: \$22,740.00<br>With Trex Flooring: \$24,340.00<br>Garage: \$ 8,470.00<br><u>Totals:</u><br>With Pressure Treated Flooring: \$31,210.00 |
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|   | With Trex Flooring:             | \$32,810.00 |
| Dutchman Contracting, LLC<br>12 Riverview Dr.<br>Denver, PA 17517 | With Pressure Treated Flooring: | \$15,980.00 |
|   | With Trex Flooring:             | \$18,446.00 |
|   | Garage:                         | \$ 3,810.00 |
|   | <u>Totals:</u>                  |             |
|   | With Pressure Treated Flooring: | \$19,790.00 |
|   | With Trex Flooring:             | \$22,256.00 |
| George Walleigh<br>220 Cooks Glen Rd.<br>Spring City, PA 19475    | With Pressure Treated Flooring: | \$17,055.00 |
|   | With Trex Flooring:             | \$18,255.81 |
|   | Garage:                         | \$ 4,297.89 |
|   | <u>Totals:</u>                  |             |
|   | With Pressure Treated Flooring: | \$21,352.89 |
|   | With Trex Flooring:             | \$22,553.70 |

Mr. Brown made the motion that the Board approve the Dutchman Contracting, LLC bid being the lowest bid. Mr. Jacobs seconded the motion. All bids were reviewed and all meet the same specifications and his references were checked. The Board had a discussion on what type of flooring to use. This porch will be open to the elements, not closed like the current one so it was determined to use the Trex Flooring. The UCC Building Code will be followed and the Building Inspector will be inspecting it as it goes along. There was a discussion on what repairs are being done to the property. The Township is maintaining its property. There was no further comments and the motion carried unanimously.

Trash Task Force Plan: At the previous Board meeting, Mr. Jacobs asked that this item be added to this Agenda. Mr. Jacobs stated that the members of the Trash Task Force wanted to know where the Board was relative to action on the plan that they submitted. The task force recommended the use of a Preferred Hauler. Chip Farnham, 988 St. Matthews Road spoke for the task force. He stated that when they did their research, two opinions surfaced. The first was that residents want to maintain the rural nature of West Vincent and reduce the amount of trucks on the roads. The other was the residents want to be able to choose their hauler. Mr. Farnham stated that the task force worked to put both of them together, calling it a Preferred Hauler. This would mean the Township would solicit bids for a hauler and only those who wanted to sign up would do so. A price break would be given to customers at certain levels of service. Mr. Wendelgass asked if he has seen this done before since he tried to find any other Township that did and was unsuccessful. Mr. Farnham says that he has seen the Federal government do this type of contracting. There was a lengthy discussion on the law and how the Township should move forward with the task force. Mr. Brown suggested that the task force prepare an implementation plan. Mr. Jacobs stated that the task force may meet for six months or so and then find out that it is not legally possible to do what they suggest. As long as they are aware of that fact, the Board will reappoint the members and ask them to start the process of preparing a bid. Mr. Siana stated that this will need a legal review. It has not been done before. Mr. Wendelgass added that State Law requires sealed bids. Townships are not permitted to negotiate rates. Ted Otteni, Task Force Member, stated that it may be possible for the task force to come up with an RFP and use a scoring system, for example for every 100 customers, the price would drop. Points could be given for extra services. It is a lot to consider including the wants and needs of the residents. Mr. Siana stated that they need to define

a performance and going through that process it would help the Township to actually know if it was legal before it goes too far. If the task force meets again, it should identify what the community wants and how to achieve it. Mr. Brown made the motion to appoint the previous Trash Task Force Members, Peter Gaffer, Eugene Briggs, Bob Kaiser, Harry Saunders, Ted Otteni, John Rieder, Steven Bazil, Chip Farnham, and Penny Furgess-Hodgkins and ask them to put a plan together to implement their Preferred Hauler system and put together information for an RFP. After some comments on details and legal costs, the motion carried unanimously.

Sidewalk to Elementary School: Mr. Wendelgass provided the Board with an update on the status of this project. An easement has been prepared and sent to the landowner where the sidewalk is to be installed. Preparations for an application for a HOP with Penn DOT have begun.

Fellowship Trail: Upper Uwchlan Township has identified the persons at their Township that will be the contacts. The two people at the church no longer wish to be a part of the discussion, so more volunteers from the church need to be found. The plans have been revised to reflect the Penn DOT requirements.

Board Planning Meeting: The Board desires to continue the meetings regarding the future planning for the Township in a special meeting. May 20, 2015 at 7:30 PM was chosen and will be advertised as such.

#### **New Business:**

Delaware Valley Health Trust: West Vincent Township is a member of the Delaware Valley Health Trust who provide health insurance to the Township employees. When new requests to join are made, all members are asked to approval the requests. Mr. Brown made the motion that Tredyffrin Township, Western Montgomery Career and Technical Center, and Upper Providence Township become members of DVHT. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Sewer Plant Mowing Bid: Mr. Brown made the motion that the Sewer Plant Mowing Bid be advertised. Mr. Jacobs seconded the motion which carried unanimously.

Community Day: The 13<sup>th</sup> Annual Community Day will be held on May 9<sup>th</sup> from 10:00 AM – 3:00 PM at the Township Park.

Phoenixville Regional Planning: Mr. Brown read a letter to the audience regarding the status of the publicly accessible webpage for the PRPC. It is to be operational by March 2015. Mr. Brown shared this and will keep residents informed of their progress.

Meeting adjourned 8:55 PM

Respectfully Submitted,  
Tammy Swavely, Township Secretary