

West Vincent Township
Board of Supervisors Meeting

April 28, 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, Zoning Officer Sandra Cantrell-Edwards, 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. The Applicant has applied for a Conditional Use for a boarding stable in compliance with Section 2220 and to install improvements in High Ground Water areas subject to the standards of Section 2711 of the Zoning Ordinance. Mr. Crotty entered Township Exhibits into the record. T-1: The Township Notice of a Hearing and the Transmittal Letter to the Pottstown Mercury. T-2: Proof of Publication. T-3: Application for Conditional Use including the plan set last revised 2/17/14. T-4: Form of letter sent to those who live within 500' of the subject property. T-5: List of neighbors the letter was sent to. T-6: Carroll Engineering Review letter dated March 4, 2014. T-7: Planning Commission Minutes dated 2/14/14. Mr. Jacobs then read a statement into the record which is attached to these minutes recusing himself of voting in any decision due to a conflict of interest. Mr. Crotty asked if anyone would like to be a Party to the Proceedings. No one came forward. Mary Ann Rossi, Esq. representing the Applicant began calling her witnesses. She called a total of five witnesses, Martha King, Doug King, David Beideman, and Andreas Heinrich. Ms. Rossi asked her witnesses several questions about the proposal that the Applicant has for the property on Kimberton Road. The Board and Mr. Crotty also asked questions. Ms. Rossi added her exhibits into the record. A-1: Agreement of Sale. A-2: Zoning Plan, Sheet 1. A-3: Zoning Plan, Sheet 2. A-4: Summary of Zoning Relief granted by the ZHB. A-5: Zoning Plan Sheet 5. A-6: Resume of David Beideman, P.L.S. A-7: Zoning Plan, Sheet 7. A-7-a, Zoning Plan Sheet 7 in different color. A-7-b, Zoning Plan Sheet in a different color. A-8: Rettew Report. A-9: Planning Commission Minutes 3/20/14. A-10: Raudenbush Engineering Letter of April 24, 2014. A-11: Planning Commission Minutes 2/20/14. A-12: McCrea Research, Inc. Letter dated 10/29/13. A-13: Zoning Plan, Sheet 8. A-14: Zoning Plan, Sheet 9. A-15: Resume of Andreas Heinrich, P.E., P.T.O.E. A-16: Trip Generation Report. Mr. Miller opened the hearing for public comments. The hearing was continued until May 12, 2014 at 7:30 PM with a Decision to be made at that time.

Mr. Miller opened the regular Board meeting at 8:50 PM after a brief recess.

Mr. Miller announced that there was an **Executive Session** on April 25, 2014 to discuss real estate and litigation.

Public Comment on Non-Agenda Items:

George Dulchinos, 1415 Hollow Road asked for an update on the Phoenixville Regional Planning Commission minutes from 2012 and 2013. Mr. Wendelgass has made contact with the secretary and should be receiving them this week. Mr. Brown added that he had the same conversation with the secretary and noted that the new ones will be forthcoming. Mr. Wendelgass stated that the minutes were approved, they were just not posted to their website. Mr. Miller stated that when the minutes are available, they can be added to the Township website.

Mr. Thomas Oeste, Esq. representing Alfred Kennedy of East Nantmeal Township came with a question regarding the Greiner, Inc. Zoning Hearing Decision that was made on December 12, 2013 by the West Vincent Township Zoning Hearing Board. He stated that his client feels that they are not abiding by the Decision and would like enforcement. He asked the Township to take the matter to the Court of Common Pleas. Mr. Jacobs made the motion that the Board authorize the Township Solicitor to take any and all appropriate action together with the Zoning Officer to start any appropriate legal action on the Greiner enforcement matter. Mr. Brown seconded the motion. **Brian Greiner** spoke to the Board stating that his family has worked in West Vincent Township all of their lives. In 1980 a Court Decision was imposed upon them and since then they have been running the business had according to that Decision. A new complaint was filed with the Township stating that the business expanded into something else in 2013. They had to file for a Zoning Hearing. He feels this is an injustice against his family and they have always been good citizens. **Kit Trollier, 16 Hunt Hill Road** stated she understands that the Board has to ask the Solicitor to move forward on this, but feels that Greiner, Inc. is following the Decision made by the Zoning Hearing Board in December 2013. She feels it is a waste of Township money to investigate this when they are following the Decision. Mr. Miller called for a vote on the motion. All were in favor and the motion carried unanimously.

Francis Ellis, 2823 Flowing Springs Road asked if there was anything to do to prevent the stone washing away on Jaine Lane and Sawmill Road. She feels that the road department did a nice job and now it will wash away in the next rain. Mr. Miller stated that is the nature of gravel roads. The only prevention would be to pave them. There is no intent of paving any gravel roads in West Vincent Township. This is the will of the people who live on these roads.

Brian Curry, 512 Blackhorse Road asked if the Board has scheduled a road inspection trip to see what roads need repairs this year. That has not been scheduled although it usually is in May. Mr. Curry asked Police Chief Michael Swinger if he knew how many complaints about speeding on the roads there was and if there were any speed studies done recently. Chief Swinger did not have a number of complaints. The recent speed studies were done on S. Beaver Hill Road and Fellowship Road. Mr. Curry asked about a matter where exercising a Letter of Credit then involved litigation which was discussed in a previous meeting and would like to know who this involved. Mr. Miller stated that there were two (2) in recent years. One with the developer of Matthews Meadows and the other was West Vincent Associates the developer of Weatherstone.

Maria Jacobs, 2351 Beaver Hill Road asked if the grant money for the Multi-Modal Study will only be approved if the plan is adopted by the Township and if the Board members knew that when the study was approved. Mr. Miller stated that the construction of any future project in the plan

will depend on a grant using the Multi-Modal Plan as a tool for the applications. Mrs. Jacobs asked if there could be a longer time to review the study since it is a lengthy document. Mr. Wendelgass stated that the Chairman of that Task Force, Mrs. Damsgaard has asked for that time frame for her deadline approvals with other entities. She informed him that she would take comments until the final revision. Mr. Brown made the motion to extend the deadline to give comments to the Township on the Multi-Modal Draft Plan until June 1st. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Approval of Minutes

The minutes of **April 14, 2014** were unanimously approved on a motion by Mr. Jacobs and a second by Mr. Brown.

Reports (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 4/28/2014 was acknowledged as submitted. Mr. Jacobs stated that at the next Board meeting Executive Director of Water Resources Authority in Chester County, Jan Bowers will be coming to talk to the Board about the recent vote for the Stormwater Ordinance.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending March 31, 2014 which was acknowledged as received.

Police Report: The Police Report for the month of March 2014 was presented by Police Chief Mike 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 July 11, 2014. Mr. Jacobs seconded the motion. The motion carried unanimously.

Bills List: Mr. Brown made the motion to approve the Bills List dated 4/28/14 in the total amount of \$85,671.73. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

Subdivision/Land Development

Stone Rise Sewer Plant: This sewer plant has been offered for dedication and the Township Engineer has submitted a recommendation that the Township can take dedication of it. Mr. Miller made the motion move that West Vincent Township enter into the Memorandum of Understanding regarding dedication of Community Wastewater Collection Treatment and Disposal Facilities, Tax Parcel 25-6-1.3 in the form presented and that Kenneth Miller, in his capacity as Chairman of the Board of Supervisors, be authorized to execute and deliver the same with such additional non-substantive changes as may be required or approved by the Solicitor. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Brunner Sewer Hook-Up: Neal Fisher, West Vincent Associates, came to the Board for a decision as to whether or not they will permit West Vincent Associates to install a temporary lateral connection from the Weatherstone Sewer Plant to the Brunner Subdivision, now known as Weatherstone North. This would enable him to avoid Pump and Haul for his initial construction. Mr. Jacobs stated that he would like to help Mr. Fisher out, but does not see any benefit to the Township. The Township would assume too much risk and not much gain. Mr. Fisher feels that there would be no risk to the Township because he will have to submit a \$2 million letter of credit. He is also willing to place a cap on building permits at 73 in which he will have to have the construction done of the new sewer plant before he can build anything else. Mr. Jacobs stated that things do not always work out the way you want and the Township could end up having to build the plant. Mike Malloy, attorney representing West Vincent Associates, stated that he spoke with the Townships special counsel and she stated that something could be written into an agreement that would take care of Township concerns. Mr. Miller stated that as of today, the Township's attorney does not agree with what Mr. Malloy is referring to. Mr. Fisher stated he could set up milestones to abide by for construction. Mr. Brown stated that it is the opinion of Special Counsel that the Township would be subject to prevailing wage should the Township have to construct the plant. This is a large amount to consider. Mr. Fisher wanted to know what concerns the Board had. Mr. Miller informed him that they were mostly legal issues but a few were engineering issues. Mr. Malloy would like a scope of these issues so they could be addressed. After some more discussion, Mr. Fisher agreed to come back in two weeks to see if the issues could be addressed in the meantime and a compromise could be found.

Old Business:

Road Material Bid: The Road Material Bids were reviewed and the lowest bidder for each item has been determined. Mr. Miller read the lowest bids into the record as follows:

ITEM NO.	DESCRIPTION (Tons)	Lowest Bidder
1	Anti-Skid Type 2	Highway Materials 1750 Walton Rd. Blue Bell, PA 19422 Unit FOB Plant: \$7.50 Unit Delivered: \$17.00
2	Anti-Skid 6S	Cedar Hollow Recycling 100 Paradise St. PO Box 762 Phoenixville, PA 19460 Unit FOB Plant: \$13.25 Unit Delivered: \$18.45
3	PSP (Cold Patch)	Highway Materials 1750 Walton Rd. Blue Bell, PA 19422 Unit FOB Plant: \$95.00 Unit Delivered: \$99.00
4	2A Crushed Blacktop (Millings)	Cedar Hollow Recycling 100 Paradise St. PO Box 762 Phoenixville, PA 19460

		Unit FOB Plant: \$7.75 Unit Delivered: \$12.95
5	2A Crushed Concrete	Cedar Hollow Recycling 100 Paradise St. PO Box 762 Phoenixville, PA 19460 Unit FOB Plant: \$7.00 Unit Delivered: \$12.20
6	3A Crushed Concrete	Cedar Hollow Recycling 100 Paradise St. PO Box 762 Phoenixville, PA 19460 Unit FOB Plant: \$7.90 Unit Delivered: \$13.10

Mr. Brown made the motion that the bids be awarded as announced by Mr. Miller. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Mowing of the Sewer Plants Bid: Mr. Brown stated that the Township received one bid from Kenneth Miller, Jr. 2573 Horseshoe Trail Chester Springs, PA 19425. Mr. Jacobs made the motion that the bid be awarded to Mr. Miller for the Mowing of the Sewer Plants for the following amounts: Mowing and removal of crops on Matthews Meadows Sewer Plant Spray Fields: Total for one mowing: \$1,500 and total for five (5) times: \$7,500. Mowing and removal of crops on Weatherstone Sewer Plant Spray Fields: Total for one mowing: \$4,500 and total for three times: \$13,500. Total amount of the contract: \$21,000. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously with Mr. Miller recusing himself.

Sustainability Fair: The following were sponsors of the Second West Vincent Township Sustainability Fair on April 5, 2014. French and Pickering Creeks Conservation Trust, Renewal By Anderson Windows, Why Not Farm, 4CP-Chester County Citizens for Climate Control, Kimberton Whole Foods, The Cleaning Authority, Ottos Imported Cars.

New Business:

Traffic Signal Contract: Signal Service, Inc. maintains the two traffic signals in West Vincent Township. The contract expires at the end of May. The yearly charges are \$425.00 per traffic light plus \$100 for the school signal which are the same as the last contract in 2011. Mr. Brown made the motion that the Signal Service, Inc. contract be renewed for two years. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Community Day: The twelfth Annual Community Day will be held in the Township Park on May 10, 2014 from 10:00 am – 3:00 pm. All are encouraged to come to the fun filled day.

Farmland Lease: Mr. Stanley Guest rents property from the Township which is along Route 100 on the west side off of Horseshoe Trail. He had a contract with Owen J. Roberts School District when the Township purchased the land. The contract is for \$50/acre and there are 24 acres. The current lease has an option to extend it for a year and Mr. Guest has requested this again for 2014.

Mr. Brown made the motion that the lease for Mr. Guest be extended until January 2015. Mr. Jacobs seconded the motion which carried unanimously.

Meeting Adjourned 10:05 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary