

West Vincent Township  
Board of Supervisors Meeting

May 2, 2016

7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, Township Solicitor John Walko, Esq., Hamburg, Rubin, Mullin, Maxwell and Lupin, Township Engineer Bryan Kulakowsky, Cedarville Engineering, Timothea Kirchner, Interim Township Manager and Township Secretary Tammy Swavely.

Mr. Jacobs called the meeting to order at 7:05 PM.

Mr. Jacobs announced that there was an Executive Session on April 21, 2016 and May 2, 2016 for personnel.

The first item of business was a Conditional Use Hearing for Frances Pascal, 1406 Hollow Road. A court reporter was present to take a transcript. Solicitor McGrory opened the hearing and entered exhibits into the record. T-1: Application for Conditional Use, T-2: Legal Notice, T-3: Proof of Publication, T-4: Letter to WVT Planning Commission regarding the hearing, T-5: Letter to the Chester County Planning Commission regarding the hearing, T-6: Affidavit of Posting, T-7: Copies of letters sent to the neighbors within 500' of the property. Mr. Pascal was sworn in as well as his architect as an Expert Witness, Thomas Carnevale. Mr. Pascal desires to open a coffee shop in the Birchrunville Historic District. Many questions were asked and answered by both Mr. McGrory and residents. Mr. McGrory told Mr. Pascal that there are three conditions upon which he sees the Board will have to consider. 1. Hours of Operation, 2. Compliance with the Zoning Ordinance, 3. Comply with the testimony from the hearing. The Board will render its decision within 45 days. The Hearing was closed.

Mr. Jacobs opened the regular Board Meeting at 7:40 PM.

**Public Comment on non-Agenda items:**

Ron Brostrom, 2665 S. Chester Springs Road commented on the gate at S. Chester Springs Road and the signage.

Chip Farnham, 988 St. Matthews Road commented on the Park and Recreation Commission field use for teams and those who use the fields without permission. Mr. Schneider addressed this issue stating that the Board needs a policy to regulate it. Mr. McGrory stated that the policy will need to be reviewed and determined how it can be enforced. He recommends that an ordinance be in place for the Police Department to enforce.

Cindy Clark, 2601 Flowing Springs Road commented on the speeders on Flowing Springs Road. She was informed to talk to the Police Department on this issue.

Harriet Stone, 1645 Birchrun Road commented on the Open Space Referendum and the rules on spending the funds collected by the tax. She also informed the Board that the Birchrunville Historic District signs have been installed and the funds came from the Historic Birchrunville Neighborhood Association.

Jamie Farnham, 2665 S. Chester Springs Road commented on the stone walls that Toll Bros. installed on the culverts in the Eagle Farms Subdivision.

Sara Shick, 1201 Davis Lane commented on the progress of hiring a new Township Manager.

Maria Jacobs, 2351 Beaver Hill Road asked the Board if they considered moving public comment to the end of the meetings. This will be done at the next meeting.

### **Approval of Minutes:**

The minutes of **April 18, 2016** were unanimously approved on a motion by Mr. Schneider and a second by Mr. Brown.

### **Reports:**

Township Manager Report: Ms. Kirchner announced that the Pottstown Mercury Mile will be this Wednesday at the Township Park at noon. Community Day will be this Saturday from 10-3 with entertainment for the whole family. The Trout Rodeo will be on Saturday, May 14<sup>th</sup> for children ages 3-15. This is hosted by the East and West Vincent Police Officers Association and will be at the Warwick County Park at 8:15 AM with prizes at 1:00 PM. In the last two weeks the Public Works department worked on maintenance and repairs of vehicles and assisted the contractor to remove a tree on Art School Road. They also met with Cedarville Engineering on the proposed Road Program, the sinkhole on Houndstooth Lane and signs for S. Chester Springs Road. The Phoenixville Regional Comprehensive Plan update grant is moving forward with further details to be out this summer. The cost to the Township will be approximately \$8,600 and should be budgeted for next year. Chester County is applying for a planning grant from the DVRPC for a Multi-Modal Plan. The Township is to show its support by passing a resolution. There is no cost to the Township. Ms. Kirchner read two letters written to the Chief of Police for work done for them as residents. Ms. Kirchner stated that this was going to be her last meeting and it has been a pleasure working with the Board of Supervisors and staff during her interim stay. Her last day will be on May 12, 2016.

Police Report: The Police Report for the month of April 2016 was presented by Chief Michael Swinger and 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 5/2/16 in the total amount of \$47,625.19. Mr. Schneider seconded the motion. The Board answered some questions and the motion carried unanimously.

**Old Business:**

Benner Farmhouse: Scott Risbon came to the Board of Supervisors because the Board made a site visit to the farmhouse to determine what should be done. Mr. Risbon stated that since the visit, he removed the plywood on the windows and found there are a few wood windows that he can repair the panes on and place on the front side of the house. There was a discussion on replacing the windows and what type should be installed. Mr. Risbon stated that he wants to install Anderson 200 wood clad windows on the rest. Suzanne Roth, 1360 School House Lane stated that all of the windows should be real wood. Mr. Risbon feels that the cost is too high. He is planning on restoring the spring house and the walls of the old barn by capping them to prevent them from falling. He will save as much of the old wall along the road as possible. It was agreed onsite that the shed is in poor shape and cannot be saved. He will save a piece of wood for the Historic Committee so that they can make a sign for the house. It was also agreed onsite that the side porch is not historic and can be removed. He would like to remove the stucco even though it is more historic to be stucco. He likes the look of a stone home. Mr. Brown made the motion to approve the following renovations to the Benner Farmhouse at 2090 Eagle Farms Road: 1. Remove the Portland cement. 2. Save as many windows as possible. 3. The rest of the windows will be Anderson 200 Series clad wood windows. 4. The side porch cannot be saved. 5. The shed will be removed. 6. He will try to incorporate the back porch roof lines into the new porch. 7. The spring house will be restored. 8. The barn walls will be capped and stabilized with up lighting. 9. The owner will make a sign for the home as to the requirements by the Historic Resource Committee. Mr. Schneider seconded the motion. There was some comments on the windows Mr. Brown voted yes, Mr. Schneider voted yes and Mr. Jacobs voted no. The motion carried.

Trash Hauler Proposal: The Trash Task Force wrote a Trash Hauler Proposal concluding their studies of trash removal in the Township. This was discussed at the last Board meeting and tabled for the Board to review the proposal. This has been placed on the website for residents to review. Mr. Schneider is uncomfortable with the idea. He does not want to be the first local government to choose one business over another for the citizens. He understands the traffic and environmental issues, but there are other deliveries that need to be done on a regular basis also including but not limited to deliveries of goods, septic pumping, etc. Mr. Brown feels that in the report there were two main ideas that were gathered from residents. They wanted to reduce traffic and not to be told what hauler they had to use. This proposal does not require anyone to use the preferred hauler. Mr. Schneider feels that this could set up an influential relationship between government and business. Mr. Jacobs asked Chip Farnham, a Trash Task Force member, if they studied the impact this would have on smaller haulers. Mr. Farnham stated that they did study this and they are protected on the Federal side, but not the local side. Mr. Schneider stated that when government gets involved it sounds dangerous. The government should not be giving its stamp to a business. Mr. McGrory stated that he did some preliminary research. He looked at State Law, and this does not conflict with any laws. It gets into unfair competition and restraint of trade. He needs to do more research on the issue. Mr. Schneider asked how important this issue was. Mr. Brown stated that a lot of people put in a good deal of time. They have come back with a very well written document as a result. Mr. Farnham stated that if the Board needs to put this proposal on the shelf for a while, there would be no bad

feelings amongst the Trash Task Force. Mr. McGrory stated that he is very impressed with the document but this is uncharted waters. This document could be sent to haulers to see what they think. A representative from A.J. Blosenski was present and he informed the Board that they allow each resident they serve to choose the best level of service for them. It would better serve the residents to let them choose their hauler. This was tabled until the next meeting for further discussion.

Hiring of Part-time Officers: Chief Swinger stated that the selection process to replace the vacancies in the Police Department started in 2015. He stated that he received several applications from very qualified candidates. The two that he recommends that the Board hire are Daniel Myers and Gregory Bickel. They both have experience in police work and have successfully completed all their pre-employment screenings. Mr. Schneider asked how the department was doing since the vacancies. Chief Swinger stated that there was overtime and they have one part-time officer who put in a lot of hours. Mr. Jacobs stated that this process began in November. Chief Swinger stated that there are six full time and one part-time officer filling 20 hours in a day. There is a four hour window that is covered by the state police. Mr. Brown made the motion to hire Daniel Myers and Gregory Bickel as Part-time Police Officers. Mr. Schneider seconded the motion which carried unanimously.

#### **New Business:**

Vince Kling, 1259 Birchrun Road came to the Board meeting with questions on how to proceed with his property. He has 90 acres along Birchrun Road and he sold 36 development rights in 2007. He has seven remaining TDR's including his home. The SALDO has a requirement for the scale of a plan to be 24 x 36 sheet. He is using a 30 x 24 sheet so that he can get his entire property on one sheet. He would like to be able to use the larger sheet, but he needs to have Board approval to do this. He would like to know before preparing the plan to go to the Planning Commission. The Township engineer, Brian Kulakowsky did not have an issue with this. Mr. Kling stated that there will be no public improvements. The Board told him he could use the scale of 150 to 1 if he would like. Mr. Kling stated that the SALDO also requires him to provide 5,000 square feet of extra recreation per lot. The smallest lot is 430,000 square feet and will not be able to be further subdivided. This will be discussed when a plan is submitted.

Traffic Signal Contract: Mr. Schneider made the motion that the Township renew the two year contract with Signal Service, Inc. as submitted in the total amount of \$950.00 to maintain the traffic signals in West Vincent Township according to the Penn DOT guidelines. Mr. Brown seconded the motion which carried unanimously.

Resolution 12-2016: Ms. Kirchner stated that the Chester County Planning Commission is applying for a grant from the Delaware Valley Regional Planning Commission. Each municipality in the Phoenixville Regional Plan was asked to support this effort and to do a resolution. This is to identify potential improvements to the transportation network of the Phoenixville region and the grant is in the amount of \$52,000. Chester County will provide a 20% match, or \$13,000. Mr. Brown made the motion to approve the Resolution 12-2016 as submitted authorizing the

Application to the Delaware Valley Regional Planning Commission for a Transportation and Community Development Initiative. Mr. Jacobs seconded the motion. Mr. Brown voted yes, Mr. Jacobs voted yes, Mr. Schneider voted no. The motion carried.

Proposal for Topographic Survey: Mr. Brown made the motion that the Township approve the proposal to perform a Topographical Survey on the French Creek Road culvert from Cedarville Engineering in the total amount not to exceed \$4,800. Mr. Schneider seconded the motion. Mr. Kulakowsky stated that this is step #2 in the process of repairing the culvert. Step #1 was to determine if it could be repaired, and if not, it must be replaced. To prepare for the DEP permit a survey needs to be done. This details wetlands that are impacted and screens for habitats. Once DEP receives the application, it will take three to six months to get the permit. While they review it, Cedarville Engineering will get costs for construction. It is likely that the project will start next winter/spring. Karl Brachwitz, 1286 Hollow Road asked if the Township could obtain a DEP exception for the permit. Mr. Kulakowsky stated that he can apply, but the first qualification is access. This road has an alternative access. Mr. Jacobs called for a vote which was unanimous.

Stipulation with Chester County Board of Assessment Appeals: Oxford Rise JV LLC was reassessed for tax purposes. In November 2015, Owen J. Roberts filed an appeal with the Chester County Board of Assessment Board with West Vincent Township being a party. After a discussion with all parties, Oxford Rise JV LLC agreed to a settlement for the 2016 tax year. Mr. Schneider made the motion that the Board of Supervisors approve the Stone Rise Apartment Complex Tax Assessment Appeal Stipulation and to have Solicitor McGrory sign the Assessment Stipulation on Behalf of West Vincent Township. Mr. Brown seconded the motion which carried unanimously.

Meeting adjourned 9:28 PM.

Respectfully Submitted,

Tammy Swavely  
Township Secretary