

West Vincent Township
Board of Supervisors Meeting

June 19, 2017 7:00 PM

Attendance: Chairman John Jacobs, Michael Schneider, Township Manager Erica Batdorf and Township Secretary Tammy Swavely.

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

Mr. Jacobs announced an Executive Session immediately prior to this meeting to discuss litigation.

Approval of Minutes:

Mr. Schneider made the motion to approve the June 5, 2017 and June 6, 2017 minutes as submitted. Mr. Jacobs seconded the motion which carried unanimously.

Reports:

Police Report: Police Chief Swinger gave the May 2017 Police Report which was acknowledged as received.

Bills List: Mr. Schneider made the motion that the Bills List dated 6/19/2017 in the total amount of \$74,970.23 be approved as submitted. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Correspondence:

A letter was received from Texas Eastern Transmission, LP dated June 12, 2017. Ms. Batdorf shared that Texas Eastern Transmission, LP will be working in the Right-of-Way doing maintenance work from Flowing Springs Road to Pughtown Road. They will be installing a cathodic protection system to protect the pipes from corrosion. Davey Waters read a letter to the Board that her mother, Rose Marie McCartney wrote to Texas Eastern in July 1965 registering a complaint to them. Mr. Jacobs stated thanked her for sharing and informed Ms. Batdorf that she should stay on top of this work that is being done.

Subdivision/Land Development:

Kanavy Land Development: An extension request was submitted by Daniel McKenna, P.E. for the project. Mr. Schneider made the motion to grant the Extension for the Kanavy Land Development until September 30, 2017. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Old Business:

Community Day: Ms. Batdorf read into the record the donors for the 2017 Community Day. Silver Contributors, \$1,500: Cedarville Engineering Group and Hankin Foundation. Bronze contributors, \$1,000: Lennar Homes, Ludwigs Corner Veterinary Hospital, Public Financial Management and Toll Brothers. Other Donors: H.A. Thompson Risk Management Services, Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, Theurkauf Design and Planning, LLP, DNB First, Francis Hall Insurance & Risk Management Services, Dave Hoffman's Auto Repair, and Tom Josiah Consulting. Goods and Services: A.J. Blosenski, Inc., Birchrunville Café, City Folk Handwork, Conestoga Stone, Frame's Power Equipment and Mulch, Robert E. Little, Inc., W.K. Frame & Sons, Inc. Community Day Staff: Tammy Swavely, Erica Batdorf, Danielle Hewitt, and Ruth McVey. Thanks also to the Public Works department and The West Vincent Township Police Department. The Board thanked all who were involved. Ms. Batdorf stated that all expenses were covered this year by donors.

Ordinance 178-2017: Solicitor McGrory opened the hearing to consider the adoption of Ordinance 177-2017 and entered exhibits into the record: 1. Letter to the Mercury to advertise the Hearing. 2. Proof of Publication. 3. Letter to the Chester County Law Library. 4. The Ordinance itself. 5. Legal Notice. Mr. McGrory stated that this ordinance will bring the Township into compliance with other Townships assigning the homeowner as the owner of the grinder pumps except when they are in the right of way. Anything outside the Right-of-Way is the homeowner's responsibility. This came to light when the potential bidders on the sewer systems found that the buyer would be responsible for all grinder pumps. This reflects what most municipalities do. The Board did not have questions so Mr. McGrory opened up the public comment. Ms. Shick 1201 Davis Lane asked if this was due to the sewer plant sale. Mr. McGrory stated that the bidders brought it to the Township's attention. Ms. Shick asked if the Township would be selling the land associated with the sewer plants. Mr. McGrory stated that some land will be sold with a covenant on it so that it could only be used for sewage disposal or open space. Ms. Shick asked who would be responsible for the maintenance of the open space. Mr. McGrory stated that it would only be open space and be maintained according to those regulations. If it would be taken back by the Township due to neglect, in theory, the cost would not be high. The DEP will enforce this if necessary. Bernie Couris, 2239 Beaver Hill Road asked if the homeowners assumed the Township would be responsible and would they be grandfathered in. Mr. McGrory stated that they would not be grandfathered. They will be responsible for the lateral. Mr. Jacobs stated that the homeowners should be notified of this change. Mr. McGrory stated that the main issue is with grinder pumps. The Township should not have other taxpayer's pay for repairing of personal grinder pumps. Mr. McGrory closed the hearing. Mr. Schneider made the motion that the Board adopt Ordinance 177-2017 clarifying the maintenance responsibilities for lateral sewer lines and grinder pumps as submitted. Mr. Jacobs seconded the motion. Ms. Shick felt that this should be postponed until all those who are affected would be notified. Mr. McGrory stated it is not appropriate for other taxpayer's to foot the bill of repairing someone else's grinder pump. Ms. Batdorf stated that this will benefit the homeowner. Maria Jacobs 2531 Beaver Hill Road stated that in all places she is aware of the homeowner has that responsibility and the taxpayer should not be burdened with that responsibility. The lateral always goes to the homeowner. Mr. Jacobs agrees with the change, but wants to make sure everyone who is affected knows about it. Peter Ouwerkwerk 11 Springlea Lane added that this makes the homeowner more aware if digging has to be done in their own

property to know to call 811. Ms. Shick does not feel that everyone will see it as a win, but to add it to the newsletter if approved. Mr. Jacobs called for a vote which was unanimous.

Seal and Chip Bid: Mr. Schneider made the motion to approve the Change Order #1 to Asphalt Industries for a steel roller in the total amount of \$1,000. Mr. Jacobs seconded the motion. Ms. Batdorf stated that in the bid it called for a rubber roller and Mark Hughes, Road Foreman felt that a steel roller would provide better compaction. There was no public comment and the motion carried unanimously.

New Business:

Horseshoe Trail and Nantmeal Road Bid: Mr. Schneider made the motion to rescind the bid award to Innovative Construction Services, Inc. and to authorize the re-bidding of the project. Mr. Jacobs seconded the motion. Jim Helm, 2563 Veronica Drive asked why this since he felt Horseshoe Trail needed repairs. Mr. Jacobs stated that when it came time to finalize the paperwork, not all was filed properly. It was on Penn Bid, but not in a public newspaper which is what the Second Class Township Code calls for. There was no further comment and the motion carried unanimously.

Duey UCC Appeal: Mr. Schneider made the motion that the Board of Supervisors does not appeal the UCC Board's Decision on the Duey Building permit. Mr. Jacobs seconded the motion. Mr. McGrory stated that the UCC Board felt that a building permit was not necessary for the obstacle course. The Zoning Hearing is still underway. Mr. Couris asked what the reason for the permit and he was informed safety. Mr. McGrory stated that the solicitor's opinion from the UCC Board was that a permit was not necessary, which could be a matter of interpretation. It is not as clear as one would think. Ms. Shick stated that this would lead one to think it was a Zoning Code. Mr. McGrory stated that it is a Building Code issue, which is regulated by the State. Mr. Jacobs called for a vote which was unanimous.

Public Comment:

Ms. Shick shared that the Phoenixville Regional Planning Commission will hold their public meeting to discuss the Regional Plan update this Thursday at the Kimberton Fire Hall.

Mrs. Jacobs shared the Park and Recreation Commission's summer events. On July 13, 2017 and on August 10, 2017, the Second Thursday, there will be a Picnic in the Park with live music. On July 13th Danielle and Jennifer will be performing and on August 10th Voo Doo Deville will be performing. She encourages everyone to bring their neighbors and friends to have a picnic and blanket at 6:00 PM in the Township Park.

Mr. Jacobs reminded all that during July event everyone can take selfies in the park and post them to win the Pottstown Health and Wellness Foundation Park Competition for West Vincent.

Mr. Couris asked if the Sustainability Committee still needs to do an annual report as had been done in previous years. Ms. Batdorf informed him a yearly summation would be fine.

Mr. Helm stated that the last several years the past Boards have been approving plans with equestrian/pedestrian trails. None of them have been completed yet. He suggested that the trails be done early in the development stage so that homeowners know where they are when they purchase the home. He described several trails that are ongoing. Mr. McGrory stated that it would depend on the plan since a lot of times much dirt needs to be moved for the site and it does not make sense to move it with a lot of cut and fill to be done. It is good conceptually, but does not always work. The Township engineer should put in place an escrow for the trails, including grading, removal of trees, materials and that would encourage the developer to put the trail in. Mr. Jacobs asked Ms. Batdorf to let the Planning Commission know of this process for future approvals. Mr. McGrory stated that it should be a condition of approval rather than in advance. Mr. Schneider stated that the key would be the escrow. Mr. Couris stated that the developer should do what is on the plan and if the trails are completed then the people will know they are there. Ms. Shick asked if these type of comments could be included in the engineers review letter. Mr. McGrory agreed saying that he would then see it also and include it in the final resolution. The trail for Eagle Farms was discussed. Ms. Batdorf stated that in speaking with the attorney for Toll Bros. she found out that the trails were not accepted for dedication in 2013, just the roads. The trails are under the HOA control. Mr. McGrory stated that the Township has 21 years to accept dedication and why would the Township want the expense of a trail? Mr. McGrory stated that he will discuss this at a staff meeting and get the details of it before he can comment on it and see what can be done. Brian Curry 512 Black Horse Road asked if the public can use the trails on HOA property. Mr. McGrory stated yes, if on the plan it states public.

Meeting adjourned 8:05 PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary