

West Vincent Township  
Board of Supervisors Meeting

June 22, 2015                      7:30 PM

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

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

The first item of business was to open the bids for the Sewer Plant Mowing Bid. Mr. Miller recused himself since he was a bidder. As per the Bid Requirements, all bidders turned in their bids to the Board at 7:30 PM. The following is a list of bids that was read in the order below by Mr. Brown and Mr. Jacobs. These bids will be reviewed for completeness and be awarded at the next Board meeting on July 13, 2015.

Bidder	Matthews Meadows Bid	Weatherstone Bid	Total Contract
Kenneth Miller, Jr. 2573 Horseshoe Trail Chester Springs, PA 19425	1 Mowing:     \$1,250.00 5 Mowings:    \$6,250.00	1 Mowing:     \$3,000.00 3 Mowings:    \$9,000.00	\$15,250.00
Deerfield Mowing & Property Maintenance, Inc. 708 Pheasant Run West Chester, PA 19382	1 Mowing:     \$1,250.00 5 Mowings:    \$6,250.00	1 Mowing:     \$2,415.00 3 Mowings:    \$7,245.00	\$13,495.00
Cory M. Mowrer 2709 Coventryville Rd. Pottstown, PA 19465	1 Mowing:     \$1,200.00 5 Mowings:    \$6,000.00	1 Mowing:     \$2,500.00 3 Mowings:    \$7,500.00	\$13,500.00

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

**Harriet Stone, 1645 Birchrun Road** informed the Board and audience about the Historic Walk on July 16, 2015 from 5:30 PM – 7:00 PM.

**Sara Shick, 1201 Davis Lane** stated that while speaking with the Chester County Emergency Services, they recommend to always call 911 for any emergency. There is no other number to call.

**Brian Curry, 512 Blackhorse Road** asked to add the 2014 Legal Bill analysis to the next Board Agenda, the First Quarter Budget vs. Actual, and the draft bills list from March 9, 2015.

**Frances Ellis, 2823 Flowing Springs Road** commented on the proposed repairs to Flint Road.

**Richard Dunn, 1004 Birchrun Road** commented that people should submit questions to the Board before the meeting so they could be ready with answers.

**Davey Waters, 2434 Malehorn Road** commented that the weeds need trimming at the corner of St. Matthews Road and Rt. 401.

Maria Jacobs, 2351 Beaver Hill Road commented on the dust control applied to the dirt roads.

### **Approval of Minutes:**

The minutes of **June 8, 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 6/22/15 was acknowledged as submitted.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending May 31, 2015 which was acknowledged as received.

Police Report: The Police Report for the month of May 2015 was presented by Sergeant Russell and was acknowledged as received.

Active Subdivision List: An extension was submitted by John Diemer for the Trevdan-Kanaway Land Development. Mr. Brown made the motion to grant the Extension for the same until December 30, 2015. Mr. Jacobs seconded the motion. The motion carried unanimously.

Bills List: Mr. Brown made the motion to approve the Bills List dated 6/22/15 in the total amount of \$35,616.03. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

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

Batchelor Subdivision: Solicitor Michael Crotty summarized the two Decisions that the Board had in front of them for the Batchelor Subdivision. They both lead to the same conclusion, granting the subdivision, but the second choice deals with the construction traffic on Ivy Lane and the use of Ivy Lane in the future. This item is #5 in the Decision. Mr. Crotty read these into the record. The first choice includes the following language: *“This Decision shall not be construed as a determination by the Township Board of Supervisors of the private property rights of any party to the Batchelor driveway easement or other access to the Subject Property.”* The second choice contains the following language: *“This Decision shall not be construed as a determination by the Township Board of Supervisors of the private property rights of any party to the Batchelor driveway easement or other access to the Subject Property. In order for the Applicant to establish compliance therewith, Batchelor shall obtain an agreement with the neighbors to address any potential usage or damages to Ivy Lane, or otherwise provide the Township with a legal determination from a court of competent jurisdiction to establish the scope and extent of his right to utilize Ivy Lane for construction and access purposes. Such information shall be supplied to the Township prior to the time of building permit submission for*

*a dwelling unit on Lot 2.*” The other parts of the decision were as follows: 1. That the Applicant comply with the deferred Subdivision and Land Development provisions and the applicable provisions of the Township Zoning Ordinance which were waived at this time. 2. The Applicant must comply with the June 9, 2015 Township Engineer’s Review letter. 3. The property must comply with the Township Zoning Ordinance. 4. Financial Security in the amount acceptable to the Township Engineer against road or any property damage to Ivy Lane be submitted. 5. (As listed above) 6. That the Applicant shall pay any outstanding fees. 7. That the Applicant accept the Decision in writing within thirty (30) days. Mr. Brown made the motion that the Board approve the second Decision which includes an agreement with the neighbors be established. Mr. Miller seconded the motion. Mr. Jacobs stated that he did not have enough time to review the second Decision. Since the deadline is on June 30, 2015, the Board will not have another meeting to decide before the time period is over. Mr. Crotty asked John Good, the Applicant’s attorney if an Extension would be granted. He stated that Mr. Batchelor was ill and could not make a decision for him without discussing it with him. John Berlinger, 14 Ivy Lane asked the Board some questions on the access. Mr. Crotty stated that there are a number of issues which deal with private property issues and the Township cannot make a determination on those. Mr. Brown added that the Decision is conditioned upon the approval of the neighbors reaching an Agreement or the same from a Court. Mr. Miller called for a vote. Mr. Brown voted Yes, Mr. Miller voted Yes, Mr. Jacobs voted No. Motion carried 2-1.

**Old Business:**

Sidewalk to Elementary School: The Township has received the signed sidewalk easement and temporary construction for the sidewalk to the elementary school. Mr. Jacobs made the motion that the Board execute the Agreement for Sidewalk Easement and Temporary Construction Easement. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously. Mr. Brown made the motion to authorize the advertisement of the sidewalk bid project. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Dust Control Bid: One sealed bid was received from Dustkill, 150 Cherry Hill Road, Ronks, PA 17572. Soybean oil plus delivery: .60/lb. Soybean oil plus delivery and application: .135/sq. yd. (based on tanker load). Mr. Brown made the motion to approve the Dustkill Bid as submitted. Mr. Jacobs seconded the motion. Sara Shick, 1201 Davis Lane asked if the Township will be purchasing a whole tanker load. Mr. Miller stated that it depends on how dry it gets. There was no further comments and the motion carried unanimously.

Seal Coat Bid: The Township Bids were opened on Penn Bid by Carroll Engineering on June 19, 2015 at 2:00 PM. Two bids were received. The total Base Bid with the alternate are listed below.

Martin Paving 531 E. 28 <sup>th</sup> Division Highway Lititz, PA 17543	Total Price: \$268,497.53
Asphalt Industries, Inc. 169 Township Line Road Chester, PA 19013	Total Price: \$269,478.81

Carroll Engineering has reviewed these bids for completeness and has found that each company has the appropriate documents as per the bid requirements. Mr. Wendelgass stated that there is adequate funds in the Liquid Fuel account that is to be used for this repair. Mr. Brown made the motion to award the 2015 Seal Coat Bid to Martin Paving. Mr. Jacobs seconded the motion. Mrs. Ellis stated that she used Martin Paving for some work and were satisfied. Jamie Farnham, 2665 S. Chester Springs Road asked if this application will include portions of the dirt part of St. Matthews Road. Mr. Miller stated that yes, he will see if they can apply this same seal coat to the dirt part of the road to see if it works as a repair. Kit Trolier, 16 Hunt Hill Road asked how many miles of road did this expect to repair. Mr. Miller stated that it isn't based on miles, but square footage, and there are 19 different roads included throughout the Township. There was no further public comment and the motion carried unanimously.

S. Chester Springs Road and Route 401 Intersection: Mr. Wendelgass updated the Board on the status of this issue. The Board was asked by residents to improve this intersection for the safety of the school bus. Mr. Wendelgass stated that the Township's traffic engineer has spoken with Penn Dot representatives who need several items before it would agree to the improvements. Estimates of the cost from Penn DOT are in the \$40,000 to \$75,000 range, plus the cost of the engineered plan which is approximately \$6,000. Toll Bros. is moving along with paving Eagle Farms Road. If this road is paved and dedicated as soon as possible, this may solve the school bus issue. There is a meeting with Penn DOT, the traffic engineer, the Police Chief and Mr. Wendelgass next week to discuss this intersection. After this meeting, the Board can see make a better decision on what to do.

Phoenixville Regional Planning: Mr. Brown described the benefits of belonging to a regional planning group. In Pennsylvania, all Townships are required to have all types of zoning which would include for example, pornography stores to trailer parks. If the Township is part of a regional plan, and as long as somewhere in the region those items are permitted, the Township does not have to have them. The Board is being asked to approve a revised Implementation Agreement for the Phoenixville Regional Plan. When a subdivision plan is submitted to the Township and it meets the criteria for a regional review, the review is entirely advisory. The Phoenixville Regional Plan is tightening up and improving its language. After a discussion, Mr. Brown made the motion to approve the Phoenixville Region Intergovernmental Cooperative Implementation Agreement for Regional Planning. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Resolution 10-2015: Mr. Crotty described the Child Protective Services Law by stating that Pennsylvania expanded it and will now require the Township to have some employees and volunteers to submit Child Abuse Clearances, Criminal History checks and an FBI fingerprinting. These persons will now be considered a mandatory reporter and have to report child abuse within 72 hours of a crime. Mr. Crotty stated that there has been a huge outcry to this amendment and the Governor has now waived the fees for the State forms. Any volunteers running events that supervise children will need to get their clearances. This will include the police department and possibly the Park and Recreation Commission and those who volunteer with the amphibian crossing. Mr. Wendelgass stated that this resolution will start the process of setting procedures in place. Mr. Crotty added that the resolution can be amended as the law changes. Mr. Jacobs made the motion to approve Resolution 10-2015 memorializing a Policy for acknowledging mandatory

reporters, requiring appropriate clearances, and implementing appropriate procedures for the purpose of satisfying its obligations under the Law. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Gutter/Curb Replacement: An estimate was received from Rosato Masonry for the concrete gutter work in the Stonecroft Subdivision. The total amount of \$9,380.00 includes repairs to 28 different sections of gutters. Staff has tried to locate another contractor for another quote but was unable to do so. The dollar figure is under the bidding requirements. This does not include removal of concrete, the purchase of concrete or the finish grading. Mr. Brown made the motion that the estimate from Rosato Masonry be accepted for repairs to the Stonecroft gutter work on Lily Pond Lane and Laymen's Way. Mr. Jacobs seconded the motion. Mr. Jacobs asked if we can get a warranty on the work. The typical Maintenance Bond is 18 months. Mr. Brown amended the motion adding approval pursuant to an 18 month warranty. Mr. Jacobs seconded the amended motion which carried unanimously.

#### **New Business:**

Penn DOT Electronic Access: Mr. Wendelgass explained that in order to apply for permits through Penn DOT's website, you must apply to do so. This will be necessary to do for the sidewalk to the elementary school. Mr. Brown made the motion to adopt Resolution 11-2015 authorizing the Township Manager to sign the Application to Penn DOT on West Vincent Township's behalf. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Greiner Settlement Agreement Extension: A letter was received this afternoon from Kristin Camp on behalf of Conestoga Stone, LLC. Pursuant to the Settlement Agreement, Conestoga Stone is to remove all concrete bin blocks from the property at 3135 Conestoga Road by June 30, 2015. Conestoga Stone is requesting an extension of time to remove these blocks until July 30, 2015. They are purchasing a property and the settlement has been delayed to clear the title. Mr. Brown made the motion to extend the Settlement Agreement date until July 30, 2015. Mr. Miller seconded the motion. Mr. Brown asked if there would be any downside to agreeing to this. Mr. Crotty stated that not from a legal standpoint. Mr. Jacobs felt that a deal was a deal and that the Greiner's should not be permitted to have an extension or the Township should renegotiate a different monthly payment. There was no public comment and the motion carried, Mr. Miller voting yes, Mr. Brown voting yes, Mr. Jacobs voting no.

Meeting adjourned 8:55 PM

Respectfully Submitted,

Tammy Swavely  
Township Secretary