

West Vincent Township
Board of Supervisors Meeting

June 23, 2014 7:30 PM

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

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

Mr. Miller began the meeting with a hearing on the Stormwater Ordinance. Mr. Siana stated that **Ordinance 160-2014** has been advertised as required entitled “An Ordinance of the Township of West Vincent, Chester County, Pennsylvania: Amending the Township Ordinances and Adopting the West Vincent Township Stormwater Management Ordinance.” Chester County has prepared a model ordinance under Act 167 and this ordinance is consistent with County-wide legislation. All Townships in Chester County are required to adopt this ordinance. The Board discussed this ordinance. Mr. Jacobs stated that although he does not like it but the Township will be penalized for not adopting it. Mr. Brown added that it opens the Township up to liability. If someone suffers water damage and it could have been avoided through adopting this ordinance, the Township could be liable. Mr. Miller opened up the hearing for public comment. **George Dulchinos, 1415 Hollow Road** asked about the liability issue. Mr. Siana stated that this ordinance in particular puts additional exposure on the Township with regards to liability. Mr. Miller closed the hearing stating that the Board will consider an ordinance adoption later in the meeting.

Public Comment on Non-Agenda Items:

A number of residents made comments on items not on the agenda.

The minutes of **June 9, 2014** were approved on a motion by Mr. Brown and a second by Mr. Jacobs. Mr. Miller voted yes, Mr. Brown voted yes, Mr. Jacobs voted no stating he would like a minute’s policy. Motion carried.

Reports (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 6/23/2014 was acknowledged as submitted.

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

Police Report: The Police Report for the month of May 2014 was presented by Police Chief Michael 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 August 28, 2014. Mr. Jacobs seconded the motion. The motion carried unanimously.

Bills List: Mr. Jacobs made the motion to approve the Bills List dated 6/23/14 in the total amount of \$59,395.20. Mr. Brown seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A request was received from Brenda McCann, Airedale Terrier Club to use the gazebo and park on August 16, 2014 from Noon-8:00 PM. Mr. Brown made the motion to permit the same. Mr. Jacobs seconded the motion which carried unanimously.

A thank you note dated June 15, 2014 from French and Pickering Conservation Trust was acknowledged as received for the Township's contribution towards their 12th Annual French Creek Iron Tour.

Old Business:

Stormwater Ordinance: Mr. Jacobs read Ordinance 160-2014 into the record. Mr. Miller made the motion to adopt **Ordinance 160-2014** as presented to the Board this evening. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

New Policies: The Board desires to adopt policies regarding different topics. These include a Park Facilities Ordinance, Use of the Township Mailing List, Board Meeting Policy and a Minute Policy. Draft documents were sent via e-mail from Mr. Siana. The Board will review all of these and submit comments to Mr. Wendelgass so that they can be incorporated into the documents. These then can be discussed these at the next meeting and be placed on the website for review before adoption.

Emergency Towing: Mr. Miller read a statement into the record regarding a non-resident who approached the Board at their last meeting: At the last Meeting of the Board of Supervisors, a non-resident made a comment about a towing service used by the Township Police to remove her vehicle from an accident scene. After an investigation made by the Chief of Police, it is clear that the Police appropriately implemented both State Law and Police Department Policy in having the vehicle removed. Under Public Law 990, No. 110, the Towing and Towing Storage

Facilities Standards Act, the owner or operator of a vehicle involved in an accident normally gets to select the towing company and the towing destination. However, subsection (c)(3) of that Act provides that this may be superseded by the law enforcement officer “if the tow truck operator of choice cannot respond to the scene in a timely fashion and the vehicle is a hazard, impedes the flow of traffic or may not legally remain in its location in the opinion of law enforcement...personnel.”

Under Police Department Policy, the officer at the scene had the discretion to call for the removal of a vehicle when the vehicle was not in or unable to be moved to a safe location. The officer is allowed to select a tow company from a group of tow companies which have been previously vetted by the Chief of Police on the basis of quickness of response, reliability, training and certifications, the availability of secure storage and cost.

In this case, the vehicle in question came to rest partially in a travel lane on Route 401 in the S curves between St. Matthews Road and South Chester Springs Road. Both Township Police Officers and Fire Police were on-scene and they, along with the vehicle, the vehicles’ owner and the motoring public on Route 401 were potentially in harm’s way unless the vehicle was not moved from the travel lane. While the vehicles’ owner had asked to use a towing service from Honeybrook, the potential delay in responding to the removal request was unacceptable to the officer on scene. Instead, he called a local towing service, who meets the Township’s criteria for providing such service, to assure a more prompt response. Given the nature of the accident and the damage done to the vehicle, it was necessary to have two tow vehicles involved.

At the meeting, the vehicle’s owner questioned the bill from the Towing service. This had not been previously questioned in advance of the meeting. After the meeting, the Chief of Police spoke with her and put her in touch with the towing company. Any questions about the amount of the bill are not an issue for the Township, but are between the towing company and the vehicle’s owner. After the Chief of police spoke with the owner of the towing company, it is important to note that the invoice covered the response of two separate tow vehicles and several days of secure storage and cleanup of spilled fluids on Route 401.

In the future, the Board asks that all public comment on Police matters be directed first to the Chief of Police. This Board will not entertain comments on police matters unless the Chief has had the chance to investigate that matter.

Demolition of Buildings: Township staff received three (3) phone bids to tear down the garage and salt shed at the Township property at 1299 Flowing Springs Road. WK Frame & Sons, \$12,000; Pickering Valley Contractors, \$19,287 and Guest Excavating, \$11,000. Mr. Miller calculated that it would cost the Township \$10,100 for the Road Crew to do. After a discussion, Mr. Jacobs made the motion to have the Road Crew do the demolition. Mr. Brown seconded the motion. **Brian Curry, 512 Blackhorse Road** wanted to know if the materials will be recycled. Mr. Miller told him that the wood was treated with arsenic which was the practice with that type of wood when it was built. So, therefore it will not be recycled, but treated as hazardous waste. Mr. Dulchinos asked if the concrete pads will remain. Mr. Miller told him that the pads have deteriorated and not appropriate for the placement of a picnic table, etc. **Maria Jacobs, 2351**

Beaver Hill Road asked if Mr. Miller took into account the benefits when calculating the Road Crew wage while tearing down the buildings in his cost estimate. Mr. Miller told her that he did. There were no further public comments and the motion carried unanimously.

New Business:

Equipment and Labor Bid 2014: The current bid expires in July 2014. Mr. Brown made the motion that the Equipment and Labor Bid be prepared for advertisement. Mr. Miller seconded the motion. There was no public comment and the motion carried unanimously.

Meeting Adjourned 8:15 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary