

West Vincent Township
Board of Supervisors Meeting

August 11, 2014 7:30 PM

Attendance: Chairman Kenneth Miller, Jr., David Brown, John Jacobs, Stephen 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 announced that the Board had an Executive Session on July 28, 2014 to discuss personnel and on August 4, 2014 to discuss personnel, litigation and real estate.

Public Comment on Non-Agenda Items:

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

Approval of Minutes:

Mr. Jacobs made the motion to approve the minutes of **July 14, 2014 and July 28, 2014** as submitted which was seconded by Mr. Brown. Brian Curry, 512 Blackhorse Road asked the Board if there are names listed in the minutes of those who spoke during public comment. Mr. Miller told him that there was not. Mr. Jacobs stated that a policy on the contents of minutes was to be adopted, but with summer vacations, this has not happened yet. Mr. Siana stated that official business has to be in the minutes by law. Unless a person is appearing officially, their comments do not need to be in the minutes. Others in the audience shared their opinions on the minutes. A policy will be considered at the next Board meeting. The minutes were approved unanimously.

Reports (full copies are attached):

Road Master Report: Mr. Miller read the attached Road Master Report for the month of July which 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 8/11/14 in the total amount of \$145,311.48. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously with Mr. Miller recusing himself.

Correspondence:

A quote was received from Guidemark, Inc. to paint the lines at the intersection of Routes 100 and 401. These are required by Penn DOT to be painted in hot thermoplastic. Mr. Brown made

the motion to approve the painting quote by Guidemark in the total amount of \$4,690. Mr. Jacobs seconded the motion. Some comments were made by the audience on how the painting process is done. The motion carried unanimously.

A request was received from Rachel Buck, 2568 Horseshoe Trail to use the gazebo and park on September 6, 2014 from 10:00 AM - 2:00 PM. Mr. Jacobs made the motion to permit the same. Mr. Brown seconded the motion which carried unanimously.

A request was received from East Nantmeal Township for the Ludwig's Corner Fire Police to assist with the Green Valleys 5K Run on September 6, 2014. Mr. Brown made the motion that the Township permit the request. Mr. Jacobs seconded the motion. The motion carried unanimously.

Subdivision/Land Development

Cutler/The Ridings at West Vincent: Richard McBride, Esq. came to the Board of Supervisors regarding the plan approved in 2007. The subdivision is at the corner of Beaver Hill Road and St. Matthews Road and is approximately 150 acres. On the south side there are three (3) conservation lots and the proposed sewer and water plants. The opposite side of the subdivision there is an approval for 74 lots. The Applicant would now like to change the approval from 74 five-bedroom homes to an age restricted development which would mean no children under the age of 19 could be a resident. The difference with this is that the roads would stay under the ownership of the HOA. These homes would be two-bedroom homes. Mr. McBride stated that he feels that the Zoning Ordinance text would need to be amended to permit this, or possibly a map change. The number of units will most likely be double. There is an approval from DEP on the previous submission which would need to be altered. The Board will take this under consideration and let Mr. McBride know of their decision.

The Courtyards at Weatherstone: A Pump and Haul Agreement is necessary for the Brunner Land Development to move forward with their permit with DEP. An Agreement has been prepared and circulated to the Board. Solicitor Anne Porter has reviewed the documents and stated that they are acceptable. This will require Hankin to submit a \$65,000 escrow to assure ultimate and timely operation of the facilities and to provide financial assurance for the pumping and hauling decommissioning costs. The escrow figure was determined by the Township Engineer, Ken Yerger. After a discussion, Mr. Brown made the motion to approve the Pump and Haul Agreement. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Old Business:

Sidewalk Ordinance: Mr. Siana stated that an ordinance was advertised at the direction of the Board in the Pottstown Mercury and he entered into evidence T-1, Proof of Publication; T-2, Text of the advertisement; T-3, Actual copy of the Ordinance. Mr. Jacobs stated that this ordinance references 13 different properties and he is concerned with some of the language in the

document. It states that all these properties must have sidewalks, but in some areas, it may not be necessary at this time. What needs to be installed is the sidewalk on the McCabe property so that there will be a sidewalk to the traffic light to the elementary school. There also is no time mentioned as to when the sidewalks should be installed. Mr. Brown stated that the Township is not stating any time, so it would not infer that the work be done immediately, but when a need arises. Mr. Miller agreed that some revisions are needed. After a discussion on what language should be added and removed, the Board authorized the revisions to be advertised for adoption at the next Board meeting, August 25, 2014.

Greiner Zoning Issue: Kristen Camp, attorney for the Greiner's asked to be on the Agenda. This afternoon, just before the close of business, she discovered she had a conflict and asked to be taken off the Agenda.

New Business:

Fall Field Use: A schedule has been prepared according to what the leagues have requested. This was approved by the Park and Recreation Commission. Mr. Brown made the motion to approve the schedule as submitted. These are all for the rectangular field: Wednesday evenings: GEYA Soccer, August 25-November 9; Tuesday and Thursday evenings: Coventry Soccer; September 6-November 16; Saturday mornings: GEYA Soccer, August 25-November 9; Saturday afternoons: Coventry Soccer, September 6-November 16. Mr. Jacobs seconded the motion which carried unanimously.

Massara Litigation Settlement: Carl Massara, 1211 Hollow Road, took legal action against the Township due to a stormwater management action that he claimed caused harm to his property. Mr. Siana stated that this has been going on for three or four years and been back and forth in the court system. Selective Insurance Company for the Township has decided to settle this for a total amount of \$165,000 to avoid further action and liability. This will be without the imposition of any other restrictions or the waiver of any rights. The Township's out of pocket expense will be \$35,000. The Settlement Release has not been received by the Township because it is still being circulated. Mr. Brown made the motion that the Board accept the Settlement with Carl Massara. Mr. Jacobs seconded the motion. Karl Brachwitz, 1286 Hollow Road, stated he is upset that a neighbor can highjack the Township for water going downhill but that he understands why the Township needs to settle this case. There was no further comment and the motion carried unanimously.

Meeting Adjourned 8:40 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary