

West Vincent Township
Board of Supervisors Meeting

August 25, 2014 7:30 PM

Attendance: Chairman Kenneth Miller, Jr., David Brown, John Jacobs, Stephen Siana of Siana, Bellwoar & McAndrew, LLP, Township Solicitor, James Wendelgass Township Manager 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 August 11, 2014 to discuss real estate and on August 14, 2014 to discuss personnel.

Eagle Farms Road Vacation Hearing: Mr. Miller convened the hearing on the vacation of Eagle Farms Road. Mr. Siana entered exhibits into evidence: T-1, Legal Notice and T-2, proposed Ordinance. This hearing was published on August 18, 2014 in the Pottstown Mercury. Eagle Farms road will be vacated and relocated in a different area. The Township has an Agreement with all the affected homeowners and the developer with regards to the relocation of the road. The Board did not have any questions. Brian Curry, 512 Blackhorse Road asked if the road will be dedicated again. Mr. Siana stated that it would and it is part of the process the Board will be addressing later in the meeting. Mr. Miller closed the hearing.

The next item of business was to open the **bids for Snow and Ice Removal for 2014-2015**. One bid was received from D & L Construction LLC, PO Box 893, Kimberton, PA 19442. Mr. Miller opened the sealed envelope and read the amounts:

Item	Bid amount
Single Axle Dump Truck #1 33,000-38,000 GVW with plow and spreader	\$125.00/hr.
Single Axle Dump Truck #2 33,000-38,000 GVW with plow and spreader	\$125.00/hr.
4x4 Pickup truck with 8' plow	\$90.00/hr.
4x4 Backhoe (min. 1.0 cu yard)	\$120.00/hr.

Mr. Miller stated that the Township would review the bid for compliance and award it at the next Board Meeting on September 8, 2014.

Public Comment on Non-Agenda Items:

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

Approval of Minutes:

The minutes of **August 11, 2014** 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 8/25/2014 was acknowledged as submitted.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending July 31, 2014 which 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 October 28, 2014. Mr. Jacobs seconded the motion. The motion carried unanimously. An extension was submitted by John Diemer for the Kanavy Land Development. Mr. Brown made the motion to grant the Extension for the **Kanavy Land Development** until November 28, 2014. Mr. Jacobs seconded the motion. The motion carried unanimously

Police Report: The Police Report for the month of July 2014 was presented by Sergeant Austin Russell and was acknowledged as received.

Bills List: Mr. Jacobs made the motion to approve the Bills List dated 8/25/14 in the total amount of \$106,346.99. Mr. Brown seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A request was received from the Tri-County Women's Soccer League to use the field this fall. The Park and Recreation Commission have reviewed and approved this request. Mr. Brown made the motion to approve the request with the dates submitted for Sunday mornings from 10:00 AM- Noon beginning September 7- November 16, 2014. Mr. Jacobs seconded the motion which carried unanimously.

A letter was received dated August 2014 from Chester County Day planners. This is on October 4, 2014 and five West Vincent homes are on the tour. They are requesting permission to place signs around the Township. Mr. Miller asked the other Board members if they have a problem with this and since it is an annual event and they say they will remove the signs when it is over, they do not have a problem with them.

Subdivision/Land Development

Eagle Farms Subdivision: Alyson Zarro, Esq. representing the developer stated that all Phase II and IIA documents have been prepared and approved by the Township Solicitor and they are all

signed to move these phases forward. Mr. Siana explained that this is part of the subdivision approvals from 2003 which was put into different phases. The developer is now ready to begin Phase II and IIA. The Development and Financial Security Agreements have been updated. The Phase I Deeds of Dedication are also complete as are the Deeds of Dedication for all of the road right-of-ways. The Security Bonds have been posted and all of the documents have been reviewed by both Carroll Engineering and the Township Solicitor's office. Mr. Jacobs made the motion that, in accordance with and pursuant to the conditional Final Subdivision and Land Development approval for Phase II of the Byers Station subdivision, which subdivision was approved by Resolution dated August 11, 2003, the West Vincent Township Board of Supervisors, by and through the Chairman, Ken Miller, Jr., the Vice-Chairperson, David Brown, and Supervisor, John Jacobs, individually and/or collectively:

1) Be authorized to sign and execute the amendment to the Development Agreement, Financial Security Agreement, the Eagle Farms Road Vacation and Relocation Agreement, the Improvements Performance Bond, and the Sanitary Sewer Improvements Performance Bond, as all pertain to Phase II and Phase IIA of the approved subdivision;

2) Be authorized to accept, execute and record with the Chester County Recorder of Deeds the appropriate sheets of the approved Land Development and Subdivision Plan, and all deeds of dedication contemplated by the above agreements and by the approved subdivision and land development plan; and

3) Be authorized to undertake all other actions on behalf of the Township as are contemplated in the approved subdivision and land development and/or necessary to effectuate the approval of the final approved subdivision and land development plan.

Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Ordinance 162-2014: Mr. Miller stated that earlier in the meeting there was a hearing to consider the vacation of Eagle Farms Road. Mr. Siana stated that the ordinance could not be passed until the Agreements were approved, which has just happened previously in this meeting. Mr. Brown made the motion that the Township approve **Ordinance No. 162-2014** to vacate portions of Eagle Farms Road, a local Township Road, between Station Boulevard and the Township Boundary Line with West Pikeland Township, as depicted in the Eagle Farms Road Vacation and Relocation Agreement presented by the adjoining landowners, and further authorize the West Vincent Township Board of Supervisors to sign and execute the Eagle Farms Road Vacation and Relocation Agreement between and among the Township, Ewing Group, LLC, Thomas W. and Geraldine Skahill, Anne A. Ewing and Lawrence H. McCauley, and the Trust Under Will of Samuel Evans Ewing, 3rd, William H. Ewing and Joseph Neff Ewing, Jr., Trustees. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Old Business:

Community Garden: Mr. Miller stated that he has been approached by residents who are interested in having a community garden somewhere in the Township. Bill Dietrich is interested in the actual planning of one. He encouraged him to find out more and to present it to the Board. Bill Dietrich presented information on his research. He went to a neighboring community garden in Charlestown Township. He found that they have a 15 year old garden at a site owned

by the Township called Bright Side Farm. There are 60 plots and the charge is \$25/year. They have two wells, eight watering stations a porta potty and it is fenced. He met with their coordinator who explained that it takes about \$3,000 to maintain it. They do allow residents from other Townships. The only maintenance is the mowing of the grass paths. Everyone takes a shared approach to rocks and weeds. To have it run properly, it will take 3-5 volunteers. He learned that keeping a log would be a good idea to keep a record of what was planted. Insurance will be necessary and also waivers will be necessary in case of any injury. Rules and Regulations will need to be drawn up. Extra food has been given to the Chester County Food Pantry. He feels that West Vincent Township should start with 36 plots on a ½ acre parcel with 20 x 20 plots. Mr. Miller stated that there is a place where this could be on a flat piece of Township owned Open Space in the Weatherstone Subdivision at the corner of Westover Lane and Fellowship Road. Mr. Dietrich explained what a watering station was, stating that it is a 4' x 4" cedar post with a hose attached and there is piping underground to a well. Tool storage is also provided. It is hoped to keep the garden organic. There was much anticipation in the discussion that followed. The Board asked Mr. Dietrich to come up with a business plan and budget and report back. Mrs. Swavely did some research on fencing to keep out the deer and the cost is around \$5,000.00. At this time the Township has approximately 15 sign ups from the newsletter announcement alone. There is a desire to have this ready by next spring.

Meeting and Minute Policy: The Board desires to adopt a meeting and minute policy. Mr. Siana stated that this has emanated from a discussion on how people should conduct themselves in a meeting and what the minutes should contain. The resolution prepared includes what the agenda contains, how the Board directs posting of the agenda, when public comment is taken and how it is addressed in the minutes. This is based on the PSATS recommendations. Mr. Siana stated that the Sunshine Act states that the minutes should record any official actions of the Board, the names of all citizens appearing officially before the Board and the subject of their testimony. Mr. Brown made the motion to adopt **Resolution 10-2014**. Mr. Jacobs seconded the motion. After a long discussion with both pros and cons addressed by the audience, the Board decided to table the resolution.

Sidewalk Ordinance: Mr. Siana stated that this ordinance was advertised as revised at the direction of the Board and was advertised on August 14, 2014 in the Pottstown Mercury. Mr. Siana read the title "An ordinance of West Vincent Township, Chester County, authorizing the construction of a sidewalk within the right-of-way of State Routes 401 and 100, on uniform parcel identifier No. 25-7-8.1 and all properties within the LVCC, Ludwig's Village Commercial Center Zoning District." The only parcel not in the LVCC is the McCabe parcel which abuts the elementary school and the installation of a sidewalk would make crossing at a traffic signal at Lexington and Route 401 which would be much safer for the children. Mr. Miller made the motion that the Township approve **Ordinance No. 161-2014** to authorize the construction of sidewalks on Uniform Parcel Identifier No. 25-7-8.1 and all properties within the LVCC Zoning District, fronting on Routes 100 and 401, and that the Chairman of the Board of Supervisors be authorized to execute the same on behalf of the Township. Mr. Brown seconded the motion. Patrick McCabe, owner of one of the subject properties approached the Board. He stated that he

was in discussion with the Township staff and has a plan dated November 18, 2011 by Carroll Engineering showing the safest way for the sidewalk to the school property. He stated that he would agree to an easement on his property as long as the Township would bear the cost of construction and take care of the snow removal. Michael Schneider, 230 Trego Road asked if the Township talked to Penn DOT to change the school to a walkable district. Mr. Wendelgass stated that this would be done after the ordinance is passed. Mr. Schneider feels that research should be done before the ordinance to see if the school will change its policy. Mr. Wendelgass stated that he discussed this with Police Chief Swinger that regardless of the school policy that children will walk to school. This is a safety situation that needs to be addressed as soon as possible. Mr. McCabe does not want to do winter maintenance stating that he does not live in the Township. Mr. Miller stated that the Sunoco owner does not live in the Township, but Sunoco clears its property to be cleared of snow. Mr. Miller stated that the Township has done a lot of zoning changes since Mr. McCabe purchased his property and the value has increased. Mr. Siana stated that the Township has had much dialogue and discussion regarding zoning changes to the McCabe parcel. The Board was willing to do the changes, but when it was on the agenda for adoption, Mr. McCabe changed his mind not wanting the zoning changes. These issues are separate from the sidewalk ordinance. Mr. Miller called for a vote and the motion carried unanimously.

New Business:

Township Property Insurance: Mr. Wendelgass explained that the Township received the quotes for the renewal of its insurance policies. The broker took the coverage package to three separate groups of carriers. The lowest prices are from the Township's current carriers. National Casualty provides coverage for crime, property, general liability, automobile, law enforcement, public officials, employment practices and umbrella coverage. Workers compensation coverage is provided by Amerihealth Casualty, which is the only private insurance company still underwriting municipal coverage in Pennsylvania. The renewals will cost \$122,263, which is a 6.5% increase, which is in line with other renewals which the broker has seen Mr. Wendelgass stated. Mr. Brown made the motion to approve the insurance renewal as submitted in the total amount of \$122,263.00. Mr. Miller seconded the motion. Brian Curry asked if there is a list of everything that is covered. Mr. Wendelgass said yes, but the policies are very lengthy. Maria Jacobs, 2351 Beaver Hill Road asked if the real estate values looked at for the renewals. Mr. Wendelgass stated that this is reviewed every year and the changes are very minor. Mr. Miller called for a vote and the motion carried unanimously.

Meeting Adjourned 9:50 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary