

West Vincent Township
Board of Supervisors Meeting

October 16, 2017

7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, Township Solicitor John Walko, Hamburg, Rubin, Mullin, Maxwell and Lupin, Bryan Kulakowsky Township Engineer, Manager Erica Batdorf and Township Secretary Tammy Swavely.

Chairman John Jacobs called the meeting to order at 7:07 PM.

Mr. Jacobs announced an Executive Session immediately prior to tonight's meeting to discuss real estate and litigation.

Conservation Easement Purchase Hearing: The first item of business was a hearing to consider the purchase of a Conservation Easement on Tax Parcels 25-4-111, and 25-4-182. Mr. McGrory entered exhibits into the record. 1. Legal Notice. 2. Letter to the Mercury requesting the advertisement. 3. Proof of Publication. 4. The resolution approving the purchase. Mr. McGrory summarized the conservation easement to date. The Board is considering an expenditure of Open Space Funds in order to partially fund the acquisition of a Conservation Easement on property currently owned by Sixteen Years LLC. The purchase of this Conservation Easement was recommended by the West Vincent Township Open Space Review Board, which has been tasked with reviewing and rating the desirability of certain parcels or property rights to be acquired by the Township. The Conservation Easement would preserve the open space on the property by restricting what can be developed there in accordance with the Open Space Act. Specifically, the Conservation Easement will be recorded against the Property and will restrict against further development over and above the permitted four primary and four accessory dwellings, including the existing single family residence located on the property, together with accessory structures. The Township's expenditure of \$200,000.00 will be part of a funding package put together by French and Pickering Creeks Conservation Trust and will include contributions and grants from various conservation organizations, Chester County, and the Commonwealth of Pennsylvania. Mr. McGrory asked if the Board had any questions and there were none. Mr. McGrory asked if there were any questions from the audience. Bernie Couris, 2239 Beaver Hill Road asked about the accessory structures and if there is a limit to those. Pam Brown, FPCCT answered that for the Board. She stated that Ms. Batdorf has been provided with the summary and each parcel will be limited by number of accessory dwellings and size in the recorded easement. Mr. McGrory closed the hearing. Mr. Brown made the motion that the Board pass Resolution 21-2017 ratifying the expense of Open Space Funds for the selection and acquisition of a conservation easement on Tax Parcels 25-4-111 and 25-4-182 in the total amount of \$200,000. Mr. Schneider seconded the motion. There was no public comment and the motion carried unanimously.

Approval of Minutes:

Mr. Schneider made the motion to approve the October 2, 2017 minutes as submitted. Mr. Jacobs seconded the motion which carried unanimously.

Reports:

Township Manager Update: Ms. Batdorf was welcomed back. She announced that her baby Brenna Elizabeth was born on August 18th and is doing well. She added that she is very busy but she is getting acclimated with Township business and has started working on the budget.

Bills List: Mr. Schneider made the motion that the Bills List dated 10/16/2017 in the total amount of \$181,689.94 be approved as submitted. Mr. Brown seconded the motion. The Board answered a few questions and the motion carried unanimously.

Subdivision/Land Development:

Brunner/Pulte: Mr. Schneider made the motion to approve Pulte's escrow reduction #2 for the Waste Water Treatment Plant improvements at the Brunner Land Development in the total amount of \$1,190,791.25.00. Mr. Brown seconded the motion. Brian Curry 512 Black Horse Road asked if the sewage treatment plant is completed. The Township Engineer, Bryan Kulakowsky spoke to that stating that it went into operation last Thursday. DEP approved the first of three drip fields. The Pump and Haul is complete. There are other outstanding items in the escrow that have not been completed. Sara Shick, 1201 Davis Lane asked if the escrow was just for septic and she was informed that it was. Pulte will need to ask for an additional escrow release when the plant is completed. There was no further comment and the motion carried unanimously.

Old Business:

Eagle Farms Road and S. Chester Springs Road: Mr. McGrory stated that several people in the audience have come for this topic. He stated that all may do so, and to come to the podium and hollering from the audience will not be tolerated. He brought to the Boards attention several pieces of correspondence that were received on the gate at the intersection of Eagle Farms Road and S. Chester Springs Road. A letter from Brian Keaveney, Pennoni Associates dated October 12, 2017 recommending that the gate be removed. A letter from the Emergency Service Responders signed by Jeff Kimes, Ludwig's Corner Fire Company, Mike Swinger, West Vincent Township Police Department and Emily McCarthy, Uwchlan Ambulance Corps all recommending the gate be removed. A letter dated June 27, 2016 from Cary Vargo, Upper Uwchlan Township Manager asking that the gate be removed. A letter dated October 10, 2017 from Charlie Humphreys, Chairman of the Board of Supervisors in West Pikeland Township requesting that the gate be removed. Mr. McGrory opened the public comment. Michael Himsworth, 2378 S. Chester Springs Road stated that he has seen a lot of accidents on that road. He feels that an additional stop sign at the intersection of S. Chester Springs Road and Route 401 would be a huge mistake. As soon as people pass through the bridge at St. Matthews Road they speed up and traffic will build up. Anny Ewing, 2211 Eagle Farms Road read a letter by her husband, Larry McCauley. It addressed the history of why the gate was put in. She read that the gate was to be a temporary closure and was told by the Township that it would not be permanent. A petition to keep the road closed at the early stages of the subdivision was denied. The 4-way stop sign and the opening of the gate is not a reversal of a Board decision, but in keeping with the original decision. S. Chester Springs Road has always connected to Route 401. Ms. Ewing stated that she looks forward to resolving the safety issues. The gate should be removed so that people can freely travel around

the Township. Dave Brooman, attorney representing the Brostroms and Farnhams and a few others addressed the Board. They have hired their own engineer to do a study on the intersection and to come up with a plan. They know that the gate must be removed, but desire a cul-de-sac at the end of S. Chester Springs Road. He distributed a concept aerial view to the Board. He stated that the area in red is in the Township Right-of-Way. He understands that the Township will not be receiving Liquid Fuels money for this road, but it is too small anyway to meet their criteria. Mr. Brooman continued, stating that it is important for the road to be safe for cars and horses. Ron Brostrom, 2655 S. Chester Springs Road stated that he hired an engineer who used the stakes and monuments that are currently out in the road. This cul-de-sac does not take any personal property. His engineer felt that it would be cheaper than improving the road to open it. Bernie Couris, 2239 Beaver Hill Road stated that although he does not live near the road in question, he would like to know if the road is wide enough to have two trucks go by side by side. Another thing to consider is the historical wall and the old trees on the sides of the road. Jim Helm, 2563 Veronica Drive feels that there are two issues. What happens with the gate and what happens at the corner of S. Chester Springs Road and Rt. 401? He feels that at the corner it would be disastrous to have a 4-way stop sign installed. He discussed the Road Study done earlier in the year with traffic counts. He feels that to add a stop sign would increase the accidents at this intersection. Mr. Helm continued about the road stating that he feels it is insufficient for traffic. This is a local access road and opening the gate would turn it into a minor or major collector. It is difficult to make it safe since it is narrow. This would be creating a number of accidents on S. Chester Springs Road. Gloria Shontz, 2415 S. Chester Springs Road asked the Board where they stood on the gate location. Mr. McGrory stated that since everyone has been given the opportunity to speak, the Board can decide on next steps. Mr. Schneider made the motion that the gate at S. Chester Springs Road and Eagle Farms Road be removed when the safety improvements are installed at Rt. 401 and S. Chester Springs Road by Penn DOT. Mr. Brown seconded the motion which carried unanimously. Mrs. Shontz stated that now that Penn DOT is involved, would the Board be able to discuss the noise conditions on Rt. 401. They are extremely loud and it is all residential. Mr. Jacobs stated that it is a Penn DOT road, and he is not sure what the answer would be for that. Mrs. Shontz stated that she would need the Township's support to have them removed. The Police Chief will be contacted to see what he knows about this issue.

Sunderland Ave: Mr. Kulakowsky gave a summary of this subdivision. He stated that Toll Bros. is reinserting Sunderland Avenue. In September the Planning Commission recommended the plan with conditions. This plan is strictly to build the road and a culvert, no additional homes will be constructed. Mr. Schneider made the motion that the Board of Supervisors approve Resolution 22-2017, Conditional Final Approval for the Sunderland Avenue Subdivision for Toll Bros. as submitted. Mr. Brown seconded the motion. Jim Helm asked if the conditions the Planning Commission recommended are in the resolution and he was told yes. There were no further comments and the motion carried unanimously.

Non-Uniformed Employees 457 Plan: Mr. Schneider made motion that the Board of Supervisors set the contribution rate at .05% to the non-uniformed 457 Plan funding the pension plans at the contract rate and using the state funds received with a balance due from the Township of \$7,627.06. Mr. Brown seconded the motion. Mr. Jacobs asked if this was in the Budget. Ms. Batdorf stated that it was not, but it will be fine. She stated that in the last several years the Township has had to

make a similar contribution. She added that one never knows how much the state will send to contribute to the fund. There was no public comment and motion carried unanimously.

New Business:

Fire Police Request: Ludwig's Corner Fire Police are requesting to assist at events outside of the Township this Fall. Mr. Jacobs thought that the Township Manager could approve these. Mr. McGrory stated that if it is for Workmen's Compensation, the Board must approve them. Mr. Schneider made the motion that the Board authorize the Ludwig's Corner Fire Police to attend the Elverson Borough Halloween Parade, the Fire Week night at Coventry Mall and a benefit at Douglass Township. Mr. Brown seconded the motion which carried unanimously.

New Subdivision Application: A new subdivision application was received from Sixteen Years LLC for Tax Parcels 25-4-111 and 25-4-182. These will be forwarded to the Planning Commission.

New Subdivision Application: A new subdivision application was received from Bridgit and Glen Hill for Tax Parcels 25-4-102, 25-4-101.2 and 25-4-127. These will be forwarded to the Planning Commission.

Application to the Pennsylvania Assistance Program: Mr. Schneider made the motion that the Board pass Resolution 23-2017 authorizing staff to apply to the Pennsylvania Municipal Assistance Program for reimbursement for the DCNR requirement to update the Floodplain Ordinance. Mr. Brown seconded the motion which carried unanimously. Ms. Batdorf stated that the calculations have begun and the costs are around \$7,500. This grant will reimburse the Township 50% of the final costs.

Fellowship Trail: Mr. Kulakowsky stated that at the last Board meeting he was asked to find out costs on options to the trail in the Upper Uwchlan Township since the bid did not account for nonporous pavement. This is a requirement in the Conservation Easement on this parcel. The first option is to leave it grass and there would be a deduction to the bid in the amount of \$4,305.00. The seconded option is porous asphalt which is an additional \$16,000 to the project. The third option would be to change it to porous pavers for an additional cost of \$35,000. Mr. Schneider made the motion to approve the Change Order to the Fellowship Trail Bid to the grass option. Mr. Brown seconded the motion. The Board discussed the easement on the property. Mr. McGrory felt that at the meeting in September that Ms. Brown stated that a second easement on the property for a cost of \$2,100 would make the other easement go away. Ms. Brown stated that was incorrect, that was a matter of FPCCT holding an easement on the parcel in West Vincent Township prior to it going to a bid. The Board opted not to place an easement on the Township Trail. She added that a Conservation Easement cannot be amended and if the Board felt that she said it could be, she misspoke and it was not her intention and apologized. The recorded easement that covers the Upper Uwchlan portion of the trail prohibits impervious paving. She asked if the Township could piggyback on Pulte's use of porous paving. Mr. Kulakowsky stated that Pulte is currently not

ready to pave their roads. Mr. Schneider stated that it is something the Township can look to in the future. Maria Jacobs, Park and Recreation Commission stated that the Park and Recreation Commission discussed this issue and is comfortable with the grass option. Mr. Jacobs called for a vote which was unanimous.

Public Comment:

Artie Ewell, 972 Fellowship Road asked many questions about the flared end wall on Fellowship Road. Mr. Kulakowsky spoke to this issue stating that he and the Road Department have a plan.

Ms. Shick asked if the Road Department is filling in the edge of Horseshoe Trail. Some sections are 9" deep and what kind of remediation is being done? Mr. Kulakowsky stated that the Road Department is not finished this part of the job. Ms. Shick felt that it should have been part of the bid package.

Mr. Helm stated that he is concerned and disappointed about Eagle Farms 1 Trail and Eagle Farms 2 Trail and the one in the Fox Hollow Subdivision. He felt that they all would be resolved by this time. He stated that this is 5 miles of trails and yet there is no progress. Ms. Batdorf stated that Fox Hollow has started. Eagle Farms 1 is in the hands of the solicitor Rob Sebia and the Eagle Farms 2 is in the hands of the developer, Lennar.

Suzanne Roth, 1360 School House Lane thanked the Board for installing speed humps on School House Lane they have been very helpful. She would like a second one and for them to be permanent humps since they have made a difference.

Bernie Couris, 2239 Beaverhill Road stated that the Sustainability Fair on October 14, 2017 was a successful event. There were 38 vendors and exhibitors with approximately 225 people. All that attended stated that they would like to return next year. He thanked the Sustainability Committee and Tammy Swavely for all their help. He asked the Board if he could put up a sign saying West Vincent Township is ready to for 100% Clean Energy. They instructed him to place it in the lobby.

Jane Altman, 276 Black Horse Road stated that her road is dangerous and has a lot of speeding cars. She has asked for speed control, but has not gotten any. Ms. Batdorf stated that the Police Department is looking into purchasing a speed timing sign which may help at this area. Ms. Altman stated that there is a large road swale on Black Horse Road. The Board asked Mr. Kulakowsky to look at it.

Bob Boden, 30 Pine Drive discussed the Township and the purchase of a Bryn Coed parcel. He does not want the barn to be demolished and feels that the Township should let a resident purchase the property since they were not going to tear it down.

Maury Kring, 2323 S. Chester Springs Road asked for clarification on the when the decision on purchasing a parcel from Bryn Coed, Natural Lands Trust would be discussed. He asked why the Open Space Committee was not permitted to the details of a private landowner who wanted to buy the same parcel. Mr. Brown addressed this stating that when the Board of Supervisors makes a decision the Open Space Committee will be told. After that a public meeting will be held. Mr.

Jacobs stated that it is a timing issue. Mr. McGrory stated that no decision will be made without public input. Mr. Kring added that the parcel may have hidden issues and to be wary.

Mr. Boden asked the Board why the Township wants the Bryn Coed parcel with the barn on it. Mr. Jacobs stated there are several reasons including the parcel is adjacent to 500 acres of Natural Lands preserved land, it has parking already, and the Open Space funds have been planned for that parcel. Mr. Schneider added that the Township has no plans except to keep it as a passive park at this time. If the Township purchased a parcel across the street, it would not have access to the trails on the preserve.

Francis Ellis 2823 Flowing Springs Road understands the Township parcel in Bryn Coed must be open space and asked if the buildings on that parcel must come down.

Derek Rodner 338 Black Horse Road discussed the dust conditions on his road. He offered the Board some research he did which provides products that can be used to help dirt roads. He referred to the Road Program which suggests the use of a piece of machinery to use on gravel roads. He feels the purchase of this would help a great deal.

Ms. Shick stated that she agrees with the Township purchasing the Bryn Coed property with the barn on it. She also asked about Horseshoe Trail being closed on Saturday.

Mr. Boden again referred to the Township's purchase of a Bryn Coed parcel asking if the Board has closed the discussion on the topic. Mr. Jacobs said no, but Executive Sessions need to continue and then Board the discussion to a public meeting.

Henry Jankowski 320 Black Horse Road echoed the statement about the dusty road conditions asking the Township to remedy the situation.

Meeting adjourned 8:55 PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary