

West Vincent Township
Board of Supervisors Meeting

March 9, 2015 7:30 PM

Attendance: Chairman Kenneth Miller, Jr., Vice Chairman 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 there was an Executive Session on March 2, 2015 to discuss personnel and real estate.

The first item of business was to open the bids for the Repairs to the Griffth House Porch. The Board opened the sealed bids and read the three options. The results are as follows:

CRJ Construction 425 Highview Dr. Wayne, PA 19087	Porch: With Pressure Treated Flooring: \$22,740.00 With Trex Flooring: \$24,340.00 Garage: \$ 8,470.00 <u>Totals:</u> With Pressure Treated Flooring: \$31,210.00 With Trex Flooring: \$32,810.00
Dutchman Contracting, LLC 12 Riverview Dr. Denver, PA 17517	With Pressure Treated Flooring: \$15,980.00 With Trex Flooring: \$18,446.00 Garage: \$ 3,810.00 <u>Totals:</u> With Pressure Treated Flooring: \$19,790.00 With Trex Flooring: \$22,256.00
George Walleigh 220 Cooks Glen Rd. Spring City, PA 19475	With Pressure Treated Flooring: \$17,055.00 With Trex Flooring: \$18,255.81 Garage: \$ 4,297.89 <u>Totals:</u> With Pressure Treated Flooring: \$21,352.89 With Trex Flooring: \$22,553.70

Mr. Wendelgass stated that another party did bid, but it was received via email, not in a sealed envelope as required by the bid. This was not given to the Board. Mr. Wendelgass will review the bids and it will be awarded by the lowest combined bid at the next Board Meeting, March 23, 2015 at 7:30 PM. Brian Curry, 512 Blackhorse Road asked several questions. Mr. Miller stated that the Board would take comments only and that if he had questions he should submit them in writing to himself or Mr. Wendelgass.

Public Comment on Non-Agenda Items:

Chip Farnham, 988 St. Matthews Road commented on the Trash Task Force Report. Mr. Jacobs asked that it be placed on the next Agenda.

Maria Jacobs, 2351 Beaver Hill Road commented on the Budget vs. Actual for 2014.

Jim Farnham, 2665 S. Chester Springs Rd. and Ron Brostrom, 2655 S. Chester Springs Rd. commented on the stone veneer on the bridges in the Eagle Farms Subdivision.

Approval of Minutes:

The minutes of **February 18, 2015 and February 23, 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 3/9/15 was acknowledged as submitted. Mr. Wendelgass received a quote from M & S Service Co., Inc. on a DDC Duplex Controller. He stated that this is for the Weatherstone Waste Water Treatment Plant and is to replace a critical piece of equipment at the plant. This will be a backup for the one in place. Mr. Brown made the motion that the DDC Controller be purchased in the total amount of \$1,595.00. Mr. Brown seconded the motion which carried unanimously.

Road Master Report: Mr. Miller read the attached Road Master Report for the month of February 2015 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 3/9/15 in the total amount of \$104,459.12. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A quote was received from Frames Power Equipment and Mulch on a new lawnmower. This Lexmark S Series Lazer on the COSTARS Contract. Mr. Jacobs made the motion that the Township purchase the Lexmark mower in the total amount of \$9,998.00. Mr. Brown seconded the motion. Mr. Curry asked what was going to happen to the old mower. Mr. Miller stated that it may be sold, but it is not in working order. There were no further comments and the motion carried unanimously.

Information on the PSATS Annual Conference on April 19-22 was acknowledged as received.

A quote was received from Myerstown Sheds and Fencing was received. This is for the Community Garden. Mr. Brown made the motion to purchase the shed for \$2,580.00. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

A request to use the field from the Tri-County Women's Soccer was received. This was approved by the Park and Recreation Commission. Mr. Brown made the motion to permit the same on Sundays in April, May and June. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Subdivision/Land Development:

Toll Bros/Eagle Farms: Mr. Wendelgass stated that DEP is requiring West Vincent Township to pass an Ordinance which requires Eagle Farms residents to use the sewage system in the Upper Uwchlan Sewer Authority. Mr. Brown made the motion that the ordinance be prepared and advertised by staff. Mr. Jacobs seconded the motion. Mr. Curry asked if Upper Uwchlan needs to pass an ordinance also. Mr. Wendelgass answered no, since West Vincent residents are being asked to go to a different authority. There was no further comment and the motion carried unanimously.

Campbell Lot Line Change: Jim Haigney, Commonwealth Engineers, came to the Board to discuss the Final Plan. He stated that this is two-10 acre lots and the lot line he is proposing has a 2-acre and an 18-acre lot. There is a deed restriction stating no further houses from a prior subdivision which runs in perpetuity with the land. Chester County Health Department is requiring soil testing on the smaller lot for a replacement disposal area. Mr. Jacobs read the Decision into the record. Mr. Jacobs made the motion to approve the Campbell Lot Line as presented in the Decision. Mr. Brown seconded the motion. There was no further comment and the motion carried unanimously.

Old Business:

Chester County Tax Claim Bureau: This item was discussed at the February 23, 2015 Board of Supervisor meeting. Chester County has asked the Township Board to exonerate the uncollectable taxes on Open Space in the Eagle Farms Subdivision. The Board asked Mr. Wendelgass to contact the County to find out if there are any more taxes involved. There is not. Chester County has already forgiven their amounts. It was an interim tax bill that happened during the transfer of property from Toll Bros. to the HOA in 2010. This is a onetime issue and there should not be an issue going forward. Mr. Brown made the motion to forgive the tax on Tax Parcels 25-10-183, 25-10-184, 25-10-185, 25-10-186, 25-10-188, 25-10-189 and 25-10-190 in the total base amount of \$405.68. Frances Ellis, 2823 Flowing Springs Road asked why the HOA is not responsible for this payment. Mr. Wendelgass stated that it is an interim bill that happened between during the transfer and fell through the cracks. Harriet Stone, 1645 Birchrun Rd. stated that our West Vincent Taxes have not been going up. George Dulchinos, 1415 Hollow Rd. asked if this sets a precedent.

Solicitor Stephen Siana stated that no, it would not. After further discussion, Mr. Miller called for a vote, which was unanimous.

Ordinance 167-2015: Township Park Policy: Mr. Wendelgass stated that this ordinance was before the Board last year and they asked the Park and Recreation Commission for input. All of their suggestions are now incorporated and is ready for the Board's decision. Mr. Brown made the motion to approve Ordinance 167-2015 as submitted. Mr. Jacobs seconded the motion. Mr. Curry asked if this ordinance was checked against the deed restrictions and he was informed it was. After a lengthy discussion between audience members and the Board, it was determined that the Ordinance needed some changes. Once they are complete, the Park and Recreation Commission could review it again. At that point it can be considered for adoption.

Response Letter: At the Board of Supervisor meeting on February 23, 2015, a resident Chris Peeples, 1611 Kimberton Road, wrote a letter to the Board and came to discuss it regarding many concerns he had heard involving the actions of the Board. In response to his concerns, the Board has written a letter. Mr. Brown read it into the record and is attached and the end of these minutes. Mr. Brown made the motion that the Board is denying his request for rezoning. Mr. Jacobs seconded the motion. Sara Shick, 1201 Davis Lane thanked the Board for their detailed response. She asked if the Board knew why he distributed his letter to many mailboxes before he presented it to the Board and if he was liable. Mr. Brown stated that there will be no legal action taken by the Board. Harriet Stone, 1645 Birchrun Road thanked the Board for their calm response. She added that she did admire Mr. Peeples for saying what he felt and was not anonymous like other entities saying things. There was no further comment and the motion carried unanimously.

New Business:

New Stormwater Management Agreement: A new Stormwater Management Agreement has been submitted with a building permit for 2646 S. Chester Springs Road. This has been approved by Carroll Engineering. Mr. Brown made the motion to approve the Simplified Approach Stormwater Best Management Practices, Operation, Maintenance and Inspection Agreement for 2646 S. Chester Springs Road and for the Chairman and Secretary to execute the same. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Road Inspection Tour: Each year the Board of Supervisors take a tour around the Township to inspect the conditions of the roads to help make recommendations for repairs. Mr. Brown made the motion that the Road Inspection Tour take place on March 17, 2015 at 3:00 PM. Mr. Jacobs seconded the motion which carried unanimously.

Road Materials Bid: The Road Material Bid has been prepared and ready to advertise. Mr. Brown made the motion that the 2015-2016 Road Material Bid be advertised. Mr. Jacobs seconded the motion. Mr. Curry asked what kind of materials were on the bid. Mr. Miller stated that it includes stone, crushed concrete and antiskid. This does not include materials that can be purchased under the COSTARS contract. There was no further comment and the motion carried unanimously.

Meeting adjourned 8:55 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary

BOARD OF SUPERVISORS

KENNETH MILLER, JR., Chairman
DAVID BROWN, Vice Chairman
JOHN JACOBS, Member

West Vincent Township
729 St. Matthews Road
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JAMES R. WENDELGASS
TOWNSHIP MANAGER

www.westvincentwp.org

March 9, 2015

Chris Peeples
1611 Kimberton Rd.
Phoenixville, PA 19460

Dear Chris,

We've read your letter carefully, and given it a lot of thought. Many of your points were answered at the Supervisors' meeting of February 23. But the letter requires a written response.

The first thing that strikes us is that your opinions rest on facts that are either wrong or nonexistent. "Rumor has it", "I heard that", "it would be unreasonable to assume": these are not the basis of any reasonable discussion, let alone one in which you accuse people of "greed and corruption".

It seems to us that your letter has seven main themes, and we'll discuss them, not necessarily in the order you raised them, but in the interest of clarity.

1. Development. You remember West Vincent as it was when you were younger, and you resent the changes that have happened. The changes have come about mostly because the law of Pennsylvania favors developers. If you want to change that, talk to your state legislators. As Township Supervisors we have to obey the law as it is, not as you or we wish it were. If anything, West Vincent zoning has gotten more restrictive over the years, not less so; but there are state mandates that we must obey.

You say several times that if the citizens of West Vincent don't like a Federal, state or county requirement we as Supervisors don't have to "accept" it. That isn't the law, and it isn't even good political philosophy. If we could disregard one law, what would stop us from disregarding all of them, and ruling as little dictators? You may not like a law, but it's better than anarchy or dictatorship.

2. Borrowing against farm land. You mischaracterize what you were told at a public meeting. The Township Manager told you that to zone land for farming only would hurt the farmer more than anyone else. Most farmers need to use credit for their operation, because it's seasonal; and the collateral they have is their land. If the zoning permits development of the land, its value is higher, and it will support greater borrowing, which supports the farm operation.

3. Bryn Coed. You say that “rumor has it” that part of Bryn Coed “is being negotiated by our legally trained Township Board into the hands of high density developers.” This is false, and you have no factual basis to believe it. We as Supervisors do not own, nor do we control, the 1,100, acres of Bryn Coed Farm in West Vincent; the land is privately owned. We are not now, nor have we been, involved in any discussions or decisions, with the owners or with any developers, having to do with the sale or future use of Bryn Coed’s land.

The “legally trained Township Board”, by the way, consists of John Jacobs, a merchant; Ken Miller, a farmer; and me, the only lawyer. The Township Manager is a lawyer, but he isn’t in practice and he isn’t a Supervisor.

4. TDRs. You say “TDRs or transferable development rights could be credited to any developer at the whim of the supervisors”, and that we are “selling out the heartland of West Vincent Township” by “doing favors with their TDR chips that will cost you!” That’s incorrect.: Transferable Development rights operate this way: a landowner gives up to the Township the right to develop his land, for which the Township pays him; the Township can either hold, retire or sell those development rights; but if we sell them it can only be into an area where development is to be channeled, so as to keep it from sprawling everywhere. This is called a “receiving zone”, and the two receiving zones are on the borders of Upper Uwchlan Township and in Ludwig’s Corner. Bryn Coed is nowhere near either.

5. West Vincent Police Force and Tax Rate. You call our Police Force “a SWAT team arsenal of five”. We have a strong respect and appreciation for our police officers, maybe because we see what they actually do. Guarding the school children crossing 401, finding lost dogs, dealing with the dog shooting on Pine Drive, saving a woman’s life by properly applied CPR ... and being there whenever we need them. Peace of mind is part of what we all love about West Vincent; and our cops are a big part of that.

You say that “I’m paying one of the highest overall Township tax bills In Pennsylvania”. We’re not sure how you figure that. West Vincent’s real estate tax rate is 29th in Chester County; in the middle third of all municipalities. The Township Earned Income Tax is higher than some in the County, but not at all the highest; and one sixth of it is dedicated to the open space preservation that you and we both support.

6. Charges of “corruption, back door dealings and conflicts of interest”. Without even the scent of a fact to support it, you accuse us as Supervisors of selling our integrity. To which we reply by asking you to specify, publicly, exactly what you mean, and to prove it. If not, you should be prepared to apologize publicly.

7. Finally, your demand for rezoning should have followed the Landowner Zoning Change procedure set out in Section 2903 of the West Vincent Zoning Ordinance. A petition must be signed by more than 50% of the owners of the

total area of a zoning district in which a change is proposed, and must be presented to the Board of Supervisors for consideration.

After due consideration, and based on your failure to comply with the requirements of Section 2903 set forth above, the Board of Supervisors gives you notice by this letter that we decline your demand for rezoning. In the opinion of the Board of Supervisors, doing so would be adverse to the best interests of West Vincent Township and its residents.

Yours very truly,

Board of Supervisors, West Vincent Township

Kenneth I. Miller, Jr. Chairman

David Brown, Vice Chairman

John Jacobs, Member