

**West Vincent Township
Board of Supervisors Meeting**

December 6, 2010 9:00 AM

Attendance: Chairman Kenneth Miller, Vice Chairperson Clare Quinn, Zoë Perkins, Stephen Siana of Siana, Bellwoar & McAndrew, LLP, Township Solicitor, Township Manager Jim Wendelgass Sandra Cantrell-Edwards, Zoning Officer and Township Secretary Tammy Swavely.

Chairman Kenneth Miller called the meeting to order at 11:11 AM

The first item of business was to approve the Board of Supervisor minutes. Perkins made the motion to approve the minutes from **October 25, 2010, November 1, 2010 and November 8, 2010** as submitted. Quinn seconded the motion. There was no public comment and the motion carried unanimously.

Reports:

Township Building: No Report.

Township Manager Report: The Township Manager Report for the week ending 12/4/10 was acknowledged as submitted. Mr. Wendelgass mentioned that Estelle Cremers died at the age of 85 last week. She was very active in the Township and was responsible for getting portions of West Vincent Township listed on the National Historic Map.

Active Subdivision List: There are no pending deadlines.

Bills List: The Bills List was reviewed. Quinn made the motion to approve the Bills List dated 12/3/10 in the total amount \$53,660.66. Miller seconded the motion. There was no public comment, the motion carried unanimously.

Police Report: The police report for the month of November 2010 was presented by Police Chief Mike Swinger and was acknowledged as received.

Correspondence:

An e-mail request from the **Northern Chester County Parks, Recreation and Open Space Committee** to use the Township Meeting room was received. The proposed meeting is to discuss field use with the local sport teams in the area. Perkins made the motion to permit the use of the Township Meeting room on December 9, 2010 at 6:30 PM. Quinn seconded the motion. There was no public comment, the motion carried unanimously.

Notice was received from Excelon informing local residents that there will be two (2) sirens on the day of their siren testing, the first Monday of the month, the regular one at 2:00 PM and the new siren will be tested at 2:30 PM.

Subdivision/Land Development:

Westtown Way, Inc. Subdivision: Douglass Lane has been offered for Dedication to the Township by the developer. All Township conditions have been satisfied. Miller read **Resolution 22-2010:** NOW, THEREFORE, be it resolved and it is hereby resolved by the Board of Supervisors of West Vincent Township that the Township accept the Deed of Dedication of Douglass E. Siana for Douglass Lane, the same to become part of the public road system of West Vincent Township. The Deed of Dedication with a description of the said Douglass Lane is attached hereto and made a part hereof as Exhibit "A." Perkins seconded the motion. There was no public comment and the motion carried unanimously. The Right of Way for St. Matthews Road has also been offered for dedication. Miller read **Resolution 23-2010:** NOW, THEREFORE, be it resolved and it is hereby resolved by the Board of Supervisors of West Vincent Township that the Township accept the Deed of Dedication of Douglass E. Siana for Saint Matthews Road Right of Way, the same to become part of the public road system of West Vincent Township. The Deed of Dedication with a description of the said St. Matthews Road Right of Way is attached hereto and made a part hereof as Exhibit "A." Quinn seconded the motion, there was no public comment and the motion carried unanimously.

Old Business:

A request from the Owen J. Roberts Post Prom Committee was received requesting a donation to the Post Prom 2011. Ms. Quinn stated that this could be considered a public health safety and welfare issue since it helps children attending the prom from leaving early. Perkins made the motion to approve a \$100.00 donation to the OJR Post Prom 2011. Quinn seconded the motion. There was no public comment and the motion carried unanimously.

Oxford Rise Apartments have appealed its tax assessment. Oxford Rise was assessed at \$26 million and had its own appraisal done which stated that the property should be valued \$17 million. The school district had its own appraisal performed which came in at \$26 million. A compromise was achieved at \$21 million. A settlement has been worked on between the school district, the county and the Township and agreed to charge the current tax and interest, but no penalty. Perkins made the motion that the Board of Supervisors of West Vincent Township approve the Real Estate Tax Assessment Appeal Settlement Stipulation pertaining to the Oxford Rise assessment appeal in the form attached hereto and that Allan B. Greenwood be authorized to execute the said Stipulation on behalf of West Vincent Township. Quinn seconded the motion. **Tom Helwig, 2034 Pottstown Pike Tax Parcel 25-3-2** asked if Oxford Rise's tax will be less for the Township. Mr. Wendelgass stated that there would be an approximate \$10,000 decrease in tax revenue. The motion carried unanimously.

Mrs. Perkins asked about the **Abandoned House Ordinance** and if it could be reviewed at the next Board Meeting. A draft was circulated to the Board and also a resident who had an interest in this. This will be added to the next agenda and Ms. Casto will be informed of the meeting.

New Business:

A new Zoning Hearing Application was submitted to the Township by **Eleni Evangelopoulos, 4401 Lobella Court, Tax Parcel 25-10-37**. The Applicant is proposing to install patios and is seeking relief on impervious coverage. No date has been set at this time.

Business from the floor:

Mr. Miller stated that at the last meeting, **Barry DiLibero, 1012 Pottstown Pike, Tax Parcel 25-6-6** asked about a response to his questions in an e-mail and stated that he had not been responded to in over 10 days. Mr. Miller reported that since the last Board of Supervisors meeting he had requested to see the chain of e-mails and learned that the first e-mail from Mr. DiLibero came on November 12, 2010 at 4:20 PM which was a Friday afternoon noting that the office closes at 4:30 PM. He received a response on November 16, 2010 noting that there was a weekend between the two dates. Accordingly, Mr. Miller stated that he would like the record to reflect that Mr. DiLibero did receive a timely response from the Township office. Mr. DiLibero stated that Mr. Miller was correct but stated that he did not receive a response from the Building Inspector or Zoning Officer, but from the Township Manager and that he will agree to disagree on the dates. Mr. Miller stated it was 4 days, not 10 as Mr. DiLibero had stated at the last meeting. Mr. DiLibero stated he thought it may have been 12 days. Mr. DiLibero asked if Mr. Wendelgass sets the requirements for establishing a dwelling unit on his property. Mr. Miller replied that Mr. Wendelgass was authorized by the Board to respond to Mr. DiLibero. It was further noted that the response by Mr. Wendelgass outlined the procedures required to obtain the appropriate permits since that was the question Mr. DiLibero initially raised. Accordingly, Mr. Wendelgass was not supplanting the authority of the Zoning Officer or Building Inspector. Mrs. Perkins asked if Mr. DiLibero now had everything he needed. He stated that he spoke with the Chester County Health Department and they told him they have no jurisdiction over an existing septic system unless he planned to expand it and he does not plan to do that. It was noted that Mr. DiLibero had not applied for any permit at this time. Ms. Quinn stated that Mr. DiLibero will need to obtain a permit for the proposed apartment in order to live at 112 Pottstown Pike noting that such was the decision of the Zoning Hearing Board stated at the last Zoning Hearing Board hearing date. It was noted that there had been no written decision rendered from the Zoning Hearing Board at this time, although the verbal decision was rendered. Solicitor Siana then clarified that the first question Mr. DiLibero had raised was how to obtain a replacement Use and Occupancy Permit. The second request made by Mr. DiLibero was how to obtain a Use and Occupancy Permit. It was noted that he now has directions on how to proceed from Mr. Wendelgass' letter. If Mr. DiLibero applies for a Use and Occupancy then the Building Inspector will respond. Mr.

Helwig wanted clarification if the Zoning Hearing Board had made a decision. He was informed that there was a verbal decision with a written one expected shortly. Solicitor Siana stated that a Zoning Hearing Board has that option, to either have a written and oral decision simultaneously or have them issued separately.

Maria Holderness, 958 Jaine Lane Tax Parcel 25-3-143.6 was reviewing the 2011 proposed budget and had a few questions. She read about the tax reduction in the paper and wanted to know how it was going to work. The Board is proposing a reduction of .24 mills in the overall tax, by rescinding the Open Space Real Estate Tax completely and increasing the General Real Estate Tax by .25 mills. The Board informed her that this is a permanent reduction of taxes and that the Earned Income Tax is all that is necessary to meet the bond payments for Open Space. Ms. Quinn stated that the Open Space Plan is still active and the Township is still seeking to purchase open space. However, at this time, the Board is able to eliminate the tax to the benefit of the taxpayers. Some residents were not clear that this was a reduction in taxes and felt that since there was an increase in the General Tax, there was still an increase. Nevertheless, the overall tax burden will be reduced by .24 mils.

Ms. Holderness questioned why the code department salaries were over budget. Mr. Wendelgass explained that in the 2010 Budget, it was thought that it would be necessary to reduce the Building Inspector to part-time. Since Orleans and Toll Bros have been very active, it was necessary to keep him full-time. If you review the income side on this line item, you will be able to determine the accounts balance. Mr. Wendelgass, the Treasurer, the Board and an outside auditor monitor the funds at all times. Another item over budget would be the road crew and police overtime. Mr. Wendelgass explained that this is due to the weeklong snow storm in February when it was necessary to have the road crew out many hours along with the police department to get the roads clear and keep everyone safe.

In the proposed 2011 Budget, Ms. Holderness questioned the large increase in the code department. This is due to the fact that the software program, GEO Plan, is quite old and the Township staff has been researching and pricing software to replace it. This is a costly program, but it is necessary. There are a few staff members who are not able to access this important program at all.

The "Miscellaneous Expenditures" line item was then discussed since it was a significant amount at \$192,000. Mr. Wendelgass explained that this amount represents an account payable to Oxford for the expansion of the sewer plant. There was no other line in the Chart of Accounts, so it was placed under Miscellaneous Expenditures. The Township entered into an agreement with Oxford to build the plant in such a manner that the Township can easily expand the capacity of the plant from 40,000 gallons to 110,000 gallons. The Township will borrow to pay this account payable to Oxford and then reimburse the account as sewer needs arise and capacity is purchased. The purchase of sewer capacity will have an associated payment to cover the plant costs known as a tap in fee, and there are several businesses ready to pay it. This will be mandatory for any new sewer usage in the Ludwig's Corner area.

Mr. Helwig wanted to discuss the tax change, and felt that it was a tax increase. Ms. Quinn stated that the Township is a taxing authority and can impose taxes when it is necessary. She explained that the taxes will be reduced.

Art Ewell, 972 Fellowship Road Tax Parcel 25-7-31 asked if the proposed budget contemplated any salary increases. Mr. Wendelgass informed him that there is budgeted 2% increase for those not under a contract, and the others, for example the Police Department, a 3.5% increase is required by the Collective Bargaining Agreement. Mr. Ewell stated that he did not think there should be any increases given. The Township is currently in negotiations with the union on this matter with regard to non-uniformed employees. Mr. Ewell questioned whether the Township has a \$2.5 million surplus in the budget. Mr. Wendelgass stated that he never said the Township has a surplus, and the number Mr. Ewell must be referring in the budget is the carry forward. This includes several escrows, the Open Space funds, funds paid to the Township by Hankin designated for Open Space, and Liquid Fuel taxes. Most of the money in the line item of \$2,265,000 is restricted as to what it can be spent on, very little in general fund use. Mr. Ewell asked about the Open Space tax and if there will be funds there if the tax is stopped. Ms. Quinn informed him that there are two (2) different Open Space taxes, one on real estate and the other on earned income. The one that is being rescinded is the real estate tax.

Ms. Holderness asked if there is any accounting on what is spent on Open Space. Mr. Wendelgass stated that a chart has been prepared and that he would forward it to her.

Miller announced that there will be an **Executive Session** immediately following the regular meeting to discuss personnel.

Perkins made the motion to adjourn which was seconded by Quinn, meeting adjourned 12:10 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary