

West Vincent Township  
Board of Supervisors Meeting

February 21, 2017 7:00 PM

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

Chairman John Jacobs called the meeting to order at 7:00 PM.

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

**Approval of Minutes:**

The minutes of February 6, 2017 were unanimously approved on a motion by Mr. Schneider and a second by Mr. Brown.

**Reports:**

Police Report: Police Chief Swinger gave the Police Report for January 2017 which was acknowledged as received.

Bills List: Mr. Schneider made the motion that the Bills List dated 2/21/2017 in the total amount of \$71,341.61 be approved as submitted. Mr. Brown seconded the motion. The Board answered some additional questions and the motion carried unanimously.

**Correspondence:**

A thank you note from Jean Deckman to the West Vincent Police Department was acknowledged as received for assistance when her dog was lost.

Information from our Zoning Department was received on National Groundwater Awareness Week on March 5-11. This information will be on the Township website, social media and upcoming newsletter.

Ms. Batdorf stated that the Township now has a Safety Committee which will allow the Township to save up to 5% on our Workman's Compensation bills. Part of the certification is a Safety Policy Statement which needs to be approved by the Board for it to be official. Mr. Schneider made the motion that the Board approve the Safety Policy Statement as submitted by the Safety Committee of West Vincent Township as presented. Mr. Brown seconded the motion which carried unanimously.

An email was received dated February 7, 2017 from Chester County Solid Waste Authority with information on collection of electronic recyclables. This is in response to Mrs. Swavely's request from the Board at the last meeting to find out where televisions and computers can be recycled. The Chester County Solid Waste Authority responded stating that they are now accepting televisions, computers and computer peripherals. You may bring your television to the Lanchester Landfill, 7224 28th Division Hwy. Narvon. No more than 3 TV's and/or monitors and they must be intact, not in pieces. There is no fee and their hours are Monday thru Friday, 7:00 AM to 4:30 PM and Saturday, 7:00 AM to 11:30 AM. You must go onto the scale and let the weigh master know what you have. He will ask for identification.

### **Subdivision/Land Development:**

Eagle Farms Subdivision/Toll Bros.: Mr. Kulakowsky explained that he received information from the Surety Department at Toll Bros. that after the Board released their request #10 for the Sanitary Sewer improvements they found a computational error. Mr. Brown asked if he has any doubt now as to this correct total. Mr. Kulakowsky stated that he is assured that this is correct since he was sent the Excel spreadsheet and he was able to check all the math. Mr. Schneider made the motion that the Board approve the reissuing of the Certificate of Completion for escrow reduction request from Toll Bros, for the Sanitary Sewer Phase 1/2A #10 to reflect the correct amount remaining in the bond to \$803,738.05 as recommended by the Township Engineer in his letter dated February 15, 2017. Mr. Brown seconded the motion. Mr. Walko explained that the bond is like insurance to the Township if the Developer does not do what he said he was going to do. This has not been an issue at this point with Toll Bros. There were no further comments and the motion carried unanimously.

Butler Subdivision: Mr. Schneider made the motion that the Board approve the final escrow release to Susan Butler in the total amount of \$12,972.25 minus the invoices that are due to the Township of \$3,056.31 since her subdivision has been complete and all requirements have been met under her conditions. Mr. Brown seconded the motion. Mr. Schneider made the motion to withdraw the previous motion. Mr. Brown seconded the motion. Mr. Schneider made the motion to approve the final escrow release in the total amount of \$9,915.94. Mr. Brown seconded the motion which carried unanimously.

### **Old Business:**

Ordinance Hearing: Mr. Walko adjourned the public meeting to begin the hearing to consider Ordinance 175-2016 amending the speed limit on the 1800-2000 block of French Creek Road to 25 mph. This will provide for enforcement and signage. Mr. Walko entered exhibits into the record: 1. The Ordinance 2. Legal Notice 3. Proof of Publication 4. Proof of sending the Ordinance to the Chester County Law Library. Mr. Walko asked if there was any public comment and there was none. The Board had no comment. Mr. Walko closed the hearing. Mr. Walko began the hearing to consider Ordinance 176-2016 amending the weight limit on the Buttonwood Lane Bridge. This will provide for enforcement and signage. 1. The Ordinance

2. Legal Notice 3. Proof of Publication 4. Proof of sending the Ordinance to the Chester County Law Library. Mr. Walko asked if there was any public comment. Brian Curry, 512 Black Horse Road asked if firetrucks were now able to cross. Mr. Walko stated that he did not know the weight of a firetruck but was sure that they could make arrangements. The Board had no comment. Mr. Walko closed the hearing and re-opened the Board meeting. Mr. Schneider made the motion that Ordinance 175-2017, limiting the speed limit on French Creek Road, be approved as submitted. Mr. Brown seconded the motion which carried unanimously. Mr. Schneider made the motion to approve Ordinance 176-2017 changing the weight limit on Buttonwood Lane Bridge as submitted. Mr. Brown seconded the motion which carried unanimously.

Seal Coat Bid: Mr. Brown made the motion that the Board award the bid for the Seal Coat on various roads in the Township be awarded to the lowest responsible bidder, Asphalt Industries in the total amount of \$84,236.00 as recommended by the Township Engineer in their letter dated February 16, 2017. Mr. Schneider seconded the motion. A resident asked if it is necessary since it flies in your windshield when driving. Mr. Jacobs stated that the Township will have to make sure it is put down properly. Another resident shared that this bituminous coating will extend the life of a road seven years. With proper signage, drivers can prepare for it. Mr. Curry had some questions on the specs. Mr. Kulakowsky answered some stating including the reason why the cost estimate was lower than the bids received. This should be done as soon as weather permits, mid to late April. Mr. Jacobs stated that this is a proven treatment for roads to stretch the years of their life and with a large amount of road work to be done this is a good idea. There were no further comments and the motion carried unanimously.

### **New Business:**

Riparian Buffer Update: Victoria Laubach, Green Valleys Association and Ed Theurkauf, Theurkauf Design & Planning gave the Board and audience a PowerPoint presentation on The William Penn Foundations Delaware River Watershed Initiative. This is a strategic partnership of conservation organizations in the tristate area focused on watershed protection. One of the strategies is to work with municipalities to strengthen their watershed protective ordinances. Ms. Laubach and Mr. Theurkauf gave an informational talk on the importance of stream-side forests and what can be done by the township. Benefits of water quality and erosion stabilization along stream banks, groundwater recharge areas, habitat areas for wildlife and shading aid in water temperature where the main topics. The state as well as West Vincent Township has a 150' stream buffer. This has proven very helpful. There were some questions answered and the audience applauded there presentation.

Open Space Review Board Recommendation: Mr. Brown shared some history of the parcels for consideration owned by Sixteen Years LLC. This land is along St. Matthews Road just past Flint Road. It was part of what was known as the Wilson/Cutler subdivision which had an approved plan for 82 homes. That never happened and then another developer John Bachich had a plan for 34 homes. After a few years, Bob Casciato and a few neighbors were able to purchase 98.9 acres and they plan to divide it into 4 large lots. Mr. Brown continued stating that the Open Space

Review Board was re-established in 2016 and began a procedure for evaluating properties for the Township TDR Program. A mathematical formula was used and the committee toured 15 sites. The Sixteen Years LLC was at the top of their list as the most valuable acquisition. Bob Casciato proceeded with a pre and post evaluation of the property after it is conserved. The difference is \$790,400. French and Pickering Conservation Trust has developed a funding pack so that saving the property through a Conservation Easement rather than purchase the TDR's would be cost effective to the Township. In this plan it is broken as the following: Chester County Preservation Partnership Program: \$395,200; PA DCNR Grant: \$80,000; WPF Open Space Institute: \$40,000; West Vincent Township Open Space: \$275,200. Mr. Brown shared that the OSRB feels that West Vincent's commitment to this project will be an essential consideration in, and a precondition of, the other funding sources. This is a natural gateway to the beltway of Open Space, Bryn Coed. The OSRB has voted unanimously to recommend to the Board of Supervisors to contribute \$275,200 for this end. Mr. Brown stated that he had a document written by Maria Jacobs stating that it was a good deal, referring to Mr. Casciato's purchase of the property. Mr. Jacobs stated that he wrote the document, but Maria typed it for him since he is not good on computers. He asked Mr. Walko if he violated any rules and as far as Mr. Walko heard, he did not. Mr. Brown stated that regardless, the point is not whether how much was spent, but that the bottom line is that open space saves tax payers money. This property, should it be developed would mean 51 new Owen J. Roberts school students, at a 2014 cost per child of \$16,541, or an additional educational expense of \$843,591.00. School Taxes from the new houses would only cover \$317,549.00 of this, leaving the taxpayers to cover the additional \$526,042. Mr. Brown stated that by not preserving the land, it would cost the taxpayers over half a million dollars. This letter that Mr. Brown referred to states that there was a moratorium on Open Space funds. That is not true, it was an understanding that funds go to Bryn Coed first. Now that the Natural Lands Trust is far enough along in their process, the Board can see that the numbers will work. There is 2 million dollars in the Open Space fund. At the most the Bryn Coed project will cost \$1.6 million so that leaves half a million in funds left. Mr. Jacobs stated that the Board is to decide tonight what it plans to do. The Board, during an Executive Session, received a presentation from Pam Brown, F&PCCT, and have enough information to make a decision. Mr. Brown stated that it is a fiduciary responsibility to use open space tax money the best way. The OSRB recommended this property and he feels that it should be passed. Mr. Schneider stated that he does not feel that this property is at risk for development. He did not think Mr. Casciato has any plans to develop it and when asked, Mr. Casciato agreed that it was not at risk of development. Mr. Schneider would prefer to use open space funds on properties at risk for development. He does not feel that having 73 homes on 1600 acres of property, referring to the 39 homes on Bryn Coed property and the 34 homes on the Sixteen Years LLC property is high density. He feels that there are higher density properties available for the use of the open space money. Mr. Schneider had a problem with the appraisal of the property since it looks like it does not take into account the Act 319 tax rollback and that it went up in value 40% in the last 8 months. Mr. Schneider feels that the owners of Sixteen Years LLC bought it to protect their surrounding properties and he does not think that the Middle Class should have to pay for the Upper Class. Mr. Jacobs asked Mr. Casciato why the Cutler subdivision did not go through. Mr. Casciato stated that he hired an attorney and an engineer to fight the subdivision and then the developer could no longer justify building it once the market crashed in 2008. Since 2000 he, along with his neighbors fought for this property for the entire Township. Mr. Casciato stated that he has a commitment to keep a beautiful part of West

Vincent for everyone who drives through it. He also added that his costs should include the property costs, closing costs, the natural environment studies and the \$40,000 he spent on cleaning up the farm dump on the site. Why Mr. Bachich did not develop it, he did not know. Mr. Schneider did not understand why the Township should subsidize Mr. Casciato and others purchase of the land. Mr. Casciato stated that he and others are attracted to it for its beauty and feels that it should remain open. Open Space money should be used to protect the most valuable properties in the Township. He agreed that he does not plan to develop the property. Karl Brachwitz, 1286 Hollow Road stated that on behalf of previous Boards and staff that a lot of thought went into this to keep it with taxes in mind. The idea of the ordinances is that we (residents) want to pay \$275,200 to reward this behavior. No one really knows what will happen if the property is not preserved. Bill Dietrich, Open Space Advisory Board, stated that this is a very large property for a very small portion of the Open Space funds. Jamie McVickar, 407 Black Horse Road stated that the Board appointed the OSRB and they spent a lot of time evaluating properties. He echoed the fact that the Township has a designated tax for Open Space and should be used for such. He added that the residents would end up paying more taxes if Toll Bros. put in houses. Then the middle class would be funding Toll Bros. George Dulchinos, 1415 Hollow Road asked if we want to enrich someone who is already getting a good deal for property. Mr. Jacobs asked if the other funds would be available at another time. Ms. Brown stated not for a long time and with the funding dramatically being cut back there is no guarantee it will be there. If the Township does not feel that this is a worthy project then she doubts any other funding entity will. It is almost a guarantee that the other sources will move forward but they are waiting for is to see if the Township will support it. Mr. Brown stated that there is a guaranteed funding source until 2031 and with the projections of EIT coming in higher the Open Space Fund will continue to increase. We have the funds and we have a willing owner to do a phase in plan all that is needed is a commitment to write a check. Ms. Brown added that the Bryn Coed property will be an eight year payout and if the Board votes against its own OSRB then the Township will never be able to do another deal. Mr. Curry asked about the OSRB minutes and meetings. Mr. Brown stated that the evaluations were done in an executive meeting which the solicitor recommended. Mr. Curry would like to see the TDR evaluation sheet and Ms. Brown stated that she can provide one. She stated that a conservation easement is better in this case because she cannot leverage other funding with a TDR purchase. Mr. Jacobs stated that he is concerned with the numbers and the appraisal since the Township cannot spend more than the appraised value. Ms. Brown stated that doing a conservation easement appraisal is very difficult and there are only a few companies that do these. The appraisal is not really an issue in this matter since the Township funds do not come close to the appraised value. Mr. Jacobs disagreed feeling that the appraisal did matter and he did not want to waste taxpayer money. A lot of comments were received from the audience in favor of spending the funds on this property. Jennifer Munson, Sustainability Committee Chairman submitted a letter of support for the purchase from their committee. Mr. Schneider stated that his question is about the funds. What would happen if the Township spends \$275,200 and then another property would come up looking for funds and they would not be there? What if another Bryn Coed would appear? He was informed that there are not any pieces of land left over 100 acres that are not preserved except Wheeler Aman's property near Kimberton. He has been approached several times over the years and does not want to sell his TDR's. Mr. Jacobs was still concerned with the appraisal numbers. After a lengthy discussion the Board determined it should break for an Executive Session. Mr. Walko asked what Ms. Brown actually needed and she informed him that a letter of

commitment and that the funds would not be necessary until all the other entities came through and the property went to closing. Mr. Casciato added that Sixteen Years, LLC would be fine with a two or three year payout if necessary. The Board went into Executive Session at 9:55 PM and Mr. Jacobs called the meeting back to order at 10:20 PM. Mr. Jacobs asked Mr. Casciato if the funds were reduced to \$200,000 would that be enough. Mr. Casciato stated that he could make it work. Mr. Brown made the motion that the Board of Supervisors endorse the Open Space Review Board's recommendation as to the 16 Years LLC project with the Township's contribution being \$200,000. Mr. Schneider seconded the motion. There were a few additional comments and Mr. Brown stated that this is a good compromise and thanked his colleagues for doing this. Mr. Jacobs called for a vote which was unanimous.

Proposal for Legal Services: Mr. Schneider made the motion that the Board approve the proposal for legal services from Marc Feller, Dilworth Paxon, LLP as submitted. Mr. Brown seconded the motion. This firm has experience in dealing with the sale of sewer systems. Mr. Curry asked if this sale will be done soon. Mr. Jacobs stated hopefully soon, but no exact timeline has been submitted. Kip Archinal, 919 Fellowship Road stated that she is unsure how this will work. Mr. Jacobs stated that when the proposal is complete it will be posted. Due to the lateness of the hour he suggested that she call Ms. Batdorf for some additional information. Mr. Walko stated that there would be a public hearing to complete the sale of the sewer systems. There was no further comment and the motion carried unanimously.

New Subdivision Application: A new subdivision application was received for Bryn Coed Farms by the Natural Lands Trust. Mr. Schneider made the motion that the Board acknowledge receipt of the Subdivision application for the subdivision of the Bryn Coed Farms by the Natural Lands Trust. Mr. Brown seconded the motion. Mr. Jacobs stated that this is basically redoing some property lines to make more salable parcels. It will be discussed at the Planning Commission on March 16<sup>th</sup>. Mr. Curry asked if the plan could be place online. Mr. Walko advised against that stating that the documents had intellectual property rights. People can come into the Township and review them if they would like to do so. Jane Helm, EAC asked if the EAC will have the chance to review the plan. Ms. Batdorf will see that they receive a copy so that they can discuss it at their March 1<sup>st</sup> meeting and representatives from NLT plan to attend. There were no further comments and the motion carried unanimously.

### **Public Comment:**

A resident complained that the trash trucks spilling the trash all over on St. Matthews Road and Beaver Hill Road. Ms. Batdorf stated that February is one of the clearest months without vegetation and more trash is viewable. Jane Helm, 2563 Veronica Drive stated that the EAC would like to see trash haulers provide recycling bins with lids.

Zoe Perkins, West Vincent Land Trust, thanked the Board for its support and referring to the Saint Stephen's Green Open Space and she wanted to reiterate that she is very grateful to the Township for its assistance in clearing up the title to this property.

Harriet Stone, EAC, informed the audience that there may be an amphibian crossing this weekend.

Mike Bradley, 10 Rock Spring Road, discussed the Duey obstacle course and feels that after the good presentation on riparian buffers that there is Pine Creek at the back of the Duey property and they have built bridges over the stream and has some concerns with some regulations that may have been broken. Ms. Batdorf will send the Zoning Officer to check.

Meeting adjourned 10:45 PM.

Respectfully Submitted,

Tammy Swavely  
Township Secretary