

West Vincent Township
Board of Supervisors Meeting

May 16, 2016 7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, Township Solicitor Joe McGrory, Esq., Hamburg, Rubin, Mullin, Maxwell and Lupin, and Township Secretary Tammy Swavely.

Mr. Jacobs called the meeting to order at 7:05 PM.

Mr. Jacobs announced that there was an Executive Session on May 16, 2016 for personnel.

Approval of Minutes:

The minutes of **May 2, 2016** were unanimously approved on a motion by Mr. Schneider and a second by Mr. Brown.

Reports:

Active Subdivision List: There are no pending deadlines.

Bills List: Mr. Brown made the motion to approve the Bills List dated 5/2/16 in the total amount of \$176,490.27. Mr. Schneider seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

Two quotes were obtained on repairing the Township sidewalk. The Pavement Group: \$1,850 and Rosato Masonry: \$2,900. Mr. Schneider made the motion that the Township approve the proposal to repair the Township sidewalk from the Pavement Group dated April 2016 in the total amount of \$1,850. Mr. Brown seconded the motion. Mr. Jacobs asked the audience if anyone had received any quotes on cement recently. A few audience members responded saying that they felt \$1,850 was a good price. There was no further public comment and the motion carried unanimously.

Old Business:

Trash Hauler Proposal: Solicitor McGrory complimented the Trash Task Force for a well thought out and creative proposal of the Preferred Vendor System. He cannot find anything in the law that permits this type of proposal. Mr. McGrory is very familiar with Act 101 and nothing in that Act prohibits it. At this point it is where Federal law steps in with Restraint of Trade. If a single hauler is used, this does not apply. To negotiate so that others can go under a contract with a hauler, that takes it out of Act 101 and into Restraint of Trade. Mr. McGrory stated that he has an attorney friend who represents a large hauler. He asked him if he was a

seconded place bidder if he would sue the Township he answered yes as an unfair competitive action brought on by government. There are no law cases, but Mr. McGrory can see litigation emitting from this. Trash Hauling companies are infamous for bringing litigation. Mr. Jacobs stated that in the beginning of the process he was against a mandated trash hauler. His mind was almost changed but when he heard litigation it scared him and he does not want to be the first Township to be involved with this type of proposal. Mr. Brown stated that the task force did a terrific job and he was under the impression that once the Township population hit 5000 that the Township had to do something. It turns out that the Township is already in compliance. He spoke with residents who do not want their liberties infringed upon. He congratulated the task force, but he will have to vote against the proposal. He added that he knows a lot of work and dedication went into this. Chip Farnham, speaking as a member of the Trash Task Force, stated that this is not worth getting sued over. The Township is in compliance with Act 101 and there is nothing driving the proposal now. Mr. McGrory stated that he will continue to monitor the law to see if this kind of process appears. Mr. Jacobs asked Mr. Farnham to give the task force their thanks. Kit Troler, 16 Hunt Hill Road stated that there is a grant with Act 101 and usually the driving force behind seeking a single hauler. This assures all the recycling reports for the grant are received. Sara Shick, 1201 Davis Lane asked if the Sustainability Plan objectives were met with this proposal. The plan calls for the reduction of trucks on the roads. Ms. Troler added that the Trash Task Force came out of the Sustainability Plan objectives. She asked how those objectives are going to be met. Brian Curry, 512 Blackhorse Road stated that electric police cars are in the Sustainability Plan also and the Township has purchased two since the plan was in affect and neither were electric. Mr. Brown stated that the Sustainability Plan is advisory. It is a good idea, but it is advisory and not legally bound to abide by it. The Board will save this report for future reference.

Community Day: Mr. Jacobs announced the Sponsors and Donors of Goods and Services for the 2016 Community Day. Silver Contributors: Hankin Foundation; Bronze contributors: Cedarville Engineering Group, Toll Brothers; Other Donors: Clean Water, Inc.; Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, Theurkauf Design and Planning, LLP, DNB First, Francis Hall Insurance & Risk Management Services, Macadam Company, Inc., Environmental Operations Services, Inc., Caruolo Associates, Inc., E.M. Kutz, Inc., Dave Hoffman's Auto Repair, National Penn Bank, Tom Josiah Consulting; Goods and Services: A.J. Blosenski, Inc., City Folk Handwork, Frame's Power Equipment and Mulch, Robert E. Little, Inc., W.K. Frame & Sons, Inc.; Community Day Staff: Tammy Swavely, Amanda Gooding, Melanie McCartney and Danielle Hewitt. The Board expressed thanks to everyone involved.

New Business:

Waiver Request from Stormwater Ordinance: Andrew and Mandy Rook have requested a waiver from the Stormwater Ordinance Appendix A.2. Mr. Jacobs explained that this requirement is that the infiltration trench to be at least 50' from the individual water supply when

doing a sketch plan. When doing an engineered plan, the setback is 10'. Mr. Schneider made the motion that the Board approve the waiver from the requirement in the Stormwater Ordinance that requires the infiltration trench be 50' from the individual water supply wells for 2560 Veronica Drive as per the Cedarville Engineering letter dated May 10, 2016 who has no objections to the request due to the unique configuration of the property. Mr. Brown seconded the motion. The Board answered a few questions and the motion carried unanimously.

Board Liaisons to Committees: Due to time restraints and conflicts of interest, the Board needs to change some of their liaison assignments from the beginning of the year. Mr. Brown made the motion that Mike Schneider be the liaison to the Park and Recreation Commission and John Jacobs be the liaison to the Sustainability Committee. Mr. Schneider seconded the motion which carried unanimously.

Open Space Committee Appointments: Mr. Brown stated that while reviewing the Open Space Review Board Ordinance, he noticed that the appointments had been done wrong. The Board will table this issue to notify the people who were appointed and then reappoint members at the next Board meeting.

Campout Event: The Park and Recreation Commission would like to hold a Campout in the Township Park on June 24th- 25th. Mrs. Jacobs informed the Board that the event is designed to invite families, friends and neighbors for night under the stars and to do some nature activities. Families are to bring their own tent, 6 to a space and there will be a \$35 charge to cover the expenses. The amount of people who sign up will determine the fee. Mrs. Jacobs asked the Board to cover any shortfall of funds. Wrist bands will be provided to everyone to show proof of registration. There will be police support and someone from the Fire Department to watch the campfire. The campfire will be in the gravel parking lot next to the playground. Mr. Brown made the motion that the rules of the Township Park be waived for the Park and Recreation Commission campout for the park closing time to dusk and the park opening time to dawn and they be permitted to have a bonfire in the park under the direction of the Ludwig's Fire Department. Mr. Schneider seconded the motion which carried unanimously.

Flag Pole at Township Building: Mr. Schneider stated that he has obtained a donated United States flag from US Congressman Ryan Costello and a PA State flag from State Representative Becky Corbin along with a 35' poles. Since these are being donated, all that needs to be considered would be lighting. Mr. Brown stated that he does not see any reason why the Township should not take the flags. Mr. McGrory stated that this can be done administratively. Harriet Stone, 1645 Birchrun Road asked the Board to consider the dark skies. Mr. Jacobs stated that a flag up 24 hours must be lit. Suzanne Roth, 1360 School House Lane stated that it is just a personnel issue for someone to put up and take down which should not be difficult. Mr. Schneider suggested that a boy scout could do it on a daily basis. Maria Jacobs, 2351 Beaver Hill Road stated that she feels the flag should be up 24 hours a day and be lit. She was concerned with 365 days a year that sometimes the flag would not get put up. Mr. Brown made the motion to accept the donation of the flags and have Township personnel put the flag up on a daily basis. Mr. Schneider seconded the motion. After a discussion, Mr. Jacobs called for a

vote. Mr. Brown voted yes, Mr. Schneider voted no, Mr. Jacobs voted no, motion denied. After further discussion, Mr. Schneider made the motion to accept the donated flags and poles and to figure out when to fly the flags at a later date. Mr. Brown seconded the motion. There was no further comment and the motion carried unanimously.

Open Records Officer: Due to the interim Township Manager leaving, there is a need for an interim Open Records Officer until the new Township Manager starts the position. Mr. Schneider made the motion to appoint Tammy Swavely as the Interim Open Records Officer. Mr. Brown seconded the motion which carried unanimously.

Appointment of Township Manager: Mr. Jacobs stated that the Board has made a decision on the appointment of a Township Manager. The Township received many applications and the Citizen's Committee interviewed some candidates and chose the top three for the Board to interview. The Board has chosen Erica Batdorf who comes from the Borough of Pottstown. Ms. Batdorf spoke to the audience saying she has been given a very special opportunity and she feels that West Vincent Township is a lovely place to live and she looks forward to working with everyone. She stated that at the Borough of Pottstown she had many projects and a lot of infrastructure and feels those skills will help her in West Vincent. She is a planner and is focused and organized and it is an honor to be able to work for West Vincent Township. Mr. Brown made the motion that the Board approve Resolution 13-2016:

WHEREAS, the Board of Supervisors of West Vincent Township has appointed Erica Batdorf as Township Manager effective July 5, 2016, it being understood that she is an employee at will, and WHEREAS, Ordinance No. 47 of 1989 provides compensation of the Township Manager shall be set by Resolution. NOW THEREFORE BE IT RESOLVED, and it is hereby resolved by the Board of Supervisors of West Vincent Township this 16th day of May 2016 that the compensation of Erica Batdorf as Township Manager commencing July 5, 2016 shall be \$105,000.00 per annum.

Mr. Schneider seconded the motion. Mr. Curry asked if the Township Manager Ordinance will remain the same. Mr. McGrory stated that he is in the process of revising that ordinance. Mrs. Stone asked who will be the manager until Ms. Batdorf arrives. Mr. Jacobs stated that the Board will take care of things along with staff. There was no further comment and the motion carried unanimously.

Public Comment:

Sara Shick, 1201 Davis Lane commented on the progress of the Fellowship Trail.

Jim Helm, 2563 Veronica Drive commented on the gate at S. Chester Springs Road. Mr. Jacobs responded by saying that Toll Bros. has ordered the gate and it will take 6-8 weeks to arrive. Once it is in, the Township will install the turnaround.

Harriet Stone, 1645 Birchrun Road asked if the Board made a decision on the Benner farmhouse renovations. Mr. Jacobs stated that it was made at the last Township meeting and is in the minutes. Jane Helm, 2563 Veronica Drive asked if the builder will be required to submit a new plan. Mr. McGrory stated that the Building Inspector will take care of it.

Mr. Curry commented on the Board approving up lighting of the historic home walls and why the flag up lighting brought controversy. Kit Trolier disagreed since the historic home is private property and the flags will be on Township property.

Suzanne Nastase, 120 Windgate Drive asked what the posted Notice is near Westover Lane. This is for a Zoning Hearing to be held on May 17, 2016.

Maria Jacobs, 2351 Beaver Hill Road commented on the benefits of having a flag up and lit for 24 hours a day.

Ms. Shick commented on the sale of the sewage treatment plants. Mr. McGrory answered this by stating that legislation has just passed that will aid the Township in this matter.

Bryan Sladky, 1852 French Creek Road commented on the repairs to the French Creek Road Bridge.

Peter Ouwkerk, 11 Spring Lea Lane commented on the stop signs at Rt. 401 and St. Matthews Road.

Mr. Curry commented on the installation of shallow wells for the Community Garden. Bryan Sladky also commented on the installation and the benefit of shallow wells stating that he installs them.

Frances Ellis, 2823 Flowing Springs Road commented on the possibility of changing the zoning in Birchrunville. She was informed that there is no movement to do such a thing.

Mrs. Helm commented on the historic aspect of the French Creek Road Bridge.

Suzanne Roth, 1360 School House Lane commented on the 4-way stop sign at 401 and St. Matthews Road.

Ms. Nastase commented on the shallow wells for the Community Garden.

Dr. Brad Dyer, 12 Phillips Lane commented on the splitting of Fellowship Trail into two projects.

Tanya Helwig, 2034 Pottstown Pike commented on the fantastic job that David Gooding did as the first time being the Constable at the Election Poles this year.

Meeting adjourned 8:45 PM.

Respectfully Submitted, Tammy Swavely, Township Secretary