

West Vincent Township
Board of Supervisors Meeting

August 15, 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 Township, Bryan Kulakowsky, Cedarville Engineering, Township Engineer, Manager Erica Batdorf and Township Secretary Tammy Swavely.

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

Mr. Jacobs announced that there was an Executive Session immediately preceding this meeting to discuss litigation.

Approval of Minutes:

Mr. Schneider made a motion to approve the July 5, 2016 minutes as submitted. Mr. Jacobs seconded the motion which carried unanimously. Mr. Schneider made the motion to approve the August 1, 2016 minutes as submitted. Mr. Brown seconded the motion which carried unanimously.

Reports: Full copies are attached.

Police Report: Sergeant Russell gave the Police Report for July 2016 which was acknowledged as received.

Bills List: Mr. Schneider made the motion that the Bills List dated 8/16/16 in the total amount of \$66,368.00 as submitted. Mr. Brown seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A Thank you note to Officer Rubino from Cindy Karustis for his assistance in a recent police matter was acknowledged as received.

A Thank you note to the West Vincent Police Department from the Ross family for their assistance to their family was acknowledged as received.

An email request from French and Pickering Conservation Trust was received dated August 10, 2016. Mr. Schneider made the motion that the Board send a letter of support to French and Pickering Conservation Trust for their application to change of the Marsh Creek's stream designation from High Quality to Exceptional Value. Mr. Brown seconded the motion. Brian Curry, 512 Black Horse Road asked what the impact is by changing the designation. Patrick

Gardner, French and Pickering Conservation Trust, stated that it offers the stream more protection from Stormwater runoff, construction and all reviews are more restrictive from DEP. There is no impact on homeowners. Jim Hall, 452 Fairmont Drive asked if this would have any effect on recreation. Mr. Gardner stated no, but it should be better since the water will be cleaner. There were no further comments and the motion carried unanimously.

A request was received for a TDR calculation be done on 1049 Bartlett Lane. This was done in 2003 but the Zoning Ordinance has changed since then and an updated one needs to be done since the family is interested again in selling the TDR's. Mr. Schneider made the motion that the Board approve the Township Engineer to do a TDR Worksheet calculations on 1049 Bartlett Lane. Mr. Brown seconded the motion. Mr. Brown explained the process that the Open Space Advisory Board will need to go through in making a determination on this property. It begins with a TDR worksheet. Once this is complete, they can make a recommendation to the Board. Mr. Schneider asked if this has to be done for all the properties that were done in 2003 since it would be a costly thing to do. Mr. Brown stated it should be done one at a time for those parties interested in selling. Since the Zoning Ordinance has changed it will affect how the process works. A new evaluation sheet may be required. Mr. Curry asked if the TDR's will increase or decrease because of the Zoning Ordinance changes. Mr. Brown did not know for sure, but feels it may decrease. There were no further comments and the motion carried unanimously.

The Township office heat pump/air conditioner has failed and needs either extensive repairs or a new one. Ms. Batdorf stated to repair it, the estimated cost is \$8,000. This machine is in year 12 of a typical 15 year life span. If a new one is purchased, it was determined that light carpentry work will be necessary to install it. There is a situation now since there is no air circulation in the office and no windows. Since this has just happened, only two bids were received. Another bid is expected shortly to come under 19,400. The Board determined to purchase a new heat pump. There was a discussion of like bids. Different manufacturers could have different pricing schedules. Mr. Schneider made the motion to authorize Ms. Batdorf to proceed with the purchase of a new heat pump with the lowest bid after the last quote is received. Mr. Brown seconded the motion which carried unanimously.

An email was received from Beverly Buckta, 7 Adelpia Lane requesting an update on the property owned by Marc Duey which is an obstacle course. Mr. McGrory, Township Solicitor updated the Board with information from Mr. Duey's attorney. Due to the sentiment, the impact and the emotional state of the public, and based on feedback, that he will withdraw his request for a commercial use on the property. He is permitted a private use and there is nothing the Township can do about that. He is going to have strictly family and friends. That does give Mr. McGrory concern as to what friends includes. This will be drawn up in an agreement so that it will be clear. Mr. McGrory stated that they will agree to what he presents them and he was very encouraged by the phone call he received. The Township is not negotiating anything. Mrs. Buckta was present and discussed this with the Board. She has several unanswered questions and the definition of friends. Her neighbors got together and signed a petition to present to the

Board this evening. The neighbors will also be sending emails regarding their concerns about the obstacle course. Mr. McGrory stated that the petition will be attached to the minutes. He urged the public comment to be limited since there was a lengthy agenda. Mr. Jacobs stated that the Board never wants to silence anyone's concerns. Several neighbors of Mr. Duey spoke to the Board. A question came as to how he was able to organize the event he had planned for February? Mr. McGrory stated that it was illegal and a Cease and Desist was sent. Even though he claims this was for charity, it is still a commercial event. Mr. Duey's attorney said that he is agreeing with that now. Jane Helm, 2563 Veronica Drive asked how this will affect charitable events in the Township. Mr. McGrory stated that the zoning has now changed and this would not have been able to be constructed anymore. Mrs. Helm wanted to know if she could hold a charitable event. Mr. McGrory stated that he will be presenting an Events Ordinance for the Board to consider that would help regulate this type of activity. Ms. Shick stated that the Zoning Ordinance definitions impact different levels of recreation, a charitable event would most likely not be recreation. Mr. Duey has been asked to apply for a building permit which he has. This is after the fact, but he still can apply. He could always argue that it is private recreation. Since Mr. Duey has agreed not to use the property for commercial use Mr. McGrory is confident that it will work out. The property on Art School Road is being treated differently. They will be moving forward for an educational use in the church. Questions were asked if trees could be planted to block the view of the obstacle course. Mr. McGrory stated that since there will not be a hearing, the Township cannot ask for screening. Questions were on the request for re-zoning. There has been no such request. If there was a request, the Board does not have to respond to this. Mr. McGrory plans to work out what constitutes friends in an agreement and bring him into compliance with the zoning. He added that this is being taken very seriously and he feels the concerns of the community.

Old Business:

Buttonwood Lane Bridge Repair: Cedarville Engineering has sent a proposal to deal with the repairs necessary to the Buttonwood Lane Bridge. Mr. Schneider made the motion that the Board approve the engineering proposal from Cedarville Engineering dated August 12, 2016 for Structural Testing and Repair Design in the total amount of \$17,500. Mr. Brown seconded the motion. Mr. Kulakowsky, Township Engineer, informed the Board that this includes a structural analysis, testing and design. He is confident that it can be repaired not replaced. Once these repairs are done and maintained regularly, this bridge has an underdetermined amount of life. At least 20 years if not longer. The goal of this repair is planned to bring the bridge weight up to accommodate a fire engine. It cannot be known for certainty until testing is done. Mr. Jacobs called for a vote which was unanimous.

Hollow Road Bridge Repair: This bridge is ½ mile from Horseshoe Trail on Hollow Road. Mr. Schneider made the motion that the Township approve the engineering proposal from Cedarville Engineering for structural repairs in the total amount of \$22,750. Mr. Brown seconded the motion. Mr. Kulakowsky stated that during the road inspection it was found that the concrete is falling into the Birchrun and the beams are being exposed. This proposal also includes the bid

preparation and construction administration. Mr. Curry asked if there was an estimate for construction. Mr. Kulakowsky stated it was approximately \$70,000-\$80,000. Ms. Shick asked why this was more expensive. Mr. Kulakowsky stated that this includes inspection services and the bidding preparation where Buttonwood Lane Bridge did not. Mr. Jacobs called for a vote which was unanimous.

Police Car: Ms. Batdorf stated that she has been working with the Police Chief on the purchasing a new car for the department. She stated that her concern is that if the purchase is pushed off for another year it compounds the problem for next year since another car is ending its useful service life. A police vehicle's mileage is treated differently than a regular vehicle. A maximum reliable life is around 95,000 miles. The vehicle that needs replacing has over 100,000 miles and the one following for next year currently has 92,000 miles. Ms. Batdorf stated that the budget is stable and will be for next year also. Mr. Brown made the motion that the Township purchase the 2016 Ford Police Interceptor Sedan on the COSTARS quote in the total amount of \$37,442 which includes decommissioning the 2011 Ford Crown Vic. Mr. Schneider seconded the motion. Mr. Curry asked why a police vehicles life is shorter. Ms. Batdorf stated that because of the wear and tear it takes on a daily basis in addition to unpredictable terrain and movement. Mr. Jacobs added that the costs for the vehicle that is going to be replaced has already been \$2,700 this year. Mr. Jacobs called for a vote which was unanimous.

New Business:

Valuation Study on Sewer Plants: Scott Shearer, PFM Group came to discuss with the Board of Supervisors a valuation service on the Township sewer and water systems. Mr. Shearer described his company saying it was ranked #1 in the nation as an independent financial advisor. He has worked with both public and private sector at all levels. Sometimes sales make sense and sometimes they do not. After his valuation, he will recommend to the Board what is the best choice. If there is no value in selling them, then he will advise accordingly. Mr. Shearer stated that there are three steps. The Analysis and Valuation, Transaction and Development, and Transaction Execution. The first stage is to work with the Township administration to gather data to more fully understand the sewer systems and to review its function with the General Fund. The second stage includes an RFQ and working with the legal team to work with the sale or lease. Stage three is coordinating the close and may involve the PUC process or bond financing depending on the winner. The Agreement the Board has tonight would be for Phase 1. Mr. McGrory asked several questions. He asked what a Township of this size would be looking at for fees. Mr. Shearer stated approximately \$100,000 plus additional for the Township Solicitor, Special Counsel, maybe up towards \$250,000. Mr. Jacobs stated that after the valuation the Board will have a number to see if it is a viable thing to do or not. Mr. McGrory asked about a sewer system that is not built yet, but will be in the future. Mr. Shearer stated that there are ways to build in an asset construction agreement. Mr. Schneider made the motion that the Board approve the Agreement for Financial Advisor Services as submitted in the total amount of \$7,500 as submitted for the valuation of the sewer plants. The Board took questions on the possible sale. Mr. Schneider stated that the sewer plants are barely carrying themselves and maybe it is not a good business for the Township to be in. Mr. Jacobs stated that looking into the future of the systems, questions have come up regarding the basins and how much longer they will hold without repair. A valuation should be done to determine these issues. Mr.

McGrory stated that the law just recently changed that will assist the Township in doing this. He suggested that the Board would use these funds from the sale for roads and bridges rather than get out of debt. It is important to invest in capital improvements. Mr. Jacobs called for a vote which was unanimous.

Bond Refinancing Opportunity: Michael Wolf, Boenning and Scattergood, Inc. came to the Board with information about refinancing the current Township bonds. Mr. Wolf has assisted the Township since 1998 with financing. He wanted to alert the Board to an opportunity since the interest rates have dropped. The interest rates have not been this low since 1956. The Township has approximately \$7,500,000 left on the 2012 series bonds at this time. After all costs the Township would be saving approximately \$247,000, or 3.7 % of refunded principal. It is worth considering refinancing once savings exceed 3%. The Board asked several questions and determined it was a good idea to refinance. The process requires an ordinance and a Bond Attorney. The firm of Lamb & McErlane, PC will be used. Mr. Brown made the motion to approve Michael Wolf, Boenning and Scattergood, Inc. to prepare the documents for the Bond Refinancing. Mr. Schneider seconded the motion which carried unanimously. Mr. Wolf stated that he will start the process and come to the September Board meeting with a proposed ordinance.

New Zoning Hearing Application: A new zoning application was received from Stephen Harman, 4 Half Hill Road appealing a decision from the Zoning Officer and applying for a special exception under Section 2209 of the Zoning Ordinance for a home occupation. Mr. McGrory informed the Board that they need to choose to either oppose, support or stay neutral in this case. Mr. Harman is conducting a logging and landscaping business and the Zoning Officer turned his permit application down as non-compliant. Mr. McGrory stated that the Board should defend their Zoning Ordinance and oppose the application to support the Zoning Officer. Mr. Brown made the motion to have the Board enter an appearance in the Zoning Hearing in opposition. Mr. Schneider seconded the motion which carried unanimously.

Snow Removal Bid: Mr. Schneider made the motion to authorize the advertisement of the Snow Removal Bid as submitted. Mr. Brown seconded the motion which carried unanimously.

Speed Limit Ordinance: Mr. Brown made the motion to authorize the Township Solicitor to advertise the ordinance to set the speed limit on Red Bone Road. Mr. Schneider seconded the motion. Comments were made as to why it was going to be set at twenty-five miles per hour. There was a speed study done on the road which is what the Pennsylvania Motor Code requires before a limit is set. The average was 22 miles per hour so the limit set must be within 5 miles per hour either way. Mr. Jacobs called for a vote which was unanimous.

General Code: General Code is a company who will take all the Township ordinances and codifies them from the beginning of time into one document. They determine what ones are obsolete and indexes them electronically. Mr. Jacobs asked if this is wise to do now since it is possible that the Zoning Ordinance will change soon and also the Phoenixville Regional Plan will be changing. Mr. McGrory stated that as long as the Township has a maintenance contract it will not matter. He stated that this is a good thing to have and he does not know of any townships who do not use this service. It will make it easier for him to find ordinances and will

not have to rely on Tammy Swavely to find them for him. It also can be placed on the website for residents to use. Mr. Schneider made the motion that the Township contract with General Code to codify the Township ordinances and prepare them for an online document in the total amount of \$20,844. Mr. Brown seconded the motion which carried unanimously.

Chester County Tax Collection District: Mr. Schneider made the motion that the Board adopt Resolution 20-2016 appointing Erica Batdorf as a voting delegate to the Chester County Tax Collection District. Mr. Brown seconded the motion which carried unanimously.

Manager's Purchase Policy: Mr. Schneider made motion that Ms. Batdorf have a spending limit of up to \$1,000 without consulting the Board of Supervisors. Mr. Brown seconded the motion which carried unanimously.

Public Comment:

Harriet Stone, 1645 Birchrun Road commented on the Brunner tract and the Zarichniak farm and the easement on the historic structures. The Board asked Ms. Batdorf to do research on this question.

Beverly Lawlor, Chester Spring Library, Henrietta Hankin Branch informed the Board of the many West Vincent Township users and requested to be part of the 2017 Budget.

Mark Schaffer 3045 Conestoga Road commented on the Zoning Officer position and how important it is to have consistency. He would like the Township to hire a full time Zoning Officer.

Mr. McGrory introduced a new attorney in his office, Mr. Robert Sebia.

Meeting adjourned 10:00PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary