

West Vincent Township
Board of Supervisors Meeting

September 28, 2015 7:30 PM

Attendance: Chairman Kenneth Miller, Jr., Vice Chairman David P. Brown, III, John Jacobs, Stephen Siana of Siana, Bellwoar & McAndrew, LLP, Township Solicitor, James Wendelgass Township Manager, and Tammy Swavely Township Secretary.

Chairman Miller called the meeting to order at 7:30 PM.

Mr. Miller announced that there was an Executive Session on September 16, 2015 to discuss real estate, personnel and litigation.

Public Comment on Non-Agenda Items:

Jane Altmann, 276 Black Horse Road commented on the tree that was removed in the Right-of-Way abutting her property, insurance for the contractor and the bond the Township received from the contractor.

Harriet Stone, 1645 Birchrun Road thanked the Board and Police Department for permitting a group of individuals to use the Township Park after closing to view the lunar eclipse.

Maria Jacobs, 2351 Beaver Hill Road commented on the tree that was removed from the Right-of-Way on Black Horse Road and the Agenda format.

Brian Curry, 512 Black Horse Road commented on the mowing around the Township sewer plant lagoons, the bid specs for the sidewalk to the elementary school, Black Horse Road repairs and insurance for the contractor.

Ted Mollegon, 1201 Davis Lane thanked Mr. Curry for pointing out how well the Township is run.

Jane Helm, 2563 Veronica Drive commented on having fundraisers at the old church property, 2109 Art School Road and possibly hers.

Frances Ellis, 2823 Flowing Springs Road commented on the definition of a culvert.

Kit Trolier, 16 Hunt Hill Road commented on contractors having principal interest in a company.

Jamie McVickar, 407 Black Horse Road commented on having people submit their questions to the Board before a meeting so that they can have the Board be prepared ahead of time.

Approval of Minutes:

The minutes of **September 9, 2015 and September 14, 2015** were unanimously approved on a motion by Mr. Brown and a second by Mr. Jacobs. Mr. Jacobs made the motion to post draft minutes on the website. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Reports (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 9/28/15 was acknowledged as submitted.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending August 31, 2015 which was acknowledged as received.

Police Report: The Police Report for the month of August 2015 was presented by Chief Michael Swininger and 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 9/28/15 in the total amount of \$210,252.66. Mr. Jacobs seconded the motion. Mr. Jacobs asked Mr. Siana for advice on the approval of the D & L Construction invoice to see if it was lawful to pay it. Mr. Jacobs stated that he is concerned that the Contract may be null and void and does not want to do something illegal. Mr. Siana stated that he cannot give a clear answer since he has not reviewed the bid documents, adding that if they did the work, by State law they are entitled to a payment. The Board answered some questions and Mr. Brown modified his motion to approve the invoice but hold the payment to D & L Construction until the Township receives confirmation from the Solicitor that the invoice can be paid. There was no further comment and the motion carried unanimously.

Correspondence:

An Invitation was received from the Owen J. Roberts Education Foundation to the Award Ceremony on October 2. This Owen J. Roberts Education Foundation Community Service Award is being given to a West Vincent Township resident, Karen Oncay. The reception is at 4:30 PM with a Pre-Game Ceremony at 6:30 PM.

Subdivision/Land Development:

Goldfield Subdivision: This 2 lot subdivision has been forwarded to the Board from the Planning Commission which is recommending approval. The Board had a Decision in front of them prepared by the solicitor. Mr. Jacobs read a portion of the Decision into the record. Mr. Brown made the motion to approve the Goldfield Decision as read. Mr. Jacobs seconded the motion. Mr. Siana pointed out that Mr. Jacobs read a few words differently than they were written. These words did not change the substance of the Decision, but he pointed out that some will view the video and rely on that for substance but in reality, the written word was different. If that is not

pointed out at the onset, someone would not know there is a difference. This can happen anytime with any meeting. Mr. McVickar asked why the Decision is read aloud. Mr. Siana stated that it has been the Boards practice to let the public know the Decision in this manner. Mr. Miller stated that in the past a judge has held up the notice of a Decision because the Board has read it aloud. There were no further comments and the motion carried unanimously.

Old Business:

Snow and Ice Removal Bid: One bid was received from D & L Construction. Mr. Brown made the motion to award the Snow and Ice Removal bid for 2015-2016 season to D & L Construction as submitted in the bid. Mr. Jacobs seconded the motion. Mrs. Jacobs asked how many trucks and how many principals there were in the bid and if there was automobile insurance. There are three trucks and a backhoe with one owner listed in the bid. The insurance does not mention automobile insurance. Mr. Curry asked if a Performance Bond will be necessary. Mr. Wendelgass stated that there is none since there is no guarantee of work. Mrs. Ellis wanted to know if we could just rent machinery. Mr. Miller informed her that is what the Township does, with an operator. There were no further comments and the motion carried unanimously.

Zoning Ordinance Changes: The Planning Commission met to discuss changes to the Zoning Ordinance with regards to Peer to Peer Rentals. They have made a recommendation and it is in front of the Board this evening. The other recommendation from the Sustainability Committee have also been forwarded to the Board. The Phoenixville Regional Plan has been contacted as well as neighboring Townships for their thoughts on Peer to Peer Rentals. Once those entities respond, the Board can move these changes forward.

Sewer Plant License and Operation Services Agreement: Mr. Siana stated that he previously circulated the Agreement to the Board. It was determined that instead of a sale of the sewer plants, the Township would go into an Agreement with a Purchaser and then it would be in control of the facilities by retaining the real estate. If the Board is ready, the finalized documents can be prepared and the process of an RFQ can begin rather than an RFP. Mr. Siana explained the difference between the sale and licensing. Instead of selling the sewer plants, the Township will search for a PUC authorized company who would go into a Sewer Plant License and Operation Services Agreement. The Township will license everything and the Township will hold title to the land. The Purchaser operate as if they have title to the property, but this is a failsafe for the benefit of the residents of West Vincent Township. The Purchaser is buying the income stream as well as future growth. There would be a lump sum purchase and an annual fee. The sewer rates would normalize after a period of time. No escalation in pricing will be written into the Agreement. The plant that has the capacity to expand is the Ludwig's Corner Waste Water Treatment Plant. As defined in the Township maps, disposal areas are defined. There is Open Space designated for sewer, and some that is not. The benefit is that the Purchaser will be PUC regulated. No matter who buys it in the future, it will always remain regulated by the PUC and all of their requirements.

Release of Investigation Report: Mr. Siana stated that he has provided the Board guidance with what redactions needed to be made of both the report and the video recording. His office went through and modified them. They are now ready for the public viewing. Anyone wishing to view

the video can do so by making an appointment with the staff. Any copies will be handled as a Right to Know. This is limited to the Report and the Exhibits. The depositions are not part of the released documents.

New Business:

Police Pension Plan 2016: The Police Department has a defined benefit pension plan which is required to have by State law. The Township uses PMRS to administer that plan and each year in September for the following year the Board adopts how much will be required to pay into the plan for the next year. This uses the estimated payroll along with ratios provided by PMRS. A calculation is done and that is the figure that the Township must contribute. Most of the money comes from the State each October and must be deposited into a qualified plan within 30 days. Mr. Wendelgass stated that the figures are determined by PMRS and the Townships account has never been underfunded. Mr. Miller asked if the contributed funds ever come back to the Township. Mr. Wendelgass stated that if someone leaves the plan, then the funds go back into the plan. Mr. Brown made the motion that the Board approve the Townships **Minimum Municipal Obligation to the Police Pension for 2015** in the total amount of \$60,340. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Meeting adjourned 9:30 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary