

West Vincent Township
Board of Supervisors Meeting

October 12, 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 28, 2015 to discuss real estate, personnel and litigation.

Public Comment on Non-Agenda Items:

Maria Jacobs, 2351 Beaver Hill Road commented on the auto insurance for the general contractor.

Harriet Stone, 1645 Birchrun Road announced a meeting sponsored by the Green Valleys Watershed Association and the West Vincent Township EAC on October 19, 2015 at the West Vincent Elementary School on Power through Participation.

Isabelle Travaglini, 1377 Green Lane commented on the condition of the old Benner farmhouse in the Ewing/Toll Subdivision and asked the Board to visit the site.

Brian Curry, 512 Black Horse Road commented on general contractors and OSHA.

Thomaseth Dulchinos, 1415 Hollow Road commented on the Ewing Tract being reviewed by the EAC and how to protect historic properties.

George Robinson, 2831 Flowing Springs Road commented on the costs to place a home on the historic registry.

Kit Troler, 16 Hunt Hill Road commented on the significant land in the Township owned by Bryn Coed and how to protect it.

Richard Dunn, 1004 Birchrun Road commented on restricting the length of time a person can speak in a Board Meeting.

Approval of Minutes:

The minutes of **September 28, 2015** were unanimously approved as amended on a motion by Mr. Brown and a second by Mr. Jacobs. Mr. Curry asked if the payment was made to D & L Construction since it was withheld at the last meeting until the solicitor determined if it should be paid. Mr. Brown stated that they found out that the payment should be made since he did the work. There were no further comments and the motion carried unanimously.

Reports (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 10/12/15 was acknowledged as submitted.

Road Master Report: The Road Master Report for the month of September 2015 was presented by Road Master Kenneth Miller 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 10/12/15 in the total amount of \$231,142.39. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A quote was received from McGee Electric to do work on the parking lot lights. Mr. Wendelgass informed the Board that at least 2 lights in the lot plus one on the sidewalk have ballast problems. The Township received a quote to trouble shoot and repair the ballards and another one to replace all of the fixtures with LED lamps. Much less electricity is used with LED's and the bulbs last 100,000 hours. Mr. Brown made the motion to choose Option 1 and change the lightbulbs to LED's. Mr. Jacobs seconded the motion. Mr. Robinson shared that he recently changed all of lightbulbs in his barn and it uses 1/3 the amount of electric. George Dulchinos, 1415 Hollow Road stated that LED's do lose brightness over time, but maybe only 50%, so it would still be cost effective. Mr. Curry asked if a cost analysis was done. Mr. Wendelgass stated that no, this cost estimate was only done since some of the ballasts have failed. There was no further comment and the motion carried unanimously.

The Park and Recreation Commission have developed a maintenance plan with a company, Windview Athletic Fields for both the baseball and soccer fields. Mr. Brown made the motion that the Township approved the recommendations as put forth by the Park and Recreation Commission with Windview Athletic Fields including till and edge the baseball field and fertilize the soccer field in the fall, use turf blankets on the soccer and baseball fields as needed this fall, seasonal maintenance next spring and seeding of the soccer field late this fall. Mr. Jacobs seconded the motion. Mr. Jacobs asked what a turf blanket is. Mr. Wendelgass explained that they serve at least two purposes, to keep people off the field when it is not open and to help grass grow in the spring. Mr. Jacobs asked if this was in the budget. This payment will come out of the field capital fund collected from the teams each year. There was no public comment and the motion carried unanimously.

Mr. Miller announced the Township sponsored Shredding Event would be this Saturday, October 17th from 9:30 am – noon in the Township parking lot.

An email request was received to use the Meeting room was received from Victoria Laubach, Green Valleys Association on October 28th from 12:30 – 2:00 PM. Mr. Brown made the motion to permit the same. Mr. Jacobs seconded the motion which carried unanimously.

A Thank you note was acknowledged as received from Donald Rosato, 1169 St. Matthews Road thanking the Police Department for their assistance during the Ludwig's Corner Horse Show.

Old Business:

Labor and Equipment Bid: Mr. Brown made the motion to authorize staff to advertise for the 2015-2016 Labor and Equipment Bid. Mr. Jacobs seconded the motion. Mr. Siana stated that number 10 in the Penn DOT Bid Package should refer to 10% of the bid. Mr. Curry asked if this bid will be used for construction, and if so, will prevailing wage be included. Mr. Wendelgass stated that no, this was for equipment rental, but it would be fine to include prevailing wage rates. Jane Altmann, 276 Black Horse Road asked if the prior bid is null and void. Mr. Siana stated that it is void because under state law a performance bond was not delivered within the bid parameters. Mrs. Altmann wanted to know why the contractor continued to do work on Black Horse Road if there was no contract. Mr. Siana stated that practically speaking, this is the first time the Board met publicly to discuss this matter. Mr. Miller asked the other members of the Board if he should continue and they told him yes. The Board needs to vote on voiding the contract and they will consider it next on the Agenda. After some more discussion on the bond, the motion carried unanimously.

Black Horse Road repairs: Mr. Brown made the motion that the contract with D & L Construction accepted on August 10, 2015 be void for the contractor failing to post a performance bond within 20 days of notification and that no further work be done effective today, October 12, 2015. Mr. Jacobs seconded the motion. Phone bids were solicited from different contractors to finish up the work on Black Horse Road. Mr. Brown made the motion to approve the lowest phone bids received for each part of the work, Grading: D & L Construction, \$10,275. Milling: Rota Mill, Inc., \$5,400. Paving: D & L Construction, \$10,845. Mr. Jacobs seconded the motion. Mrs. Altmann asked if it would be better to have one company do everything. Mr. Miller stated that it would be a good idea, but Martin Paving cannot commit to their original quote due to the delays in the project and they do not have time in their schedule. After some more discussion, the motion carried unanimously. Paving companies are very busy this time of year trying to get all their work done before the season ends. Mrs. Altmann feels that the work done on Black Horse is not what she saw on the plan. Mr. Miller stated that they are using the engineered plan and some onsite changes suggested by the Township Engineer. Mrs. Altmann was concerned with insurance. Mr. Wendelgass stated that the Township will have what is required by law. Mrs. Altmann stated that her insurance agent told her she may be liable for people working on her property. Mr. Miller asked her to have her insurance agent call Mr. Wendelgass tomorrow to discuss it.

Fellowship Trail: Mr. Miller stated would like the Board to move the Fellowship Trail construction forward and get the bid documents ready. This would be to construct it in the Right-of-Way. Mr. Brown made the motion to instruct Carroll Engineering to prepare the bid documents for the Fellowship Trail. Mr. Jacobs second the motion. Ms. Shick thanked the Board for moving this forward. Mr. Jacobs asked what the status was with Upper Uwchlan. Mr. Wendelgass stated

that there has been no since he contacted them. Mr. Miller stated that rather than wait for them, we can prepare the bid documents so that when they do respond, the Township will be ready. Ms. Shick stated that this trail connection between the two Townships has been on the Upper Uwchlan Trail System since 2005 and she is surprised we have not heard from them. After describing where the trail was, Mr. Miller called for a vote which carried unanimously.

New Business:

Non-Police Employee Pension Plan: The Township has received \$86,258.36 from the state for the employees' pension plans. The Police MMO was calculated last September in the total amount of \$59,798 and those funds have been applied towards the Police Pension with PMRS. The remainder is used for non-uniformed employees and must be deposited into the plan within 30 days of receipt. Mr. Wendelgass stated that the agreement the Township has with the union, AFSME, is a 5% contribution. Mr. Brown made the motion that the Township set the contribution rate at 5% to the non-uniformed 457 Plan. Mr. Jacobs seconded the motion. Mrs. Jacobs asked who the employees are that receive this pension. At the direction of the Board, Mr. Wendelgass read off the list of names. Mr. Miller changed his vote to abstain since he is part of the pension plan. The vote carried unanimously.

Purchase of Backhoe: Staff researched local companies for pricing on the COSTARS contract for a new backhoe. This will replace the 17 year old backhoe which will be sold when the other one arrives. The Road Department evaluated three machines. To finance the backhoe for four years, it would be approximately \$28,000 a year which is in the budget. The financing cost would be approximately \$10,000. Mr. Brown made the motion to purchase the 2016 JD410L Backhoe from Plasterer Equipment Company, Inc. in the total amount of \$131,448 financing it for four years. Mr. Miller stated it is possible for the Township to pay all cash. Mr. Jacobs stated that is what he prefers. Mr. Wendelgass stated that the Township does have the funds. It is not in the budget, but the cash is there. Mr. Brown amended his motion to pay for it all at once. Jamie McVickar, 407 Black Horse Road stated that he wants to make sure it is on the record that it is not in the budget, and the Board was aware but since the income has exceeded the budget numbers, the Board felt it appropriate to pay for it all at once. There was no further comment and the motion carried unanimously.

Tree Removal Resolution: Mr. Siana prepared a resolution so that the Township will comply with state law on the removal of trees and shrubbery in the Township Right-of-Way. Mr. Siana wanted it to be clear that this does not include a summary offense as was suggested in a meeting the last time since we do not want to have to pay ourselves. Jane Helm, 2563 Veronica Dr, asked if it includes trimming of trees with limbs over six inches. Mr. Miller stated that no, but it would be a good idea. Mr. Robinson asked if this would regulate PECO or just the Township. This would regulate just the Township. This will be placed on the Township website and the Board can consider it at their next meeting.

Shade Tree Commission: Mr. Miller added new business to the Agenda. He suggested to the other Board members that they look into forming a Shade Tree Commission so that the Township would know what to do with trees in the Right-of-Way. The Road Department could use guidance when it comes to trees, and this may help. The new subdivisions have street trees and these need

to get trimmed. Mr. Brown asked if this was mentioned in the State Municipal Code. Mr. Siana stated that it is in Article 29. Frances Ellis, 2823 Flowing Springs Road asked if this will regulate how much shade is on a road because the shaded roads are hazardous in the winter. Mr. Miller stated that this would only deal with trees in the Right-of-Way and it would be illegal for the Township to go on resident's property to cut down their trees. Mr. Miller stated that this would be to regulate cutting and maintenance. Mrs. Jacobs thanked the Board for considering this stating that she is in favor of saving trees. She asked if this commission would have had an effect on the repair of Hilltop Road several years ago. Mr. Miller stated that many more trees were removed as a result of the ice storm of February 2014 than were removed as a result of road improvements. Mr. Miller stated that the Board will direct the Manager and the Solicitor to research the scope and duties of the commission.

Meeting adjourned 9:27 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary