

West Vincent Township
Board of Supervisors Meeting

November 24, 2014 7:30 PM

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

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

Mr. Miller announced that the Board had an Executive Session on November 10, 2014 to discuss to discuss litigation and personnel.

Public Comment on Non-Agenda Items:

Frances Ellis, 2823 Flowing Springs Road, commented on different companies that design websites and the condition of Flowing Springs Road.

Harriet Stone, 1645 Birchrun Road, thanked the Board for providing an old medication drop-off box in the Township building.

Gloria Shontz, 2415 S. Chester Springs Road, commented on the vehicles using Eagle Farms Road.

Brian Curry, 512 Blackhorse Road commented on the Workmen's Compensation invoice from a prior bills list.

Approval of Minutes:

The minutes of **November 10, 2014** were unanimously approved on a motion by Mr. Jacobs and a second by Mr. Brown.

Reports (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 11/24/14 was acknowledged as submitted.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending October 31, 2014 which was acknowledged as received.

Police Report: The Police Report for the month of October 2014 was presented by Police Chief Swininger and was acknowledged as received.

Active Subdivision List: An extension was submitted by John Diemer for the Kanavy Land Development. Mr. Brown made the motion to grant the Extension for the **Kanavy Land Development** until June 30, 2015. Mr. Jacobs seconded the motion. The motion carried unanimously

Bills List: Mr. Brown made the motion to approve the Bills List dated 11/24/14 in the total amount of \$68,078.72. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A letter from Charlie Lobb, The Lions Club, received 11/6/14, was acknowledged as received thanking Officer Butler for his presentation at their meeting.

Subdivision/Land Development:

Brunner Land Development: Neal Fisher, The Hankin Group, submitted a Phase Plan for the Brunner Land Development. He stated that this is for the approximately 58 acres adjacent to the Weatherstone Subdivision and that it is a financial subdivision. Mr. Wendelgass stated that he has spoken with special counsel regarding this plan and she feels that it is a new Application and should be treated as such. This plan needs to be submitted with an Application Form and associated fees if it is to be recorded at the Recorder of Deeds. Mr. Fisher will file an Application.

Old Business:

Website Structure Proposal: Staff has contacted several companies for pricing on reformatting the Township website. Three different proposals were received. Blue Fox Creative: \$3,500 to migrate the website with no annual fee. There is onsite training. Gov.office: \$9,520 to migrate the website. The annual fee is \$800 and the training would be a webinar. Civic Plus: \$20,028 to migrate the website. The annual fee is \$3,838 and the training is a webinar. Mr. Miller asked the Board members their opinion. Mr. Jacobs stated that he is not computer savvy and is not sure what to do. Mr. Brown stated that since he has just seen these proposals and if there is no hurry the Board should table this. The issue was tabled until the next Board meeting.

Greiner Settlement: Solicitor Stephen Siana stated that the Township has negotiated the final terms of a Settlement Agreement with the Henry Fox Greiner Trust. The property will operate the hauling/contracting business in accordance with the Court's Order dated August 29, 1986, the Zoning Hearing Board's Order dated February 25, 1987, affirmed by the Court August 9, 1990 and the Zoning Hearing Board's Order dated December 12, 2103. The Defendant will cease using the property as a commercial landscape supply business and will not use it as such unless they get zoning approvals for the use. The Defendant will pay to the Township a total sum of \$20,000 payable in increments of \$500 per month until it is paid in full. There are protections against default. A lien will be placed on the property until this is paid. Other details include removal of the concrete bin blocks and permitting the Zoning Officer on-site for

periodical inspections. Mr. Brown made the motion that the Board accept the terms of the Settlement Agreement as presented before them tonight. Mr. Jacobs seconded the motion. Jim Deisinger, 1030 Linden Ave. asked where this property was. Mr. Miller informed him that it was at 3135 Conestoga Road, Glenmoore, PA. Maria Jacobs, 2351 Beaver Hill Road asked if all the Township expenses were paid. Mr. Siana stated that were not, but in the context of Settlement the Township avoids additional fees and uncertainty. Mrs. Jacobs commented that it is a long time to pay off a debt. There were no more comments and the motion carried unanimously.

Sale of Police Vehicles: The Police Department has offered two vehicles on Muncibid for sale. The highest bidder for the 2001 Chevy Tahoe was Kevin Logue in the total amount of \$2,513.00. The highest bidder for the 2007 Crown Vic was Mike Webb in the total amount of \$925.00. Mr. Jacobs made the motion that both bids be accepted. Mr. Brown seconded the motion. Mr. Jacobs asked if the prices were close to the Blue Book price. Chief Swinger stated that the Tahoe was over and the Crown Vic was close. There were no further comments and the motion carried unanimously.

Revised Fee Schedule: The current Fee Schedule does not reflect the recently discussed escrows under the Stormwater Ordinance. Counsel has prepared a memo informing the Board as to their options. The Fee Schedule has been revised to reflect these. Mr. Jacobs read a portion of the Resolution. The Simplified Approach (between 1,000 and 2,000 square feet of disturbance) would be \$100.00 and the Non-Simplified Approach (over 2,000 square feet of disturbance) would be \$150.00. Mr. Siana stated that there is also provision for reimbursement of fees from the Chester County Recorder of Deeds and any consultant fees incurred. There is a requirement for the Non-simplified Approach to post financial security in the amount determined by the Township Engineer. Another fee will be a deposit to the Stormwater Operation and Maintenance Fund for a period of 18 months. This amount will be determined by the Township Engineer. The Board desires this revised Fee Schedule to be available for public inspection via the Township website before they consider it. Mr. Wendelgass stated that there are not too many permits being issued at this time of year so it would not affect too many Applications.

New Business:

Compliance Policy with SEC: Mr. Siana explained that the SEC has a new requirement that the Township file the Budgets in addition to the Financial Statements with a national database. The Township was made aware of this requirement recently by the Bond attorney. The Bond Underwriter has made a voluntary compliance submission to the SEC that the Township has not filed its approved budgets for 2007, 2008 and 2009 and therefore the Township must follow suit. Mr. Wendelgass added that this is retroactive for the years 2007, 2008 and 2009. The Budgets were filed and advertised as required, but not on a National website. The National website, EMMA, began in 2009. The SEC has determined that this disclosure be made. Mr. Wendelgass stated that there will most likely be no fees or penalties assessed by the SEC, but training on how to do this moving forward. Mr. Brown made the motion that the Board of Supervisors hereby

authorizes the Township Manager to participate in the U.S. Securities and Exchange Commission's "Municipalities Continuing Disclosure Cooperation Initiative" by completing, with the assistance of Boenning & Scattergood, Inc., the Underwriter on the Township's prior publicly offered bond issues, Lamb McErlane, PC, Bond Counsel on those issues, and Siana, Bellwoar and McAndrew, LLP, Township Solicitor, and filing the SEC's form "Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities" and the Board of Supervisors wish to implement an annual review of its bond issues to test continued compliance with tax and securities law obligations and therefore adopts the "Tax Exempt Bonds Post-Issuance Compliance Policy" presented to this meeting and appoints the Township Treasurer as the Bond Compliance Officer referred to therein. Mr. Jacobs seconded the motion. George Dulchinos, 1415 Hollow Road asked what the Township did file. Mr. Wendelgass stated that we filed the Audits, but not the budgets. Mrs. Jacobs stated that she does not feel that there should be fines if it was not required when the filing was done. Mr. Wendelgass agreed, but that it would be better not to argue with the SEC and to let them make the determination. There no further comments and the motion carried unanimously.

PSATS Unemployment Agreement: The Township uses PSATS to file the Unemployment tax. PSATS has revised its policy, so they are requiring West Vincent Township to readopt the Agreement with them via an Ordinance. Mr. Brown made the motion that the Board authorize the advertisement of the Ordinance with PSATS. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Proposed 2015 Budget: Mr. Jacobs made the motion that the staff be authorized to advertise the 2015 for public review. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Appointment of an outside auditor: Mr. Brown made the motion that the Township authorize the advertisement of a notice of the Township's intent to appoint Barbacane Thornton as the appointed Township Auditor, to be considered at the Board's Organization Meeting on January 5, 2015. Mr. Jacobs seconded the motion. There was no public comment and the motion carried unanimously.

Reorganization Meeting: Mr. Jacobs made the motion that the Township authorize the advertisement of a notice of the Organization Meeting to be held by the Township Board of Supervisors on January 6, 2014 at 7:30 p.m. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously. Mr. Miller made the motion to rescind the prior motion. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously. Mr. Jacobs made the motion that the Township authorize the advertisement of a notice of the Organization Meeting to be held by the Township Board of Supervisors on January 5, 2015 at 7:30 p.m. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Auditor Meeting: Mr. Jacobs made the motion that the Township authorize the advertisement of a notice of the Township Auditor's meeting to be held on January 6, 2015 at 5:00 p.m. Mr. Brown seconded the motion which carried unanimously.

Meeting Adjourned 8:17 PM

Respectfully Submitted,

Tammy Swavely
Township Secretary