

West Vincent Township  
Board of Supervisors Meeting

December 19, 2016 7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, Township Solicitor Joe McGrory and Robert Sebia, Hamburg, Rubin, Mullin, Maxwell and Lupin, Bryan Kulakowsky Township Engineer, Manager Erica Batdorf and Township Secretary Tammy Swavely.

Chairman John Jacobs called the meeting to order at 7:10 PM.

Mr. Jacobs announced that there was an Executive Session prior to tonight's meeting to discuss personnel, litigation and real estate.

**Approval of Minutes:**

Mr. Schneider made the motion to approve the minutes of December 5, 2016. Mr. Brown seconded the motion. Maria Jacobs, 2351 Beaver Hill Road asked the Board if they reviewed these minutes. They all answered that they had. Mrs. Jacobs stated that the minutes from November 21, 2016 did not include enough about the flag pole installation and the volunteers and donors. There are other errors and would like the Board to make sure that they review them thoroughly. Mr. McGrory stated that they can be revised and reapproved. The video will be used and the minutes will be changed accordingly. There was no further comment and the motion carried unanimously.

Bills List: Mr. Schneider made the motion that the Bills List dated 12/19/16 in the total amount of \$85,132.80 be approved as submitted. Mr. Brown seconded the motion. The Board answered some questions and the motion carried unanimously.

**Subdivision/Land Development:**

Courts at Chester Springs/Pulte: Mr. Schneider made the motion that the Resolution 26-2016 be approved which permits the Courts at Chester Springs to be developed into phases as submitted by Pulte Homes. Mr. Brown seconded the motion. Mr. McGrory stated that there are improvements associated with each phase. Alyson Zarro, Esq. representing Pulte and Bill Creeger, Project Manager were present to answer any questions. Ms. Zarro stated that this does not change the plan at all, the units are the same. Phase II purchased from The Hankin Group will now be Phase IIA and Phase IIB. The Township Engineer has reviewed this plan and has submitted an approval letter. Jim Helm, Planning Commission, stated that they did review it and did not see any pitfalls and voted in favor of recommending Board approval. There was no further comment and the motion carried unanimously.

Fox Hollow Subdivision: Mr. Schneider made the motion that the Board approve the request for the final release of the security escrow from Southdown Homes for the Fox Hollow Subdivision in the total amount of \$495,361.70.00 as recommended by the Township Engineer in his letter

dated November 11, 2016. Mr. Jacobs stated that this was tabled two weeks ago to find out about the detention basin that was in question. Ms. Batdorf stated that after conferring with the Township Engineer and the Township Solicitor, the basin was installed per the plan and that the previous engineers have signed off on this in 2007. The HOA is now responsible for the maintenance. It can be done this spring and the Township can monitor it. Mr. Helm, 2563 Veronica Drive stated that he is concerned with the threshold for release of the escrow. At one time the basin worked and technically it did. Mr. Schneider asked Mr. McGrory and Mr. Kulakowsky if there was anything that we can hold onto at this point. Mr. Kulakowsky stated that the only thing in the basin in the remaining escrow is the infiltration bed which is under the basin and would not hinder the way it works. Mr. Helm stated that he contacted the Chester County Conservation District and they informed him that it should not have been mowed every week, and that twice a year would have been sufficient. Mr. Kulakowsky stated that it can be remedied by using a rototiller in the spring. He added that the Chester County Conservation District has also signed off on the basin. Mr. Jacobs stated that a rototiller sounds like an easy fix and asked if the HOA can be instructed on how to correct the basin drainage or does the Township hold onto \$23,000 for the infiltration bed until the developer corrects it. Mr. Brown stated that what he heard was that the infiltration bed was not the issue, you can only hold escrow for what it is being used for. Mr. Helm did not think the Township should take a basin that was not working. Mr. Jacobs stated that the County said it was working and a previous Township Engineer released funds for it already. Mr. McGrory stated that moving forward, Operation Agreements will be put in place that address this. Mr. Jacobs called for a vote which was unanimous.

Trevdan Land Development: An extension was submitted by Daniel McKenna for the Trevdan Land Development. Mr. Schneider made the motion to grant the Extension for the same until March 28, 2017. Mr. Brown seconded the motion which carried unanimously.

### **Old Business:**

Ordinance Amendment Grant: The Natural Lands Trust has received a grant that allows them to cover staff time to review townships zoning ordinances to see how they could be improved to positively impact water quality. A William Penn Foundation Grant in the amount of \$10,000 is available. NLT will work with Township staff and consultants to address issues. There would be no cost to the Township should the expense go over costs. Ms. Batdorf stated that this was proposed a while ago and we now have a contract from the NLT to proceed. The Planning Commission has approved this along with the EAC. Ms. Batdorf stated that since the Township did not receive the VPP Grant, this would be an opportunity to receive some assistance. Mr. Schneider stated that since we are not redoing the whole ordinance, would this funding do better at another township. Mr. Brown suggested that the Township take what is offered and use it when we need it. Ms. Batdorf stated that there is no timeline. Sara Shick, Planning Commission member stated that Rick Tralies, NLT, came to them last September and suggested different areas that could be worked on. Mr. Schneider wants to make sure that this would not be a waste of time. Mr. Jacobs stated that the Zoning Ordinance revisions will most likely not happen until 2018. Ms. Batdorf stated that the work product the Township receives can be incorporated at any time or not at all. Mr. McGrory stated that he wants to make sure the ordinance is defensible. After some more discussion Mr. Schneider made the motion to approve the Natural Lands Trust use the Delaware River Watershed Initiative Grant funding to review the West Vincent Township Zoning

Ordinance to improve it to positively impact water quality. Mr. Brown seconded the motion which carried unanimously.

2017 Township Budget: Mr. Schneider made the motion that the proposed Budget for 2017 be adopted in the form presented to the Board of Supervisors, consisting of the General Fund Revenue sections entitled Taxes, Building Department, Culture/Recreation, Unclassified Operating Revenue, Other Income, Public Safety/Inspections, in the total amount of \$4,151,471, and Expenditure sections entitled Administration, Governing Body, Buildings and Plant, Community Development, Culture/Recreation, Data Processing, Debt Service, Engineering Services, Unclassified Operating Expenses, General Government Administration, Public Safety, Code Enforcement, Emergency Management, Fire Companies, Police, Public Works, Winter Maintenance, Secretary, Solicitor/Legal Services, Tax Collection, Treasurer, in the total amount of \$4,079,282.00 with a total net income of \$72,189.00. The Open Space Revenue in the total amount of \$1,367,764.00 and a total expenditure of \$1,367,764.00. The Liquid Fuel Revenue in the total amount of \$465,307.00 and a total expenditure of \$465,307.00. The Sewer/Water Fund Revenue in the total amount of \$659,171.00 and a total expenditure of \$659,171.00, with a total of 14 pages inclusive. Mr. Brown seconded the motion. There was no public comment and the motion carried unanimously.

Road Program Update: Mr. Kulakowsky discussed the Road Program and what has been happening with regards to the recommendations. There are eight roads that are proposed to get tar and chip in 2017, either all or portions of St. Andrews Lane, Clarkson Drive, Pine Drive, Barrington Lane, St. Anthony Lane, Art School Road, Adelpia Lane and Dewees Lane. Additionally, two major paving projects are being prepared to go out to bid with two alternates depending on the asphalt pricing. The first are the exit lane on Nantmeal Road onto Route 100 and a portion of Horseshoe Trail. The two alternates are School House Lane and S. Beaver Hill Road. Mr. Schneider made the motion that the Board authorize these projects be prepared and go to out to bid. Mr. Brown seconded the motion. Jaine Lane was discussed. Mr. Kulakowsky stated that there are multiple layers of permitting with that repair and they are not completed yet. There were some questions for Mr. Kulakowsky which he answered. Mr. Jacobs stated that there are two bridges that need repair also. Mr. Kulakowsky updated those projects. The French Creek Road plans are currently being reviewed by DEP. The temporary bracing will be complete by the end of this week for Buttonwood Lane Bridge. At that point it can be re-rated and the permanent fix can be bid in the spring. Kit Troler, 16 Hunt Hill Road asked about the dip along Sheeder Mill Road. Since the bridge is out it gets more traffic and the road is giving away. Ms. Batdorf will meet with the Public Works Department on this issue. Mr. Jacobs called for a vote which was unanimous.

### **New Business:**

Tax Rate 2017: Mr. Brown made the motion that the Board adopt Resolution 27-2016: The Second Class Township Code of the Commonwealth of Pennsylvania provides at Section 3205(a)(1) that the Board of Supervisors may, by resolution, levy taxes upon all real property for general township purposes not exceeding fourteen mills (.014) per dollar of assessed value, and the Supervisors of West Vincent Township have heretofore adopted a budget for 2017 which

assumes a tax on real property within the Township for general township purposes taxable at the rate of two and nine one-hundredths mills (.00209) per dollar of assessed value, and WHEREAS, It is appropriate for the Board of Supervisors to adopt this resolution establishing the official 2017 tax rates on real property within the Township made taxable for general township purposes at the rate of two and nine one-hundredths mills (.00209) per dollar of assessed value for a total rate of two and nine one-hundredths mill (.00209) per dollar of assessed value. NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Board of Supervisors of West Vincent Township that a tax for calendar year 2017 on real property within the Township made taxable for general township purposes be and hereby is levied at the rate of two and nine one-hundredths mills (.00209) or, in other words, at the rate of no dollars and twenty and nine-tenths cents (20.9¢) upon each one hundred dollars (\$100.00) of assessed valuation of taxable property or a total rate of two and nine one-hundredths mills (.00209) or, in other words, at the rate of no dollars and twenty and nine-tenth cents (20.9¢) upon each one hundred dollars (\$100.00) of assessed valuation of taxable property. Mr. Schneider seconded the motion. Mr. Jacobs stated that this is the same tax rate as it has been for at least five years. The motion carried unanimously.

Courts at Chester Springs Sewer Rate: Mr. Schneider made the motion that the Board adopt Resolution 28-2016 establishing the sewer rate for the Courts at Chester Springs in the total amount of \$255/quarter. Mr. Brown seconded the motion. Brian Curry, 512 Black Horse Road asked if the developer is using Pump and Haul. He was informed that he is. Mr. Kulakowsky stated that the DEP permit requires a certain flow rate until the sewer plant will be up and running. There is a calculation in the Agreement that the Township collects the sewer fee and refunds it to Pulte minus administrative costs. Pieter Ouwkerk, 11 Springlea Lane asked if a the Pump and Haul cost is higher than the sewer fee collected then it is up to Pulte to pay the difference to operate the plant. Mr. Kulakowsky stated that is correct.

PECO Grant Filing: Mr. Schneider the motion to approve Resolution 29-2016 authorizing the application to PECO for the 2016 Grant Award. Ms. Batdorf stated that the Township has filed for this \$10,000 grant several times over the last few years. It is used on open space, park and recreation and the environment. She would like to apply for the Fellowship Trail. She added that it is shovel ready so it will rank high and the Township may have a better chance to receive it this year. The Application is due December 31<sup>st</sup>. Mr. Curry stated that Mr. Kulakowsky had a great presentation on the Fellowship Trail at the last Park and Recreation meeting. Mr. Jacobs called for a vote which was unanimous.

Fund Balance Policy: Mr. Jacobs stated that Ms. Batdorf has developed a Fund Balance Policy that is part of the financial monitoring and management of them. Ms. Batdorf stated that this sets forth objectives and designates funds that are restricted for use. The Township has a General Fund, Open Space Fund, Sewer Funds, Escrow Funds, and Liquid Fuel Funds. This sets up the Unreserved Fund Balance into Designated and Undesignated Funds. In the past the Township had a cash reserve. Now that will be kept track of and what Ms. Batdorf is proposing is to have a goal to set aside part of the undesignated fund balance, 20% of the Operating Balance per year, to a Designated Fund. Organizations will look and see that we are maintaining a fund balance as the

Township has been. This is now on paper as well. Ms. Batdorf proposed two savings funds. The first Designated Fund will be a Capital Fund to have \$100,000 funded in 2017 and the other, Road Improvement Fund, \$200,000 also to be funded in 2017. This policy has provisions that could be changed if the Board so desires. This sets up a mechanism to start the process. Mr. Jacobs stated that this was a wonderful idea that Ms. Batdorf has and he supports it. Mr. Schneider made the motion that the Board adopt Resolution 30-2016 which establishes a Fund Balance Policy for West Vincent Township as submitted. Mr. Brown seconded the motion. Mr. Curry asked where the balance from 2016 comes into play for the Road Program. Ms. Batdorf stated that all funds not spent in 2016 will be brought forward. This savings in the policy is separate from that. All planned revenue will be spent on the Road Program. John Eldridge, 1634 Hilltop Road asked about the funds carried forward into 2017. Ms. Batdorf stated that before the funds carried forward were not restricted and went into the General Fund. It is proper to reset the clock in 2017 and start new. She added that the Township is sufficiently looking at the reserves. The Budget is not a bank account. Mr. Jacobs stated that the Board has agreed on 20% as a target and it could be higher than that. Mr. Jacobs called for a vote which carried unanimously.

Snow Removal Proposal: This contract has not been received from the contractor yet. This will be tabled until it is received. In the interim, the contractor, Oz Properties has agreed to an hourly rate.

Dirt and Gravel Grant Permitting: Mr. Schneider made the motion that the Board approve the proposal from Cedarville Engineering to obtain Chapter 105 Waiver Acknowledgements from DEP for improvements to 5 culverts through the Dirt and Gravel Road Program in the total amount of \$9,960.00. Mr. Brown seconded the motion. Mr. Kulakosky stated that part of the grant requirement with the Chester County Conservation District to do the culvert repairs on the dirt roads is approval and/or waiver from the DEP. He feels that the DEP will waive the Chapter 105 requirement. The motion carried unanimously.

#### **Public Comment:**

Harriet Stone, 1645 Birchrun Road stated the Historic Resource Committee is looking for a volunteer with good computer skills to do data entry and to get in touch with her if you could help.

Kit Troler, 16 Hunt Hill Road asked if the Township has a Road Master. She was informed no, but a Road Foreman is in charge with the assistance of the Township Engineer. Ms. Troler commented that the roads were not cleared as well as they had been in the past with this small amount of snow we just had. She asked why a contractor had not been hired and what happened that no one bid on the snow and ice removal bid. Ms. Batdorf addressed it stating that these roads are not easy to manage and the Township does have a contractor in place if necessary to call upon them.

Sara Shick, 1201 Davis Lane asked for a year end status of the Fellowship Trail. Ms. Batdorf informed her that at the last Park and Recreation Commission meeting the Township Engineer had a good presentation of the west part of the project. This should be ready to go out to bid next year. Ms. Shick asked about the sale of the sewer plants. Ms. Batdorf stated that there was a meeting

with the valuation company and this should be ready in January. Ms. Shick asked if there was a schedule for the Zoning Ordinance update. She was told no. She asked if the Township is in negotiations to purchase some of the Bryn Coed property. Mr. McGroary told her that the Board cannot talk publically about that at this time.

Frances Ellis, 2823 Flowing Springs Road commented on a road icing problem on Hollow Road. She stated that when a homeowner put in a new driveway, the water runoff has been different. Mr. McGroary stated that it depends on where the water is coming from who would be responsible for the repair. Ms. Batdorf will pass this information to the Public Works Department.

The Duey obstacle course was discussed. A neighbor stated that he feels more obstacles are being constructed. Mr. McGroary stated that he has met with the Duey's attorney and plans to contact the neighbor's attorney tomorrow. They have the same number of obstacles as before and they were given permission to work on those. He feels that something will be coming to a close soon.

Brian Curry, 512 Black Horse Road questioned how the easement with the sewer disposal for the Pulte Subdivision will work now that the parcel number has changed on the Griffith Farm house. Mr. Jacobs stated that parcel numbers on that plan seem to be incorrect in other places. Mr. Kulakowsky stated that he was unsure of what the parcel numbers were, but the drip disposal is on both sides of Horseshoe Trail but that it has not reached that area with construction yet. Mr. Curry asked when Lexington Boulevard will be extended to Route 100. This will happen when Pettinaro has a Land Development application since it is their property.

Meeting adjourned 9:05 PM.

Respectfully Submitted,

Tammy Swavely  
Township Secretary