

West Vincent Township
Board of Supervisors Meeting

December 18, 2017

7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, Township Solicitor Joseph McGrory, Hamburg, Rubin, Mullin, Maxwell and Lupin, Township Manager Erica Batdorf and Township Secretary Tammy Swavely.

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

Mr. Jacobs announced an Executive Session on December 11, 2017 and prior to tonight's meeting to discuss real estate and litigation.

Mr. Jacobs started the meeting stating that this was the last meeting for David Brown. He thanked him for stepping up and volunteering and help shape West Vincent Township to the way it is today. He stated that he tried to calculate how many meetings that David would have attended. He was on the Northern Federation, Phoenixville Regional Planning Commission, the West Vincent Township Planning Commission, the Parks and Recreation Commission, the Open Space Review Board as well as a Township Supervisor. This is well over 300 meetings. One of the things he will remember is his passion for preserving open space. Mr. Jacobs handed Mr. Brown a plaque honoring him for his service. The audience applauded Mr. Brown.

Approval of Minutes:

Mr. Schneider made the motion to approve the December 4, 2017 minutes as submitted. Mr. Brown seconded the motion which carried unanimously.

Reports:

Police Report: Chief Swinger gave the November 2017 Police Report which was acknowledged as received.

Bills List: Mr. Schneider made the motion that the Bills List dated 12/18/2017 in the total amount of \$136,220.63 be approved as submitted. Mr. Brown seconded the motion. The Board answered a few questions and the motion carried unanimously.

Subdivision/Land Development:

Hill Subdivision: Mr. Schneider made the motion that the Board approve Resolution 27-2017, Conditional Final Approval for the Hill Subdivision as submitted. Mr. Brown seconded the motion. This is for a 4-lot subdivision at 1692 Hollow Road and the Planning Commission is recommending the waivers requested be approved. There was no public comment and the motion carried unanimously.

Kanavy Land Development: An extension request was submitted by Daniel McKenna, P.E. for the project. Mr. Schneider made the motion to grant the Extension for the Kanavy Land Development until March 31, 2018. Mr. Brown seconded the motion which carried unanimously.

Old Business:

Hearing to consider Ordinance 180-2017: Mr. McGrory opened the hearing to consider Ordinance 180-2017 and entered exhibits into the record. This is reducing the members of the Park and Recreation Commission to seven from nine. The Board did not have any questions and the audience did not have any questions. Mr. McGrory closed the hearing and reopened the regular meeting. Mr. Schneider made the motion to adopt Ordinance 180-2017 as submitted changing the Park and Recreation Commission to seven members. Mr. Brown seconded the motion. Sara Shick, 1201 Davis Lane asked why this was happening. Mr. Jacobs stated that nine members was too cumbersome. Chip Farnham, Park and Recreation Chairman stated that as a commission they all felt nine was too large and the commission had a unanimous vote to change it. He added that the commission has an active audience participation who also help with projects. There are two expiring terms and those will not be renewed. Brian Curry, 512 Black Horse Road asked if the expiring terms will be shuffled to accommodate three people up in one year and he was told that this will be determined at the Reorganization Meeting. The terms are for five years and no more than two members are to have a term up at the same time. There was no further comment and the motion carried unanimously.

Hearing to consider Ordinance 181-2017: Mr. McGrory opened the hearing to consider Ordinance 181-2017 and entered exhibits into the record. This is to for the Manager to be able to sign documents which is procedural item that needs to be done in the event the Board decides to sell the sewer plants. Mr. McGrory stated that if everyone's comments could be held on the sale of the sewer plants to after the ordinance since it will be discussed after this in full. The Board did not have any questions. There were none from the audience. Mr. McGrory closed the hearing and reopened the regular meeting. Mr. Schneider made the motion that the Board adopt Ordinance 181-2017 as submitted authorizing the Township to move forward with the sale of the sewer plants. Mr. Brown seconded the motion. Joe Antellocy, 21 Gregory Way asked if this ordinance was procedural, then why the Agenda had the Authorization for the sale of the Sewer Plants. Mr. McGrory stated that the Agenda was incorrect and read the title of the ordinance into the record. AN ORDINANCE AUTHORIZING THE EXECUTION, DELIVERY, AND PERFORMANCE BY WEST VINCENT TOWNSHIP OF AN ASSET PURCHASE AGREEMENT (THE "PURCHASE AGREEMENT") BETWEEN THE TOWNSHIP AND PURCHASER (THE "PURCHASER"); AUTHORIZING THE ASSIGNMENT OF THE TOWNSHIP'S RIGHTS AND OBLIGATIONS IN ALL RELEVANT AGREEMENTS TO THE PURCHASER; AUTHORIZING AND APPROVING ALL CONVEYANCE INSTRUMENTS AND CONVEYANCE OF REAL ESTATE INTERESTS; AUTHORIZING COMMUNICATIONS OF INFORMATION AND COOPERATION WITH THE PURCHASER; AUTHORIZING ALL ACTIONS RELATING TO THE EXECUTION OF THE PURCHASE AGREEMENT AND THE ASSIGNMENT OF ALL RELEVANT AGREEMENTS; AUTHORIZING INCIDENTAL ACTION TO BE TAKEN BY SPECIFIED OFFICERS OF THE TOWNSHIP; AND RESCINDING INCONSISTENT ORDINANCES AND RESOLUTIONS. Mr. McGrory stated that all discussions of the sewer sale will be next on the Agenda. Mr. Schneider amended his

motion to adopt Ordinance 181-2017 as read into the record by the Township Solicitor. Mr. Brown seconded the amendment and the motion carried unanimously.

Sewer Plant Bid: Mr. Schneider made the motion that the Board award the bid of the West Vincent Township Sewer Plants, Weatherstone, Ludwig's Corner Waste Water Treatment Plant, Matthews Meadows, St. Stephen's Greene and Stonecroft and one water Plant, St. Stephen's Greene, to Bucks County Sewer and Water Authority. Mr. Brown seconded the motion. Scott Shearer, PFM recapped what happened in the last month. The bidding process was reopened and an RFP was put out for the sewer plants. These were due on December 11, 2017. The Township received one bid from Bucks County Sewer and Water Authority in the total amount of \$4 million along with a 5-year guaranteed rate freeze. Also, Matthews Meadows and Stonecroft will see a drop in their rates to \$255/quarter. Their rates are now \$336.25/quarter for Matthews Meadows and \$375.00/quarter for Stonecroft. Mr. McGrory stated that Aqua has been contacted to see if they were interested since a representative came on the November 20, 2017 Board Meeting stating that they were for a substantial higher amount than the \$4 million which is what BCSWA offered. Mr. Antellocy came before the Board with several questions and handed them out to the audience. He asked what the PFM fees would be and Mr. Shearer told him it was \$98,500 payable at closing. This should happen around February 1, 2018. Mr. Antellocy asked about attorney fees. Ms. Batdorf stated that Dilworth Paxson LLP will be paid \$88,500 for their work on the Asset Purchase Agreement. Tom Wyatt, Dilworth Paxson, stated that the retainer will be subtracted from the total amount at closing. Mr. Antellocy feels that there was a lack of visibility during this process. Mr. McGrory stated that this was not a secret. He clarified that when the Township sells real estate the negotiating, planning and strategy is all done during Executive Sessions with the Board. It has to be done that way because the Township cannot say what we think it is worth or the bid process would not work. If the bid is accepted, the documents will be public. Mr. Antellocy went through his letter and Mr. McGrory answered many of the questions. Mr. McGrory stated that it is important to remember the rates and asked Ms. Batdorf to share her analysis for 2018. She stated that for Matthews Meadows the rates if the Township does not sell the sewer plant and the Township creates a Capital Fund, the rate for 2018 would go from \$336.25 to \$515.00 and for St. Stephens Green the rate would go from \$280.00 to \$650.00 which would be the same for Stonecroft from the rate now of \$375.00. Mr. Antellocy feels that the plants are not run properly or why else would BCSWA be able to lower rates. Mr. McGrory shared that it is economy of scale. The Capital Funds were discussed. Once funds are deposited with the Township, they become an asset. The Board asked Mr. McGrory and Dilworth Paxson to find out how the Township can give the Capital Fund back to the residents because that is what they desire. Mr. McGrory stated that he cannot find any case that is similar and he cannot advise the Board to do it. He added that the Township cannot give back an asset to a few residents and not all without the Board members being subject to personal risk and personally liable. Mr. McGrory stated that this sale was good for the residents since the rates are frozen for 5 years and that some rates will drop. Another item in Mr. Antellocy's letter was engineering fees for the plants. He discussed them stating that they are higher than they ever have been. Mr. Antellocy asked if the Township could take a lower price

and then more residents could have even lower rates. All avenues were considered by PFM prior to the bid process. He was upset that the Township did not enlist residents to help with the deal. Mr. Jacobs stated that he heard all of Mr. Antellocy's issues and still is not swayed about not selling the plants. The Board is not interested in setting up a committee to consider if the Township should sell them or not. After further discussion Mr. McGrory thanked Mr. Antellocy for sending his comments ahead of time so he knew what he wanted to know for the meeting. John Stoudt, 309 Sundance Drive spoke for the Weatherstone HOA. He stated that he does not disagree with the premise of selling the plants. Mr. Jacobs stated that although the Board feels that the residents would be better served by giving the Capital Fund back, but the Board would be personally liable for that. Mr. Stoudt asked what is actually being sold. Mr. McGrory stated that it is different at each plant, some it is land and plants, some are easements. The easements have not been completed at this time. He has asked BCSWA about fences since they were brought up at the last discussion and they have told him they will not be putting up any fences but they will most likely put up security cameras. Mr. Stoudt also sent a letter to the Board with questions. Mr. McGrory commented that he was intrigued about the comment of the installation of athletic fields and could be explored. Mr. Schneider stated that what is done with the proceeds will be done in public. Ms. Shick asked if the ordinance would be limited to just the signing for the sewer sale but also to sell other Township property. Mr. McGrory stated only if the Board decides to sell something. Brian Bereznek, 411 Fairmont Drive was concerned about fencing. Mr. McGrory does not see any issues and will include that with the final discussions. Rob Sebia, HRMML, stated that this can be written into the easement for protection in the future. Mr. Bereznek asked about the sixth year when the rate freeze was over. Mr. McGrory stated that BCSWA's 20 year history shows that they charge much less than a private company, they are a Municipal Authority. The Township controls the sewer with what is called a 537 Plan. The Township determines where sewers are going. Mr. Curry asked about the book value of the plants. Ms. Batdorf shared that the valuation study can be public after the sale. Mr. McGrory added that the Township does not have actual book value since the Township did not build them. The offer from BCSWA is \$4 million, with a 5-year rate freeze and Matthews Meadows and Stonecroft would see lower rates. Mr. Jacobs called for a vote which was unanimous.

2018 Township Budget: Mr. Brown made the motion that the proposed Budget for 2018 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 \$4,390,650.00, 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 \$4,330,114.00 with a total net income of \$60,536.00. The Open Space Revenue in the total amount of \$2,402,500.00 and a total expenditure of \$2,402,500.00. The Liquid Fuel Revenue in the total amount of \$239,730.00 and a total expenditure of \$239,730.00. The Sewer/Water Fund

Revenue in the total amount of \$747,331.00 and a total expenditure of \$747,331.00, with a total of 18 pages inclusive. Mr. Schneider seconded the motion, there was no public comment and the motion carried unanimously.

New Business:

Real Estate Tax Rate 2018: Mr. Brown made the motion that the Board approve Resolution 28-2017 as submitted setting the tax rate for calendar year 2018 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. Mr. Schneider seconded the motion. Mr. Jacobs stated that there is no tax increase. There was no public comment and the motion carried unanimously.

New Zoning Hearing Application: A new Zoning Application was received from Robert and Lindsay Herbein, 1560 Knob Hill Lane. This is to construct a pool which will exceed the maximum impervious coverage. No hearing date has been set at this time.

Application for Grant: Mr. Schneider the motion to approve Resolution 29-2017 authorizing the application to PECO for the 2017 Grant Award. Mr. Brown seconded the motion. Mr. Curry asked what this is for and he was informed Fellowship Trail Phase 2. Ms. Batdorf stated that the Township has applied for this almost every year but it is very competitive. There was no further comment and the motion carried unanimously.

Public Comment:

Harriet Stone, 1645 Birchrun Road stated that she understands from neighbors who have had permits reviewed that the engineering fees are very high. They also keep getting rejected and have to have additional reviews which all cost the homeowners more. Mr. Schneider asked if we have had other complaints. Ms. Batdorf stated she did not receive any official complaint but had to work through some issues. She feels that it is a matter of communication. Mr. Brown stated that he has heard similar complaints. Some permits take 45 days to review and get bounced back and then it takes another 45 days for the next review. Ms. Batdorf will be watching this.

Mrs. Stone stated that the Historic Resource Committee would like to document the cow barn at Bryn Coed. Mr. Jacobs stated that this is a good idea and encourage her to do this before West Vincent owns the property and to contact Natural Lands.

Mr. Antellocy discussed the invoices with Cedarville Engineering and their reports. He would like an audit of this company. Mr. Schneider stated that the expenses have increased due to projects. Mr. Antellocy feels that the reports do not match the invoices.

Ms. Shick stated that she and Mr. Antellocy would like to volunteer for a committee of residents to help determine how to distribute the \$4 million in proceeds from the sewer sale.

Ms. Shick stated that Fellowship Road where the drainage ditch was installed is degrading.

Ms. Shick stated that she has been made aware of a change in the Bryn Coed Subdivision #3 that changed after the Planning Commission reviewed the plan. A parcel known as 8A has now disappeared and asked the Board if they were aware of it. Mr. Jacobs stated that he did not have an answer. Mr. Kulakowsky will look into it. Mr. Jacobs asked Mr. Kulakowsky to inform the Board and Ms. Shick after he determines what happened. Ms. Shick stated that the Township relies on the Township Engineer and the Planning Commission depends on the engineer review letter. Once they recommend a plan, she feels it should be the plan as they saw it. She also agrees with the comments on the costs for engineering.

Frances Ellis, 2823 Flowing Springs Road gave kudos to the Road Department for their clearing of Flowing Springs Road during the most recent snow.

Meeting adjourned 9:10 PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary