

**West Vincent Township
Board of Supervisors**

February 21, 2023 7:00 PM

Attendance: Bernie Couris, Chair, Sara Shick, Vice Chair, Dana Alan, Member, John Granger, Township Manager, Mark Thompson, Township Solicitor, Kathy Shillenn, Township Secretary, Ed Latshaw, Township Engineer

Chairman Couris called the Meeting to order at 7:05 PM

Chairman Couris announced multiple executive sessions for personnel, legal and real estate matters.

MOTION by Ms. Shick to approve the minutes of January 17, 2023; second by Mrs. Alan. There being no comments or questions, *Motion carries unanimously.*

George Dulchinos, 1415 Hollow Road asked if the Board could breakdown all the sessions into real estate, personnel and legal. Mr. Couris was out of town; most of the sessions were conference calls.

Mr. Couris acknowledged a thank you letter from the Henrietta Hankin Library for the West Vincent Township Donation.

Joan Abercrombie, Pughtown Road stated that her father Wheeler Amon has a hearing disability; she asked if the microphones could be turned up. Mr. Granger stated that the township will try to have accommodations made for the next Board of Supervisors meeting.

Barry DiLibero, 1012 Pottstown Pike commented on ways to make the microphones work better. Mr. DiLibero also asked how much the donation to the library was. Mr. Granger stated \$1000.

Police Report: Sgt. Russell gave the report. Report acknowledged as received. Mr. Couris asked if the police must go out to all the calls that are received, this past month there were 241 calls. Sgt. Russell responded yes; the police respond to all calls received.

Megan Emery 1506 Sheeder Mill Road asked if the crime rates are tracked year-to-year. Sgt. Russell stated that yes, they do have the statistics.

Bills List: **MOTION** by Ms. Shick to approve the Bills List in the amount of \$727,647.21; second by Mrs. Alan.

There being no comments or questions, *Motion carries 2-1 with Mrs. Alan abstaining.*

John Eldridge, 1634 Hilltop Road shared some of his concerns with disparities in the bills list. Ms. Shick responded that there was a difference in the transfers.

Treasurer's Report: Mr. Granger gave the report. **MOTION** by Ms. Shick to accept the Treasurer's Report as submitted; second by Mrs. Alan.

John Eldridge, 1634 Hilltop shared his concerns regarding the Fund Balances.

There being no further comments or questions, *Motion carries unanimously.*

Manager's Report - Mr. Granger gave the report. Aside from the items that Mr. Granger worked on, there is a new microphone to help with the recordings. The township contracted with the provider of the door lock system to upgrade the system. The door has only been working periodically. There was also a question last month about the County buying TDRs from the township. The County did respond and stated that they do not buy TDRs from the township.

Authorize Advertisement of the 2023 Road Program Bid - **MOTION** by Ms. Shick to authorize advertisement of the 2023 Road Program Bid; second by Mrs. Alan.

There being no comments or questions, *Motion carries unanimously.*

Authorize Bid for 15' Rotary Mower for Public Works Department - **MOTION** by Ms. Shick to authorize the bid for the 15' Rotary Mower for Public Works Department; second by Mrs. Alan.

There being no comments of questions, *Motion carries unanimously.*

Approve the Purchase of 60" Construction Duty Forks and Work Platform in the amount of \$12,500 - **MOTION** by Ms. Shick to approve the purchase of 60" Construction Duty Forks and Work Platform in the amount of \$12,500; second by Mrs. Alan.

Mr. Granger explained that these will be used in conjunction with the backhoe, to create a safe working environment for employees working above grade.

There being no comments or questions, *Motion carries unanimously.*

Authorization to Bid for 2023 F550 Service Truck with Snow Plow and Truck Body - **MOTION** by Ms. Shick to authorize the bid for a 2023 F550 Service Truck with Snow Plow and Truck Body; second by Mrs. Alan. This truck will replace the existing vehicle. Mr. Granger commented that last year the Board authorized the purchase of a dump truck; that truck has not yet been built.

There being no comments or questions, *Motion carries unanimously.*

Approve Resolution No. 6-2023 Extinguishing all TDRs acquired prior to December 31, 2022 - **MOTION** by Ms. Shick to approve Resolution No. 6-2023 to extinguish all TDRs acquired prior to December 21, 2022; second by Mrs. Alan. Mrs. Alan commented that in looking at the resolution, in the second paragraph, the last three words should be taken off. Mr. Thompson, township solicitor, did not have a problem with that. Ms. Shick rescinded her motion; Ms. Shick

made the **MOTION** to approve Resolution No. 6-2023, Extinguishing all TDRs acquired prior to December 31, 2022 and to amend paragraph 2 to delete the last three words in paragraph; second by Mrs. Alan.

Hans Butendijk, St. Matthews Road asked for clarification of this resolution.

George Dulchinos, 1415 Hollow Road commented that to be clear, these TDRs are extinguished for sale in the township but reserve the right to sell them outside the township. Mr. Couris stated that no, they are extinguished for all time. A short discussion on TDRs continued.

There being no further comments or questions, *Motion carries unanimously.*

Approve Resolution No. 7-2023 Spackman Minor Subdivision/Land Development Plan – **MOTION** by Ms. Shick to approve Resolution No. 7-2023 Spackman Minor Subdivision/Land Development Plan; second by Mrs. Alan. The Planning Commission recommended that the Board of Supervisors approve this minor subdivision/land development plan. Andy Miller, Hopkins and Scott discussed this plan. Mr. Miller addressed Mr. Latshaw's review letter. There have been no changes; only the waivers. The Zoning Hearing Board did approve the variance that was requested. Mr. Miller also noted that they are asking that the fee in lieu of be waived, since the land is surrounded by conserved land.

Mr. Latshaw, township engineer asked if the township had a condition of approval that they would have to comply with the conditions of the January 11th review letter. Also, there were five waivers requested. Do they need to be discussed? Mr. Miller stated that there is no reason that this should not be approved tonight. The resolution will have to be amended to show the correct date of the township engineer's letter.

Mr. Thompson stated to be clear there are four waivers reflected in the resolution and the other waiver is the fee in lieu of.

There being no further comments or questions, *Motion carries 2-1 with Mr. Couris voting nay.*

MOTION by Ms. Shick to amend her previous motion to include two changes to Resolution No. 7-2023 with the first being to correct the LTL Consulting review letter date to January 11, 2023, and the second being to delete paragraph 2F and include a waiver for fee in lieu of as one of the five waivers granted for this plan; second by Mrs. Alan.

Pat Spackman, 505 Fellowship Road is the owner of the property which is five-acres of which they would like to subdivide a two-acre parcel to build one dwelling. On either side of the five-acre property they have sold their development rights to lands trust. She does not know why a fee-in-lieu of would even be considered appropriate for this property. Mr. Granger is asking the Board of Supervisors to allow the administration to prepare a fee-in-lieu of. There should be some kind of consideration to properties that have participated in Open Space or the TDR preservation program.

There being no further comments or questions, *Motion carries unanimously.*

Discussion of Amendments to Proposed Zoning Ordinance – Mr. Granger discussed. One, this came up due to the success of the Open Space Program and two, last year the Ludwig's Corner Master Plan was updated to recognize some changes and some expansion of stormwater changes, all of which go together. Mr. Granger feels that it is appropriate for the Board of Supervisors to look at removing the steps the township took to extend the high-density development the township took 20 years ago. The zoning ordinance modifications remove high density development as an overlay district, not a by-right district.

Wheeler Amon, Pughtown Road stated that a member of the audience called him and told him that the township was going to take away all his development rights. Mr. Amon is attending this meeting to discuss this ordinance and understand why this is happening. Mr. Thompson, Township Solicitor, explained some of the issues that Mr. Amon brought up. There will be a public hearing at the March Board of Supervisors meeting.

Barry DiLibero, 1012 Pottstown Pike commented about the UDA Overlay. Mr. Granger stated that UDA is still on the books. The UDA was crafted for the Weatherstone Development. With Bryn Coed, UDA was extended township-wide, since Bryn Coed is resolved and made changes to LCMP and extent of Open Space acquisition, this is the next step forward in the township's desire to preserve land. Mr. DiLibero also commented about the PRD area.

George Dulchinos, 1415 Hollow Road asked if the overlay comes into effect when calculating TDRs. Mr. Granger stated, no, it is by-right.

Julia Braendel, 2472 Flowing Springs Road if the township has a map of what parts of the township is in the overlay district. Mr. Granger stated that there will be a map at the next Board of Supervisors meeting.

Authorize Advertisement of Ordinance Amending Zoning Ordinance – MOTION by Ms. Shick to authorize advertisement of an ordinance amending the Zoning Ordinance; second by Mrs. Alan.

There being no comments or questions, *Motion carries unanimously.*

Authorize a Public Hearing for Amendments to Zoning Ordinance – MOTION by Ms. Shick to authorize a public hearing for March 20, 2023 for amendments to the Zoning Ordinance; second by Mrs. Alan.

There being no comments or questions, *Motion carries unanimously.*

Approve Conceptual Plan for Opalanie Park – MOTION by Mrs. Alan to approve the conceptual plan for Opalanie Park; second by Ms. Shick.

Mr. Granger discussed this. He would like to make sure the Board of Supervisors are comfortable with the concept plan. A memo was also sent to the Park and Recreation Commission.

Hans Butendijk, St. Matthews Road asked where this is going to be discussed. The signage is not natural doesn't blend in. Mr. Granger stated that it will be discussed at the next Park and Recreation next week. Mr. Granger also commented that the township has a \$250,000 grant from the county and a \$250,000 grant from the state. The state will review the plans and materials. Is there supposed to be a sports field at Opalanie Park? No, there will be a meadow.

Julia Braendel, 2472 Flowing Springs Road asked what is the next step and what is the timeline? Mr. Granger asked the Park and Recreation Commission to come back in two months with recommendations.

Mrs. Alan discussed the Dog Park. She believes that there is a public need for a dog park but is not sure it belongs at Opalanie Park. It is a passive park and a bird hotspot. There should be a vote on this. Ms. Shick agrees this is a quiet park. It should be closer to the dense dwellings. The Park and Recreation Commission should come up with recommendations on the dog park. Mr. Granger needs direction from the Board of Supervisors. More discussion followed.

Ken Alan, 21 Ivy Lane commented about the plan given to Park and Recreation Commission. The Chair of Park and Recreation Commission never presented a final schematic. There were a few features that the Commission agreed upon, that were not shown. Were the Park and Recreation Commissions ideas ever presented to the Board of Supervisors?

Julia Braendel, 2472 Flowing Springs Road asked to please not put a dog park by an equestrian trail.

There being no further comments or questions, *Motion carries unanimously.*

Establish October 21, 2023 as the Date for Community Day and Shredding Event – Mr. Granger would like to remove the Shredding Event and have that set on a different date. **MOTION** by Ms. Shick to establish October 21, 2023 as the date of the Community Day; second by Mrs. Alan.

Barry DiLibero, 1012 Pottstown Pike stated that he would not recommend October 21, 2023 since the weather gets bad at that date.

There being no further comments or questions, *Motion carries 2-1 with Mrs. Alan voting nay.*

Approve the Police Chiefs Contract – **MOTION** by Ms. Shick to approve Chief Swinger's Contract; second by Mrs. Alan.

There being no comments or questions, *Motion carries unanimously.*

Appoint Christina Casey as Assistant Township Secretary – **MOTION** by Ms. Shick to appoint Christina Casey as Assistant Township Secretary; second by Mrs. Alan.

There being no comments or questions, *Motion carries unanimously.*

Discussion of On-Site Septic Management Plan – This plan is required by DEP as part of the waivers from the requirements of the MS4 program that the township received several years ago. Once a plan is approved by the township it will be forwarded to the DEP for their approval before becoming effective. The township engineers proposal is on the website in two parts. The on-site septic management program and the ordinance regulating holding tanks. Mr. Latshaw, township engineer reviewed the septic management program.

Hans Butendijk, St. Matthews Road asked about the cost and what benefit do the residents get out of it.

Wendy Butendijk, St. Matthews Road stated that all the years of an excuse that its good for all until we have no rights left and lose the ability to have choices.

Discussion of Ordinance Establishing Holding Tank Ordinance – This was discussed above.

Acknowledge Receipt of a Zoning Hearing Board Application – 2552 Veronica Drive – Swimming Pool Addition – Acknowledged by the Board of Supervisors.

Public Comment on Non-Agenda Items

Laura Saubucci, Chester County Library in Exton (Henrietta Hankin Branch) gave a recap of 2022.

There being no further discussion, the **MOTION** to adjourn was brought forward by Ms. Shick; second by Mrs. Alan. *Motion carries unanimously.*

Meeting adjourned at 9:10PM.

Respectfully Submitted,
Kathy Shillenn
Township Secretary