

West Vincent Township
APPROVED Meeting Minutes
Board of Supervisors
June 19, 2023 7:00 PM

ATTENDANCE: Sara Shick (Vice Chair); Dana Alan (Member); Jacqui Guenther (Township Manager); Mark Thompson (Township Solicitor); Christina Casey (Assistant Township Secretary). **Absent:** *Bernie Couris (Chair).*

Ms. Shick called the meeting to order at 7:04 PM

ANNOUNCEMENTS: Ms. Shick noted the following Executive Sessions: May 18 (Legal), June 5 (Finance), June 7 (Personnel), June 9 (Personnel), June 14 (Legal), June 15 (Legal); Special Meeting June 13. Ms. Shick noted that she was unable to attend the special meeting in person but had watched the video of the meeting.

George Dulchinos (1415 Hollow Road) noted that the agenda for the special meeting was posted on the day of the meeting and not at least 24-hours in advance of the meeting which he said is a Sunshine Law requirement. Mark Thompson, Township Solicitor, said the notice was in the Monday edition of the paper which satisfied the 24-hour advertisement. Mr. Thompson said the notice was the most important aspect of the Sunshine Law, and posting the agenda on Tuesday was sufficient. Mr. Thompson does not believe this changes the legality of the meeting.

CONDITIONAL USE HEARING: 2400 Flowing Springs Road (Tangsiptiong) - Construction of Stormwater Management Facilities in Steep Slopes.

Mr. Thompson opened the hearing but noted that this hearing would be subject to continuance since we were unable to secure a court reporter due to the federal holiday (Juneteenth). The hearing will be continued at the July 17, 2023, BOS meeting. Mr. Thompson entered exhibits: T1 (application), T2 (Public Notice), T3 (Proof of Publication), T4 (Affidavit of Posting), T5 (LTL May 11 Review Letter), T6 (Chester County Planning Commission May 17 Review Letter), T7 (WVT Planning Commission meeting minutes). He asked if anyone was here for this meeting, and there were no replies. Mr. Thompson said the continuance will not be posted in the paper.

There were no public comments on this item, and the hearing will be continued on July 17, 2023.

MINUTES: MOTION by Mrs. Alan to approve the minutes of May 15, 2023, and June 13, 2023; second by Ms. Shick. There being no further comments or questions, *motion carries unanimously.*

POLICE REPORT: Chief Swinger gave the May report. Chief also gave an update on a suspicious death that happened in the Township on June 18, 2023. It is currently an active investigation, but there is no active threat to residents of the Township.

TREASURER’S REPORT AND BILLS LIST: Ms. Guenther read the Treasurer’s Report which listed all the fund balances. (CC note: *since there was much discussion between Ms. Guenther and the residents regarding the Treasurer’s Report and Bills List, I chose to color code Ms. Guenther’s comments to more easily identify the conversation*)

John Eldridge (1634 Hilltop Road) had a question on a previous unexplained amount of \$233,000 which no longer seems to appear in the reconciliation. Ms. Guenther said it was not removed from the reconciliations but rather she redid the 2022 General Fund reconciliations starting in February which was the last time those reconciliations matched the bank statements. Ms. Guenther said the fund is now accurate down to the penny. However, she noted that there was not one specific transaction that can be identified as \$233,000. Instead, there were multiple instances of bad bookkeeping that were corrected over multiple months of 2022. Mr. Eldridge asked if the \$233,000 was no longer an expense. Ms. Guenther noted that the amount was never an expense but rather a placeholder in the general journal entries until the items could be identified correctly. The same can be said for the \$1.5mm general journal. Mr. Eldridge asked if the \$233,000 was erased from the entries since it was not removed from the books. Ms. Guenther noted that the money is not erased but rather allocated correctly. Mr. Eldridge said that the EIT payments had a payment from a previous month recorded. Ms. Guenther explained that the taxing authority sends notice of the payments to us AFTER the deposits have been made, which can be days after the deposit. Sometimes, the deposits may be made at the end of a month, but the notice is not sent until the start of the NEXT month. The deposits are entered into our accounting system based on the day that the deposit is MADE and NOT when the notice is sent. It is a timing issue. The deposits and notices for the General Fund-portion and the Open Space-portion are not always deposited or notices sent on the same days. Mr. Eldridge said there was an expense in the General Fund for \$167,000 for Police Car Maintenance. Ms. Guenther explained that the previous administration incorrectly coded the transaction to the General Fund last month, and she has now corrected it. To do so, for this month, the money was moved from the Equipment Fund and placed into the General Fund to properly record the purchase of the new Public Works truck.

George Dulchinos approached the podium again. He wanted confirmation that Ms. Guenther redid all the entries for last year and then everything balanced out. Ms. Guenther clarified that she went back and redid the bank reconciliations for the General Fund. All the money was there, but there were erroneous items in the accounts that were corrected to make it accurate.

John Eldridge approached the podium again. He asked if identifying the \$233,000 negated the need for the \$25,000 forensic audit. Ms. Shick said it would be covered later in the meeting but that it was a matter of timing since the audit was started before the reconciliation was done.

MOTION was made by Mrs. Alan to approve the Bills List in the amount of \$567,138.54; second by Ms. Shick.

George Dulchinos approached the podium again. He noted items in the Bills List that are for “Cardmember Services” for Township credit card. Mr. Dulchinos wanted to know how

capital purchases are allocated. Ms. Guenther said that the credit card is not used for capital purchases but rather for smaller items like office supplies or small equipment. She noted the individual items are coded correctly, but one check is cut to the credit card company. Ms. Guenther said that Christina Casey, Township Assistant Secretary, identifies each line item on the monthly bill and gives it to Ms. Guenther who allocates each item to the correct account.

John Eldridge approached the podium again. He noted that previous Bills Lists were more of an Accounts Payable for purchases, but the Bills List for this month was hard to pick out the bill items and seemed more like an Expense List to him since it also listed things like salaries and FICA. Ms. Guenther explained that the previous iterations of the Bills List only contained bills waiting to have signed checks, but it did not show the whole amount of spending. This list contains all of the expenses that happened for the month. She said all the account indicate who was paid from that account, such as the Capital Reserve account expenditures were for LTL Consultants. Ms. Guenther indicated this is on the cover sheet of her report. Mr. Eldridge noted that the \$169,000 (CC note: *incorrectly stated; should be \$167,000*) Police Car Maintenance was also in the report. Ms. Guenther said it would be in there showing along with the correction to correctly classify the transaction (CC note: *this item is also noted under Mr. Eldridge's initial approach to the podium*). In response to Mr. Eldridge's comment about there being too many items listed to easily pick out the bills, Ms. Guenther explained the change in the Bills List as follows:

"We are trying to be transparent so that you can see all of the expenses for the entire month that the Township pays. You can't just take a Bills List and approve that because there are all these other expenses that also have to get paid, and they are part of what we take out of the General Fund every month. So, to say, 'Okay, we are just going to pay these bills,' and approve that Bills List, then you negate approving all the other payments that were made."

Mr. Eldridge noted that this Bills List started on April 14th but last month's Bills List ended in May. Ms. Guenther explained that it is a timing issue of having to start payments immediately after the last Bills List is completed. She gave the example that next month's list will have checks that will be cut starting June 20th and run through a few days before the next BOS meeting on July 17th. Ms. Guenther said that if we cut the timing off at the end of the month, we would have bills that would be paid late while waiting for the next cycle and would incur late fees.

There being no more comments or questions, *motion carries unanimously.*

Manager's Report: Ms. Guenther noted that she is acclimating to her new Township role. She regrets that she has no report to give but said she will have a report for the residents next month.

Old Business:

- **MOTION** by Mrs. Alan to **add the Marcum Report to the agenda under Old Business;** second by Ms. Shick. There being no comments or questions, *motion carries unanimously.*

Ms. Shick said the BOS has received the Marcum Report and asked Mrs. Alan to read it aloud (CC note: *a copy of the 2023 Marcum, LLP Limited Scope Forensic Audit can be found on the West Vincent Township website on the "Finance" page under "Reports" or at approximately 22:12 mark of the 6/19/23 meeting video found on our website*).

Mr. Dulchinos returned to the microphone and stated that Mr. Couris said there was no fraud. Ms. Shick replied true. Mr. Dulchinos asked if the credit cards being opened without approval was not fraud? Mr. Thompson said it was determined that the act was not fraudulent. Mr. Dulchinos said he kept hearing how the Board was unhappy with the wording of the report over the past few months, and he wanted to know if the report that was just read took a three-month effort to create this written report. Mr. Thompson said that was incorrect, and it was a three-month effort to OBTAIN a written report from Marcum. Mr. Thompson did agree that Marcum had a draft that the Township wasn't in agreement with in prior months.

Barry DiLibero (1012 Pottstown) noted that people were told at the last meeting that there was no written report, and John Eldridge was told with his right-to-know that there was no written report, but the Board spoke about a written report at many meetings before that. Mr. DiLibero also said that at the last meeting it was said that there was nothing in the contract about written or verbal reports. Mrs. Alan said the contract called for a verbal report. Mr. DiLibero said the report was said to be signed by Marcum, but he wanted to know if it was written by someone else. Mr. Thompson said it was written by Marcum. Mr. DiLibero asked this question multiple times.

Megan Emery (1506 Sheeder Mill Road) thanked Ms. Guenther for the huge amount of work that she undertook reconciling the statements. Ms. Emery said there had been lots of complaints over the years about the previous administration, and she wanted the Board to address how they plan to avoid having a similar issue in the future such as lack of process, follow-up, oversight and information with complaints about previous management. Ms. Guenther said she was a rule-follower and by-the-book, and the finances will always be accurate. She is transparent, and moving forward this should not be an issue again. Ms. Emery thanked Ms. Guenther but redirected the question back to the Board about this with the previous administration, and she noted the \$233,000 that was misapplied is just bad business.

- **MOTION** by Mrs. Alan to **Adopt Ordinance 204-2023 - Amending Duties and Responsibilities of the Environmental Advisory Council**; second by Ms. Shick.

Ms. Shick welcomed questions. Since there were none, she gave a history of how this ordinance came to be.

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

New Business:

- The Board **accepts Clean Energy Transition Reports from Vision Partnership Program Grant presented at Board Workshop on June 5, 2023.**

Ms. Alan noted that the report is currently on the website. Ms. Shick spoke about the acceptance of the plan.

Kirk Reinbold (670 Birchrun Rd) thanked the Board for accepting the report on behalf of the Clean Energy Transition Team ("CETT"). Ms. Shick spoke a little about the contributions of Mr. Reinbold and the CETT. She noted there was an informational meeting scheduled by them at the library tomorrow.

- **MOTION** by Mrs. Alan to **adopt Resolution 14-2023 – Establish Litter Lifters of West Vincent Township Ad Hoc Committee**; second by Ms. Shick. There being no further comments or questions, *motion carries unanimously*.
- **MOTION** by Ms. Shick to **accept bid from MECO Contractors, Inc., in the amount of \$313,500.00 for Stormwater Improvements and Paving of Flowing Springs and Hollow Road**; second by Mrs. Alan.

Tom Helwig (2034 Pottstown Pike) wanted to know the scope of the paving on Flowing Springs Road. He felt that the repaving was unnecessary. Ms. Shick explained that it was not a full maintenance project but rather a running course or maintenance to extend the current life of that section of the road. She noted that Ed Latshaw, Township Engineer, could not be here tonight to address this question because he has the flu. Ms. Shick offered to look into this matter.

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

- Ms. Shick **accepted the Trail Easement Agreement with Valley Forge Vineyard, Inc., for Fellowship Trail**.
- **MOTION** by Mrs. Alan to **authorize payment to Valley Forge Vineyard, Inc., in the amount of \$15,000.00 for the Fellowship Trail Easement**; second by Ms. Shick. There being no further comments or questions, *motion carries unanimously*.
- Mrs. Alan **announces applications being accepted for the following committees with openings: EAC, Litter Lifters, Human Relations, Trail Plan Implementation, Sustainability**. Residents looking to volunteer for any of our committees should complete a volunteer application which can be found on our website.
- **MOTION** by Mrs. Alan to **approve Greenway Boundary Adjustment Plan for 1684 Sheeder Mill Road (Karkoska)**; second by Ms. Shick.

Ms. Emery approached the podium to ask for more clarification on what this means. Ms. Shick began an explanation of the project but confused the location of the designated building site. She invited Mr. Karkoska to explain.

Craig Karkoska (1684 Sheeder) came up to explain that the original 2 parcels they purchased allowed for two buildings to be built: one towards the back of the parcel and another towards the front. He is looking to combine the parcels and move the home more towards the road, thus creating a bigger envelope of greenway on the back of the property and removing the ability to build a second home there. Mr.

Karkoska noted all of the approvals he has already obtained, and this approval is the final before building can commence.

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

- **MOTION** by Mrs. Alan to authorize the advertisement for bids for Jaine Lane Stormwater Management Improvements; second by Ms. Shick

Ms. Shick spoke about the possible impact the long-eared bat may have on the timing of this project.

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

- **MOTION** by Mrs. Alan to authorize payment to Ludwigs Corner Fire Company in the amount of \$200,000.00 for the budgeted 2022 and 2023 contribution for the purchase of their new apparatus; second by Ms. Shick

Carys Egan (1912 Kimberton) received confirmation that the apparatus is a firetruck.

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

Public Comment on Non-Agenda Items

- Mr. Reinbold introduced John Connelley from the PECO Small Business Solutions Program. Mr. Connelley said he will be approaching small commercial businesses in our Township next week to speak more about his energy-positive program and the cost-savings attached to it. Cerita Silen (1225 Schoolhouse), Barry DiLibero, Tom Helwig, Carys Egan and Kirk Reinbold also spoke highly of PECO's program and encouraged residents to take advantage of this offer. Mrs. Alan also noted that there will be a battery recycling and shredding event this Sunday at the Ludwigs Corner Horseshow Grounds from 9am to 12pm.
- Julia Braendel (2472 Flowing Springs) asked if WVT had ever held a recycling event for plug-in items. Ms. Shick does not believe so. Mrs. Alan mentioned the Township's shredding and battery recycling event (with Ms. Muth's office) scheduled for this Sunday from 9am – 12pm at the Horseshow grounds. Ms. Braendel was also looking for a status update on the plans for a new police station. Ms. Shick said the Township was looking at alternatives to last summer's plan. Ms. Braendel also asked about the status of the Bennett property. Ms. Shick said that the Township heard that McKee withdrew but has not received confirmation on this.
- Mr. Dulchinos approached the podium again. He asked if the meeting on June 13th stated that the previous manager, Mr. Granger, resigned and severance from the agreement was agreed to be 3 months of his salary. Ms. Shick agreed it was. Mr. Dulchinos noted there was no employment agreement in place for Mr. Granger at the time of his resignation. Mr. Thompson said the agreement was for a period of time not including up to the resignation date, but he also noted that this is the agreement the Township is operating with for the resignation. Mr. Dulchinos noted the agreement expired in 2022 and asked if Mr. Granger was appointed without an employment agreement. Mr. Thompson agreed. Mr. Dulchinos also noted that the employment agreement says there is no severance for voluntary resignation. Mr. Thompson said the agreement was a guidepost, and the Board has latitude for issuing severance which is

the prerogative of the Board. Mr. Thompson did say that the severance was not yet agreed to, but the Board's intent is to pay for 3 months of severance.

- Mr. DiLibero approached the podium again. He confirmed that the police station project is still a working project. Both Ms. Shick and Mrs. Alan noted it is moving forward with what they hope is a more suitable option with less cost, but no numbers are available at this time. Mr. DiLibero asked why GASB standards were not applied to the forensic audit? Mr. Thompson explained that the forensic audit was not a typical annual audit but rather a specific type where those standards did not apply like they do for an annual report. Mr. DiLibero mentioned that the signed employment agreement for Mr. Granger started his salary at \$135,000. He acknowledged that Mrs. Alan was not here to sign that original agreement. Mr. DiLibero did a rough calculation based on the \$135,000 that 3 months of severance will cost \$11,250/mo, which would be \$33,750 in total and cost each resident of the Township approximately \$6/pp to fund his severance from an agreement that expired a year ago. Mr. DiLibero made note that he would be inclined to tack a surcharge on to the Township if this severance is approved.
- Mr. Helwig approached the podium again. Mr. Helwig noted that there are rules. The expired contract explicitly says "no severance", so he wanted to know why the Board thinks it's acceptable to give severance. He reminded the Board that Pennsylvania is an at-will state.

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 8:25PM.

Respectfully Submitted,
Christina Casey
Assistant Township Secretary