

**West Vincent Township
Meeting Minutes
Board of Supervisors
July 17, 2023 7:00 PM**

Attendance: Bernie Couris, Chair, Sara Shick, Vice-Chair, Dana Alan, Member, Mark Thompson, Solicitor, Jacqui Guenther, Township Manager, Kathy Shillenn, Township Secretary

Mr. Couris called the meeting to order at 7:02 pm

Mr. Couris announced that there were Executive Sessions held on June 23, 2023 for Personnel Discussion and July 11, 2023 for Finance Discussion and August 24, 2023 for Personnel and Finance Discussion

Conditional Use Hearing (continued from June 19, 2023 BOS Meeting): Mr. Thompson, Solicitor opened the hearing for 2400 Flowing Springs Road to allow the construction of stormwater management facilities in Steep Slopes. A court stenographer was present. Bradford Gaul, the engineer representing the applicants discussed the relief requested.

Mr. Thompson closed the hearing at 7:18 pm; at that time, Mr. Thompson stated that the Board of Supervisors will have 45 days to issue their decision.

Minutes: MOTION by Mrs. Alan to approve the minutes of June 17, 2023; second by Ms. Shick.

Mr. Dulchinos, 1415 Hollow Road, stated that the minutes were not posted. Mrs. Alan asked if that is a requirement. Mrs. Shillenn explained that she had learned at an administrative conference that draft minutes should not be posted. There could be problems with Right-to-Know requests and the wording in draft minutes. Mr. Thompson stated that it is a work in progress and that there is no requirement for minutes being posted. Mr. Couris said that the Board of Supervisors will discuss this.

Ms. Shick had a comment that the minutes are supposed to be the actions of the Board of Supervisors. These minutes have some other comments in them. There were extremes in some of the notes. Ms. Shick would like the minutes to just stick to the meeting and not editorial comments. Mr. Couris stated for decades the minutes were atrocious. Mr. Couris and Ms. Shick were part of trying to get the minutes down to just the facts.

Barry DiLibero, 1012 Pottstown Pike asked Mr. Couris what he meant by saying the minutes were atrocious. The established procedure is that you have to say who spoke and what the subject is about, but Mr. DiLibero feels that there is not anything that prevents giving more detail. Mr. Couris feels the minutes are not atrocious.

There being no further comments or questions, *motion carries 2-1 with Mr. Couris abstaining.*

Announcements:

Mr. Couris stated that the township will be hosting a Red Cross Blood Drive. Mr. Couris asked Mrs. Casey to give the time and date of the blood drive. It will be August 3, 2023, from 1:00 pm until 6:00 pm. The township website has posted the information for residents to sign-up for donating.

Police Report: Sgt. Russell read the June report. Report acknowledged as received. Sgt. Russell stated that the thank you note was from a resident who requested a disabled parking sign in front of his home.

Treasurer's Report: Ms. Guenther read the Treasurer's Report which listed all the fund balances.

John Eldridge, 1634 Hilltop Road commented on the profit posted for the month of June. He feels that activity is important and pointed out some items that he felt were not correct. Mr. Eldridge also noted that he found the township dropped the sweep accounts and due to this, the township is losing quite a bit of interest.

Ms. Guenther stated that the previous administration wanted the sweep accounts dropped. An RFP was developed but was never followed up on. Mr. Eldridge also brought up the Keystone reports. He says the allocations are not correct. Ms. Guenther stated that she would be happy to show Mr. Eldridge the sheets from Keystone so that Mr. Eldridge could see what is deposited every month.

Mr. Eldridge questioned the Bills List as well saying the months were duplicated.

George Dulchinos, 1415 Hollow Road commented on the format; the memo field is very small. Mr. Dulchinos felt that the people in the room care about the memo field, date, account. Ms. Guenther stated that she could go back to doing the landscape format. Mr. Dulchinos also commented on the amount of interest the township is losing each month.

Kirk Reinbold, 668 Birchrun Road asked if the Liquid Fuels Fund is an annual fund. Ms. Guenther stated that Liquid Fuels taxes are collected by the state through tolls and gas. The amount of funds that a township receives is based on the township owned roads. The funds are used mostly for road repairs.

MOTION was made by Ms. Shick to approve the Expenditures List in the amount of \$1,023,299.36; second by Mrs. Alan.

Ms. Shick feels the Board of Supervisors should take John Eldridge's and George Dulchinos' comments to heart. Ms. Shick stated that it is confusing to her that we have checks previously approved and signed on this list being added to the total of the bills for the time period. Escrow checks and liquid fuels checks are not reflected on the list of checks.

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

Manager's Report: Ms. Guenther's Manager Report shared the items in New Business that the township is working on.

Building Department Permit Totals Report: Ms. Guenther read the report. Report on file.

Kirk Reinbold, 668 Birchrun Road asked where the solar fees are and if the township is going to consider waiving the solar fees.

Old Business: None

New Business:

Adopt Resolution 12-2023 - Establish Clean Energy Transition Team ("CETT") Ad Hoc Committee: Mrs. Alan and Ms. Shick would like to table this discussion. The Board of Supervisors had promised to meet with the Clean Energy Transition Team and the Supervisors have not met with them yet. Discussion tabled.

Kirk Reinbold, 668 Birchrun Road stated that they could not meet prior to July 17th. Mr. Reinbold asked if there is an urgency. Ms. Shick stated there is if they want to spend money.

Approve Payment of \$158,270.96 for 2022 Sewer Hauling to Pulte Homes for Courts of Chester Springs - MOTION by Ms. Shick to approve the Payment of \$158,270.96 for 2022 Sewer Hauling to Pulte Homes for Courts of Chester Springs; seconded by Mrs. Alan.

John Eldridge, 1634 Hilltop Road commented about the bill of \$158,270.96 from last year and asked if this is something that the township has always done. Ms. Guenther stated that there was an agreement with Pulte that she was not aware of. This is the remainder of what is owed to Pulte.

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

Consider Credit Card Merchant Services Agreement with Citadel Credit Union: Ms. Guenther discussed this. There are a lot of residents that come in and ask to pay by credit card, as well as an EV charging station in the parking lot which residents get electric courtesy of the township.

MOTION by Mrs. Alan to consider the Credit Card Merchant Services Agreement with Citadel Credit Union subject to the Township Solicitor's review and approval; second by Ms. Shick.

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

Consider Lease for Cell Tower: Ms. Guenther discussed this. The township was approached by Valore, LLC to install two cell towers in the township. Ms. Guenther stated that she has had discussions with Valore; the company agreed to increase the lease amount to \$500 for each additional carrier after the first. The lease would be \$1850 a month plus a 10% increase annually. Mrs. Alan asked if the cost structure is predicated by the township doing two cell towers; we do not have approval yet for the second cell tower.

Sherry Weber, Valore, LLC stated no, the first would be the primary; the second one will be separate to make sure the township is happy with the first cell tower.

Approve Open Space Letter for Mailing from the Open Space Review Board regarding the Transfer of Development Rights in the Township: Jim Wendlegass, Chair of the Open Space Review Board has prepared a draft letter to be sent to owners of township parcels of ten acres or greater. The letter would advise homeowners that there are various methods of preserving their properties and that there are open space funds to assist homeowners with that process. Mr. Couris asked if there would be more information on the website. Mrs. Alan asked if there was a time limit to get the letters out. Mr. Wendlegass felt that it would take a few weeks for the letters to go out.

MOTION by Ms. Shick to approve the Open Space Letter for Mailing from the Open Space Review Board regarding the Transfer of Development Rights in the Township; seconded by Mrs. Alan.

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

Accept Trail Easement Agreement with St. Matthews Lutheran Church for the Fellowship Trail: **MOTION** by Ms. Shick to accept the Trail Easement Agreement with St. Matthews Lutheran Church for Fellowship Trail; second by Mrs. Alan.

George Dulchinos, 1415 Hollow Road asked where the trail will be. Starts at end of Vineyard Church trail comes out, then the shared property line between the two churches, behind the church through the woods and along the pasture.

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

Authorize payment to St. Matthews Lutheran Church in the amount of \$15,000 for the Fellowship Trail Easement Agreement: **MOTION** by Ms. Shick to Authorize payment to St. Matthews Lutheran Church in the amount of \$15,000 for the Fellowship Trail Easement Agreement; second by Mrs. Alan.

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

Discuss Amending Ordinance to Change Flint Road Speed Limit from 30 MPH to 25 MPH: Ms. Guenther discussed this. Ellen Scott met with Chief Swininger and Ms. Guenther to discuss the speeding on Flint Road. Chief Swininger did a traffic study and found that the speed limit should be 35 MPH. Ms. Scott stated that there are two Natural Lands crosswalks and asked that the speed be reduced to 25 MPH. The speed limit posted shows 25 MPH, but the township ordinance states the speed limit should be 30 MPH. Either the speed limit sign needs to be changed to 30 MPH or the ordinance needs to be changed to 25 MPH. The Chief cannot give tickets unless the ordinance or sign is changed.

MOTION by Mrs. Alan to amend the Ordinance to Change Flint Road from 30 MPH to 25 MPH for Traffic Safety; second by Ms. Shick.

Julia Braendel, 2472 Flowing Springs Road commented that it is not the crosswalks, it is the blind hill that is the problem. There is also a big bush that Ms. Scott needs to cut back. Ms.

Guenther commented that Mike Hogga, Roadmaster, spoke to Ms. Scott about that. If Ms. Scott does not cut the bush, the township will.

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

Authorize Solicitor to Amend and Advertise Ordinance to Change Flint Road Speed Limit from 30 MPH to 25 MPH for Traffic Safety: MOTION by Mrs. Alan to Authorize the Solicitor to Amend and Advertise Ordinance to Change Flint Road Speed Limit from 30 MPH to 25 MPH for Traffic Safety; second by Ms. Shick.

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

Approve Beaver Hill Stormwater Remediation for \$10,000 not including Labor: Ms. Guenther discussed. Mike Hogga, Roadmaster explained this to Ms. Guenther. There needs to be a pipe to run the stormwater under the driveway out to the creek; the cost will be \$10,000 not including labor. The Township Public Works Department will do the remediation work. ARPA funds can be used for stormwater remediation.

MOTION by Ms. Shick to approve the Beaver Hill Stormwater remediation for \$10,000 plus labor; second by Mrs. Alan.

Hans Buitendijk, 906 St. Matthews Road asked who will be paying for the labor. Ms. Shick stated that the township will; the Road Crew will do the labor.

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

Discuss Stormwater Remediation at 2559 Veronica Drive: Ms. Guenther discussed. Ms. Guenther has spoken with Mr. Latshaw, Township Engineer, to get an estimate for the stormwater remediation. The LTL estimate came in between \$6,000 to \$10,000. Ms. Guenther also received an estimate from Cedarville Engineering which came in \$4,730; ARPA Funds can be used.

MOTION by Mrs. Alan to approve \$4,730 for stormwater remediation at 2559 Veronica Drive; second by Ms. Shick.

Ms. Shick commented that the manager's report said the township would go with LTL's estimate; now we have an estimate from Cedarville, what is going on? Ms. Guenther said for budgetary reasons we put out a second bid, so there would be a comparison. Ms. Shick stated that in the manager's report a note said that it is a pre-existing drainage problem. Ms. Guenther feels that the problem is exacerbated by the pool that is being built on the neighbor's property. Ms. Guenther stated that the township is ultimately responsible for the TDML's (Total Daily Mass Load of Stormwater Run-off). Ms. Guenther also stated that the township would need a small easement to allow access to the property for maintenance.

Mrs. Alan AMENDS MOTION to approve stormwater remediation at a cost not to exceed \$10,000; second by Ms. Shick.

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

Discuss Procedures for Boards and Commissions: Ms. Guenther discussed clarifying the procedures; it seems as though there is some disconnect. The liaison should bring the committee's discussions of what they would like, then the liaison will bring to the manager. Ms. Guenther would then bring it to the Board of Supervisors.

Discuss Possible Severance Payment to former Township Manager, John Granger: MOTION by Mr. Couris to deny any severance payment to the former Township Manager; second by Mrs. Alan.

Ted Mollegen, 1201 Davis Lane commented that he had personal experience that relates to this particular action. Mr. Mollegen understood that Mr. Granger would get a separation agreement and feels that this is an inappropriate action of the township.

George Dulchinos commented that two meetings ago the Board of Supervisors were going to pay Mr. Granger, one meeting ago the Board of Supervisors were not sure if Mr. Granger would get paid, tonight the Board of Supervisors is not going to pay Mr. Granger. Mr. Dulchinos asked if there is some new information that has been given.

Mrs. Alan said that the Board of Supervisors were under the impression that the Board had to give Mr. Granger severance based on a contract that was non-existent. Mr. Couris told Mr. Granger yes because Mr. Couris had been told that, also it was not voted on. Originally the Board was considering termination. Mr. Couris stated he made a mistake; he was told there was still a contract in place. Mrs. Alan stated in fairness she believes the Board was told that was the case. Mr. Dulchinos felt that Mr. Granger should be paying us.

Christina Casey, township staff was asked to address the train issue; parts of train are upstairs in storage, and the engine was broken.

Barry DiLibero, 1012 Pottstown Pike thanked the Board of Supervisors for considering the Motion. Mr. DiLibero also thanked Mr. Dulchinos for bringing up the contract and said that Mr. Granger should not get paid.

Julia Braendel, 2472 Flowing Springs Road asked if that since the date of Mr. Granger's resignation, has Mr. Granger been paid anything? Mr. Guenther stated that he was paid for his final week of work plus his dental insurance for one month.

There being no further comments or questions, *motion carries 2-1 with Ms. Shick voting nay.* Ms. Shick commented that she is concerned that this might put the township in legal jeopardy.

Discuss TMDL/MS4 Application which is due by August 23, 2023: Mr. Guenther explained this application, which is mandated by the DEP. The township has been getting waivers for the past 20 years, in five-year increments. MS4 Program is for stormwater management. The engineer will draw up for the township. DEP mandated years ago, that every municipality must have an MS4 Plan. The township has been under the population required so the township was able to get waivers. The waiver expires in August 2023, so this needs to be done. Ms.

Guenther stated that Cedarville has prepared the MS4 Waiver Application for the township in the past and Ms. Guenther would like to ask them to get the waiver application prepared. Ms. Shick thought that LTL had previously prepared this waiver application. Mr. Latshaw stated that he can get this waiver completed in time. LTL would ask Cedarville for the information to prepare this waiver. Mr. Couris stated that Ms. Guenther could make the decision on her own as to who would complete the waiver application.

Mr. Couris announced that there will be a Workshop discussion of Stormwater and Gravel Roads on August 7, 2023. Ms. Guenther stated that Vic Laubach, Mike Bullard, and Mike Hogga will discuss gravel roads and how the gravel flows into the creeks which are now considered impaired.

Public Comment on Non-Agenda Items:

John Eldridge, 1634 Hilltop Road asked for the status of hiring a manager. He thought Ms. Guenther was an acting manager. Ms. Shick stated interim township manager. Mr. Eldridge asked if the township is looking for a manager. Mr. Couris stated that Ms. Guenther is interim for six months, the township is not looking currently and will let Mr. Eldridge know when things develop.

Craig Karkoska, 1684 Sheeder Mill Road thanked the Board of Supervisors for not paying John Granger. If Mr. Granger had completed the paperwork as he should have, he would have his building permits. Mr. Granger has never returned Mr. Karkoska's calls since April 14th. The Karkoska's have been working with Ms. Guenther and Mrs. Casey. Mr. Karkoska stated that the township's construction process has failed the Karkoska's and they are very frustrated. Mr. Karkoska would like to sit down with Ms. Guenther to discuss the many requirements that the Karkoska's are being asked to make and how he was disrespected by someone on the Board, which is unreasonable. Mr. Latshaw explained the background.

Hans Buitendijk, 906 St. Matthews Road wanted to speak on a subject that was brought up earlier regarding the second cell tower. Mr. Couris stated that the Public Discussion is for non-agenda items.

Barry DiLibero, 1012 Pottstown Pike stated that the Marcum issue was under civil investigation that he received on a Right to Know. Mr. Thompson stated that the report that was completed is the final report. And the good news is that there was no fraud.

George Dulchinos, 1415 Hollow Road commented that he received a copy of an email that was sent to the township in October 2022; it was an overdue reminder of an overdue invoice amount for the township for a Women's Sexy French Maid Anime Cosplay costume. This was billed to the township and sent to a former employee. Was this paid for by the township? Mr. Couris stated that this was taken to the DA by the police department. The DA found that there was no other use of the credit card by this former employee. Mr. Dulchinos asked if Marcum was aware of this. Mr. Thompson stated yes, Marcum was aware, that to recover that fee from the former employee the former manager felt that it was not worth it. Mr. Dulchinos asked why the Marcum letter said there were no funds lost.

Mr. Dulchinos asked if the report was shaped in any way, Mr. Thompson stated not at all.

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

The meeting adjourned at 9:05 PM.

Respectfully Submitted,
Kathy Shillenn
Township Secretary