

**West Vincent Township
Meeting Minutes
Board of Supervisors (Draft)
November 20, 2023 7:00 PM**

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

Mr. Couris called the meeting to order at 7:00 pm

Mr. Couris announced that there was an Executive Session held on November 4, 2023, November 15, 2023, and November 19, 2023

Mr. Couris announced the termination of Mark Thompson of Lamb, McErlane as Township Solicitor, and the appointment of David Onorato of Hladik, Onorato & Federman as Township Solicitor

Minutes: **MOTION** by Mrs. Alan to approve the minutes of October 16, 2023; second by Mr. Couris.

John Eldridge commented that the minutes stated that he approved of the expense summary and Mr. Eldridge wants to repeat that he thinks this is of no value and the balance of funds report is of no value. Also Mr. Eldridge stated that seven treasurers were talked about. Mr. Eldridge doesn't think they were treasurers, they were clerks.

There being no comments or questions, *motion carries 2-0.*

Announcements: Mr. Couris stated that due to unfortunate circumstances, the township will not be building the Police Department at the firehouse location. Also, the township is looking for volunteers to fill several openings on the township committees.

Barry DiLibero asked if he missed a meeting where the police station was discussed. Why is the police station no longer going to be built at the firehouse location. Mr. Couris stated that the township is not in a position to move on this right now.

Police Report: Cpl. Butler read the police report. Report on file.

Tom Helwig asked where all the traffic accidents were. Cpl. Butler didn't have the numbers in front of him.

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

John Eldridge stated that the balance of funds is the amount of cash in the bank. Mr. Eldridge gave his thoughts on the fund balances. Mr. Eldridge also asked what the status of the audit is. Jacqui will be speaking to someone on Monday who could possibly work on Quickbooks for 2022.

Expenditures Report: Ms. Guenther read the Expenditures List.

Ms. Guenther noted that a date was found to be incorrect and was caught. The List was updated and given to the Board of Supervisors and an updated list was provided for residents.

MOTION by Mrs. Alan to approve the Expenditures List for all Township Funds in the amount of \$768,061.03; second by Ms. Shick.

John Eldridge gave his comments on the Expenditures List.

There being no further comments or questions, *motion carries 3-0.*

Manager's Report: Ms. Guenther's Manager Report shared the items in New Business that the township is working on. Ms. Guenther discussed the Valore, LLC Cell Tower lease and placement. The Board of Supervisors were provided with the lease agreement and Option 1 was chosen. An email from the former Township Solicitor stated that there were no restrictions on the placement of the cell tower in the township building parking lot. Ms. Shick asked where the placement would be – Ms. Guenther stated that it will be behind the Public Works Building.

Sherry Weber, Valor, LLC stated that the zoning ordinance has the requirement to provide parking within the compound.

Old Business:

Appoint Jacqui Guenther as Township Manager – **MOTION** by Mrs. Alan to appoint Jacqui Guenther as Township Manager clarifying that this is a title change; second by Mr. Couris.

Julie Foster asked if the contract mentioned on the agenda has been circulated around. Mr. Couris stated that the contract is not completed yet and will be handled at the next meeting. Ms. Foster asked if it will be circulated before the next meeting. Dave Onorato, Township Solicitor stated that it will not be circulated. Mr. Onorato also stated that it is not subject to a Right to Know Request. Mr. Onorato stated that after it's voted on and adopted the Board of Supervisors could discuss it and the public could ask questions. Mr. Onorato also noted that he has never seen a situation where the contract that was being proposed was distributed to the public to weigh in on. Ms. Foster feels it would be helpful to see the contract and who the candidates were and to understand the application process.

There being no further comments or questions, *motion carries 2-1 with Ms. Shick voting nay.*

Kirk Reinbold asked if the position was advertised, Mr. Couris stated no. Mr. Reinbold asked how many candidates there were, Mr. Couris stated one.

Approve Contract for Jacqui Guenther - Contract approval is tabled until the next Board of Supervisors meeting.

Approve Valore, LLC Cell Tower Lease - MOTION by Mrs. Alan to approve the Valore, LLC Cell Tower Lease; second by Ms. Shick.

Sherry Weber, Valore, LLC explained the lease agreement. There is a gap in coverage in West Vincent and the zoning ordinance does allow cell tower coverage in the municipal zone. Two carriers have expressed interest.

Tom Helwig stated that as of the last meeting there was a debate of how future increases were going to be assessed. Mrs. Alan stated that the contract was renegotiated, the rates did not change but over the life of 25 years, the township will get a 2% increase per year instead of 10% over five years. It will save the township and will make an additional \$32,000.

Jim Bergey asked if the cell tower was going to be used by all carriers. Ms. Weber of Valore, LLC stated that T Mobile and Verizon are interested. AT&T will most likely join as well.

Roger Johnson, Valore LLC stated that the tower will be available to those who want space on the tower.

There being no further comments or questions, *motion carries 3-0.*

Approve Bid in the Amount of \$663,015.50 from JK Excavating, Inc. for the Jaine Lane Drainage Project - MOTION by Mrs. Alan to approve bid in the amount of \$663,015.50 from JK Excavating, for the Jaine Lane Drainage Project; second by Ms. Shick.

Dave Herbener moved to Jaine Lane in 2008. He spoke with some township guys who happened to be working towards the Flowing Springs end. They told him that it would be paved for the slopes. Is that included in this plan?

Norm Ulrich, LTL Consultants stated that he oversees the Jaine Lane Project. The Board of Supervisors ultimately made the decision to pave Jaine Lane. Mr. Ulrich discussed the project and what work it would entail. Mr. Herbener asked why only part of Jaine Lane will not be paved. Mr. Herbener asked if there is a reason why only part of Jaine Lane. Mrs. Alan stated that it is a compromise between people who want it paved and people do not want it paved. Mr. Herbener was never asked about the paving. Discussion continued. Mr. Herbener stated that his son Kyle has special needs; if there was paving, he could walk further than up and down driveway. He is also in the Smart 911 System, so emergency vehicles to get to his house it would be better for it to be paved.

Julia Braendel asked if any improvements would be made at the end of her driveway or will she have to take care of that. If it is left the way it is, she will have more washout at the end of the driveway. Is that part of the drainage plan? Ms. Braendel loves the gravel roads. Will nothing be done to the end of her driveway?

Barb Mueller stated that she is not on the part in the plan right now. She wants the dirt road. She finds it odd there is no official notification when roads are paved.

Don Shoemaker spoke about fixing the bridge on Jaine Lane to prevent flooding. If you look at the creek, it has completely changed course from the gravel that has washed into it. When Jaine

Lane floods it pushes all the gravel into the stream. This work on Jaine Lane will prevent gravel from washing into the creek.

Norm Ulrich spoke again regarding the comments that he's heard. From an engineering aspect, the township is not in MS4 yet, but when it does come to the township, the township will be fixing it whether you like it or not. Stabilizing the slopes, putting in pipes and swales will be the most cost-effective way to handle this to stabilize gravel roads. Mr. Ulrich also explained what the MS4 Program.

There being no further comments or questions, *motion carries 3-0.*

Approve Resolution No. 18-2023 - Approval of Preliminary/Final Minor Subdivision Plan for 1830 St. Matthews Road - MOTION by Ms. Shick to approve Resolution No. 18-2023, Approval of the Preliminary/Final Minor Subdivision Pla for 1830 St. Matthews Road contingent on completion of the conditions listed in the engineer's review letter of 11/7/23; second by Mrs. Alan.

Andy Eberwein, E. B. Walsh spoke to the preliminary/final minor subdivision plan. He is attending so that he can answer any questions that the Board of Supervisors have. This project has been around for a couple of years waiting for approvals from DEP. There is no construction planned as of now. The whole property is under a conservation easement.

There being no comments or questions, *motion carries 3-0.*

New Business:

Approve the Advertisement of the Preliminary 2024 Draft Budget - Ms. Guenther stated that the 2024 Draft Budget will be available here at the township building for review and will also be posted on the township website. The receipts for the 2024 Budget are \$4,024,438.00, Expenses are \$5,113,535.00, Retained Earnings are \$1,400,000.00 with a Surplus of \$310,903.00. Ms. Shick stated that this is essentially a deficit budget, Ms. Guenther stated yes that it is.

MOTION by Mrs. Alan to Authorize the Advertisement of the Preliminary 2024 Draft Budget; second by Ms. Shick.

John Eldridge stated his concerns about the receipts and he noticed a budget online which he shared his concerns as well.

There being no further comments or questions, *motion carries 2-1 with Ms. Shick voting nay.*

Accept Resignation of Elisabetta Poleska Sheehan from the Environmental Advisory Board - MOTION by Ms. Shick to accept the resignation of Elisabetta Poleska Sheehan from the Environmental Advisory Board; second by Mrs. Alan.

Mrs. Alan thank Ms. Poleska Sheehan for her service.

There being no comments or questions, *motion carries 3-0.*

Accept Resignation of Brad Dyer from the Human Relations Commission- MOTION by Ms. Shick to accept the resignation of Brad Dyer from the Human Relations Commission; second by Mrs. Alan.
Ms. Shick thanked Dr. Dyer for his service.

There being no comments or questions, *motion carries 3-0.*

Public Comment on Non-Agenda Items:

Mrs. Alan stated that the EV Charge is up and running at 30 cents per kilowatt. Mrs. Alan also wanted to thank everyone who participated and helped with our Fall Fest. Also wanted to share good news that Jason Barron and Cindy Karutskis have received their kidneys. Christina Casey helped Jason Barron by donating a kidney.

James Scarperotto commented on the activities at Planebrook Farm on Buttonwood Lane. Things have slowly escalated with violations of the farms' Conditional Use permit. There have been summer camps, cars parked on Buttonwood Lane, owner parks in the middle of the lane, the number of horses has been upwards of 30, plant sales on tennis courts, parties with live bands, and a port a potty on the side of the road. The most recent activity was police activity regarding puppies being sold. He has been working with Tracey Franey, Township Zoning Officer, who has been very responsive.

Julie Foster commented that during a recent Human Relation Commission meeting she discussed a language access plan. The township has no plan if a deaf person comes into the township. Ms. Foster sent information to Ms. Guenther. Ms. Foster continued to discuss the issues regarding not having a language access plan.

Christina Casey commented on the policy that Ms. Foster just spoke about. She is an EMS provider in the township. The police, fire and EMS in town are required to take mandatory training.

Julie Haslika commented on assisted technology. The state of Pennsylvania has a program through Temple University called Temple Owl. You can use Temple Owl to support your community.

Christine Casey spoke to the example in the Open Letter that was given to the Board of Supervisors.

Clare Michel Viola, Henrietta Hankin Library shared a couple of programs and items to share regarding the Henrietta Hankin Library. Flyers were given to staff to upload to the website.

Steve Dureski wanted to reiterate what James Scaperotto has spoken about, but Mr. Dureski wanted to focus on zoning and use. A commercial operation is changing the nature of the neighborhood.

Resident from 1206 Crescent Drive would like to promote the sport of Cricket in the township. This does require a field that is different from the baseball and soccer field. Mr. Couris

commented that they shouldn't give up on getting a Cricket field since there is a lot of support for it.

Mr. Kumar also spoke about getting a Cricket field. Mr. Kumar said that he could pitch in some money to possibly get a Cricket field.

Larry Stone stated that he's lived here for 55 years and is the brother-in-law of Sara Shick. Mr. Stone stated that Sara is a very dedicated civil servant; she served on many committees to do what is best for the community. Ms. Shick shared the open letter with him. Mr. Stone shared some of the examples in the letter and shared his thoughts on the examples.

Christina Casey gave a rebuttal to Mr. Stone's comments.

Jamie McVickar stated that he is impressed by the turn out. Earlier regarding the minutes, John Eldridge presented some factual inconsistencies. The minutes should be correct them. Mr. McVickar also asked if anyone would not want to know if their road is being paved, shouldn't there be a policy that people be notified in advance? Ms. Guenther stated that letters are sent out to the residents when the road will be paved. Also, about the Township Manager position. Why wouldn't the Board of Supervisors want the residents to see it. Mrs. Alan commented that she is fine with residents seeing the contract.

Norm Ulrich, LTL Consulting stated that often in other townships they only notify the residents who are directly affected by the road work. It wouldn't be difficult to send out a form letter to anyone who has frontage on the road to be fixed.

Chris Sarasoly commented on the issue with the Planebrook Farm on Buttonwood Lane. Her husband was the person who was in the van when the bridge collapsed. The farm has created a lot of traffic crossing the bridge; when will the bridge be constructed. Mrs. Sarasoly discussed some of the issues that Mr. Scaparotto shared. Ms. Casey shared that FEMA is reviewing the final documents; FEMA just said yesterday that we would be able to possibly mitigate and have the cost of the new bridge covered which would cost approximately \$1 to \$2 million dollars.

Barry DiLibero asked what the township has for a surplus over and above the budget. Ms. Guenther stated that if you look at the fund balances it tells how much in each of the accounts. The capital reserve fund is approximately \$1.2 million. Mr. DiLibero asked why Lamb McErlane terminated. Mr. Couris stated it was a lack of confidence. Mr. DiLibero also asked if anyone has had a relationship with the new solicitor. Mr. Couris stated yes. Mr. Onorato stated that Ms. Guenther and he had worked together when Ms. Guenther was the manager in Trappe. Mr. DiLibero also commented about the problems with the video camera system. Mr. DiLibero also thanked the Board of Supervisors for getting the EV charger up and running.

Julia Braendel commented that the minutes were great this month. Ms. Braendel welcomed Mr. Onorato to the township. Ms. Braendel also hoped that Buttonwood Bridge is fixed before horse season starts.

Mike Fox commented on the comments regarding Buttonwood Bridge. That bridge is the only way to get in and out of their homes. Mr. Fox feels it is kind of negligent that something hasn't been done yet.

Don Shoemaker commented that he remembers when the Buttonwood Lane properties were developed. The bridge was used as a private driveway and that became the bridge for the road.

Mrs. Alan mentioned that the legal and engineering bills were brought up. Those bills have been posted. Ms. Guenther stated the legal bills are posted and she will have the engineering bills posted tomorrow. Ms. Braendel reminded residents that they can sign up for emails to be notified of meetings, etc.

Chris Sarasoly also noted that the Buttonwood Subdivision was a horse farm and the House of Gheel. To this day, all the problems from way back are resurfacing. They are hoping that zoning can get some clarifications as to whether the horse shows are allowed.

Bob Krishner commented that the job the township did to repair the bridge overnight was fantastic. Also, if you pull out of Buttonwood there is going to be an accident. What is the timeline for rebuilding the Buttonwood Bridge.

Tom Helwig shared his thoughts on several items that were brought up in the meeting regarding the Buttonwood Bridge issue and the open letter to the Board of Supervisors.

Tom Kirchner stated that Buttonwood Lane was a township road when most of the neighbor brought their properties. He feels that every asset within this township needs to be attended to in a safe and responsible way.

There being no further discussion, the **MOTION** to adjourn was brought forward by Mrs. Alan; second by Mr. Couris. ***Motion carries 3-0***

The meeting adjourned at 9:15 PM.

Respectfully Submitted,
Kathryn Shillenn, Township Secretary