

[REDACTED]

Hi

First, West Vincent Infos is now starting the 4th year of publication. Please help me get back to dozing on the porch and avoid starting year five by remembering at the next elections that John Jacobs stands for honesty. Thank you to all my readers, supporters and contributors. Keep the information coming.

The meeting of July 8, 2013 had an Agenda published on the West Vincent Township website that did NOT announce the subject of a 3/4 of a million dollar (\$750,000) discussion to purchase TDRs. A copy of the internet version is attached. The link to that document is here:  
<http://www.westvincentwp.org/images/docs/070813%20Agenda.pdf>

West Vincent has been strong on it's Open Space program. Buying Transferrable Development Rights (TDR's) from private landholders is an exchange of \$\$\$ for removing the ability to develop that land. It is a deed restriction. One of the more famous TDR purchases made is from resident Pam Brown's property, where she then built another house (in violation of the deed restriction) 2½ times larger than allowed by the township zoning at that time. Don't worry, the Supervisor's changed the zoning after I exposed the Township for allowing the violation. 19 December, 2010; 20 January, 2011; 28 February, 2011; 28 February, 2011(again), 27 April, 2011; 31 October, 2011; and many more, some with videos! Stop by my website <http://tinyurl.com/westvincentinfos> and check them out. Somehow there is still some Open Space funds that keep carrying over in the Township budget even though it looked like all of them were spent after the Dunn acquisition (read it on my website 31 March, 2012). The Administration is ready to take action after a long hiatus and supposedly still some cash in the bank.

A history of the potential TDR property

There is a property at the east end of St Matthews Road that was going to be developed and is called the Burch Property. Incidentally, the owner of this property, Burch, is the person that sued and was granted a court order to shut down DL Fleck (now D& L Construction) from operating a commercial business in a residential area, which West Vincent Township never enforced. This property borders the now foreclosed Fleck Property. The company that had an agreement with Burch for this property was refused additional extensions while working on the details to comply with the Township to construct a housing development. As a quick aside note, I find it amusing that the township discontinued issuing extensions for the the Burch Property builder (Woodstone Homes) while at the EXACT same time allowing the developer of Birchrunville Schoolhouse property (Wilkinson) to continue after years of the same non-action. Extension after extension have been granted for Birchrun Village Property. Back to the issue at hand. The Township is now attempting to purchase the TDR's from the Burch Property.

Where is the money coming from?

You may think that the township will be using Open Space Funds, listed as \$1,000,000 in the 2013 budget, (I notice there is no contribution to the Ludwig's Corner Horse Show. Hmmmmm.)

01.461.530 TOWNSHIP LAND TRUST	7,500.00
01.461.540 CONTRIBUTION TO LUDWIG'S CORNER HORSE SHOW	
01.461.710 OPEN SPACE ACQUISITIONS	1,000,000.00

in order to protect this ground. You would be wrong. No, they want to use approximately \$750,000

from the General Fund, the finances used for standard and regular operations of the township. General Fund money is not Open Space money. Clare Quinn stated that there is money from the Hankin Settlement in order to acquire Open Space, but that money has never been put in the Open Space Fund. As I remember, the amount in reserve from the Hankin Settlement in 2007 was \$1.1 million (copy of Settlement page attached). By 12/5/2011, the total cash reserve had dropped to \$950,000 according to Jim Wendelgass (Township Manager), or \$150,000 less than the settlement amount. In fact, here is a screenshot of the minutes from December 5, 2011:

BOS Minutes 12/05/11  
Approved 3/12/12  
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**Art Ewell, 972 Fellowship Road, Tax Parcel 25-7-66** asked about the \$950,000 surplus the Township has. Mr. Wendelgass stated that it is not a surplus, but a cash reserve. Mr. Ewell asked if that could be used instead of obtaining a Tax Anticipation Note. Ms. Quinn stated that this cash reserve is being saved for a potential special project and cannot be used in that manner. Mr. Wendelgass stated that the Tax Anticipation Note insures that the Township has operating funds before tax revenue comes in and does not cost that much to obtain. It would be helpful in case of emergencies, for example, a road or bridge repair.

Strangely, by June 25, 2012, there is no reserve according to the Township Manager. Here is the screenshot:

BOS Minutes 6/25/12  
Approved 7/9/12  
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#### **New Business:**

Chester County Commissioners are currently proposing to charge townships a fee of \$5.20/person for 911 services. For West Vincent Township, this would total approximately \$23,000. Several Chester County municipalities expressed their opposition to the fee at the last County Commissioners' meeting. They believe the funds should be collected lawfully through a County tax increase rather than passed down to the townships as an unfunded mandate, requiring them to raise the money through township tax increases. The commissioners tabled the vote to an unknown date. Ms. Quinn made the motion that the Township send a letter to the County Commissioners in opposition to the fee as an unlawful effort to avoid raising County taxes. Mr. Brown seconded the motion. With the motion on the floor, several comments were made regarding this attempt to charge townships and avoid raising the Chester County tax. Governor Corbett had cut funds to the County and Commissioner Costello has suggested that the Townships all have a "Rainy Day Fund" to use for this purpose. Mr. Wendelgass stated that West Vincent did not have any such reserve funds. Mr. Mayerson asked if the Township could get more taxes by taxing the pipelines. Mr. Miller stated that all pipelines are on private property, through an easement with the landowner. Mr. Wendelgass stated that the Township

Yet at the July 8 meeting, now it sounds like the amount is at \$750,000, or \$350,000 less than the original settlement amount, yet no Open Space has been acquired with this money. It is really impossible to tell how much "carryover" money really that is not earmarked to other commitments (spent or held money that has not been disbursed) exists because the Administration lists any non-budgeted monies as "carryover" from the one year to the next. That money can be all sorts of things including builder escrows, which can be substantial amounts of funds for building roads and other improvements. That money is disbursed or returned when the stated obligation is satisfied. It really

isn't township money or funds. Think of it as a security deposit. Look at the second to the last line of this year's budget. <http://www.westvincenttpw.org/images/docs/2013%20Approved%20Budget.pdf>

<b>Carry Over to Following Year</b>	<b>1,446,000.00</b>

When this issue was being discussed at the meeting, the Supervisors claimed that the General Fund monies had to be used because of the expediency required to acquire these TDR's. They alluded to being able to reimburse the General Funds money with the Opens Space reserves, only to reject the transfer of those funds later in the questioning. The West Vincent Supervisors managed both alluding and eluding in the same meeting AND subject. Budgets are written for a reason and required to be followed. This discussion is well worth watching to see how the Supervisors perform the "West Vincent Supervisor Shim-Sham".

Here is the TOWNSHIP produced video on the township website:

<http://www.westvincenttpw.org/images/all-videos/BOS%20Video%20070813.wmv>

Here is the version of the meeting with only the TDR discussion: <http://www.youtube.com/watch?v=zTatNovXFFc&feature=youtu.be>

Supervisors are the people that are supposed to be properly running the township and properly spending the money you are sending to them every year. In West Vincent, those rules needn't apply.

Best wishes

Chickenman

To see my previous mailings please click on <http://tinyurl.com/westvincentinfos> As usual, if you want to be on or off my list, or have some comments or suggestions, or know someone who would like to be on the list, please let me know. Just write to [chestercountynews@gmail.com](mailto:chestercountynews@gmail.com) Feel free to forward this email on to anyone you think might be interested.

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#### 2 Attached Images



