

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, JUNE 20, 2017
FINAL APPROVED MINUTES**

Present: Chairman Marty Shane; Vice Chairman Carmen Battavio; Supervisors Charles (Chuck) Proctor, Janet Emanuel, & Michael Lynch; Township Manager Rick Smith; and Conservancy Board Chairman Sandy Snyder and members Erich Meyer and Walter Wujcik.

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

Moment of Silence

Carmen called for a moment of silence to honor the troops who defend our nation and the loss of life in London.

Recording

No one indicated they were recording the meeting.

Chairman's Report/Announcements

1. Marty announced that the Board met in an executive session prior to tonight's meeting to discuss a pending legal matter.
2. Marty announced that on June 22nd, the Board will consider a recommendation from the Hershey's Mill Dam Committee for the final plan for the Hershey's Mill Park Project.
3. Marty announce that on June 27th, the Board will meet at Fugett Middle School for a presentation on "Emergency Response to a Pipeline Incident."
4. Marty announced that the Chester County Planning Commission is soliciting public comment for the new Comprehensive Plan, Landscapes 3.

Financial Report

Marty noted that as of May 31st, the Township had a favorable budget variance of \$614,484 that was due in part to an increase in the Real Estate Transfer Tax from the sale of a large commercial building and an increase in Earned Income Tax receipts.

Consider Recommendation Regarding the Trees at the Marydell Pond

Mike read the recommendation from the Conservancy Board that suggested the Board undertake a comprehensive study of all of the Township ponds, that the trees not be moved until the study is complete, and if the trees do need to be moved, that it be done in the fall or spring. In response to a question from Jim Williams, 1524 High Meadow Lane, Rick announced that the Board will consider a proposal from Natural Lands Trust to conduct such a study at the meeting on July 11th. Christina

Zettner, 1530 Allison Drive, suggested that Stroud Water Research Center and the Brandywine Conservancy be asked for a proposal.

Mike made a motion to accept the June 15, 2017, recommendation from the Conservancy Board and to ask Stroud Water Resource Center and Brandywine Conservancy for a proposal. Chuck seconded the motion. The motion passed unanimously.

Consider Milltown Dam Park and Open Space Plan

Marty introduced Peter Simone, the consultant who had worked with the Milltown Dam Committee to develop the plan for the improvement at the Milltown Reservoir. Peter outlined the process, which included three public information meetings and three online surveys. He noted the Dam Committee had recommended approval of the Plan with some conditions, which have been incorporated in the plan being presented this evening. The proposed plan includes a 2.5-acre pond, two parking areas, ADA-compliant trails, and possible future trail connections.

The estimated cost of the project was \$1,400,000 and the Township has already applied for two grants: \$500,000 from DCNR, and \$250,000 from DECD. The project would satisfy the Township sediment reduction obligation under the state-mandated MS4 program. The project schedule, which is subject to obtaining the required permits from DEP, anticipates bidding the project in 2018 with construction in 2019.

Marty introduced the Milltown Dam Committee members in attendance: Chairman Mick McGinnis, Chuck Hepler, Glenn Artman, and Dave Hewitt.

In response to a question from Carmen about amenities, Peter noted that while they were not depicted on the plan, amenities such as picnic tables and benches would be installed as part of the project.

Dave Hewitt asked about a schedule for drawing down the Reservoir, and Rick advised that the work to lower the spillway would commence next week.

Chuck Hepler noted that the proposed plan is based on the assumption that the new stream channel will establish itself on the east side of the property. However, the Committee has developed two alternative plans if this does not happen.

Christie Zettner asked about a trail connection to Pin Oaks and Marydell. Janet stated that the Paoli Pike Master Plan Committee was currently working on neighborhood connections to the Paoli Pike Trail, and that the Committee would be making a presentation at the Board's meeting on Thursday, June 22.

Marty explained that East Goshen is a very desirable community within which to live and work. However, since we are essentially built out, we need to continue to improve the amenities and services we provide in order to remain competitive.

Janet made a motion to approve the Milltown Dam Park and Open Space Plan as presented. Carmen seconded the motion. The motion passed unanimously.

Consider Proposal for the Design of Reservoir Enhancements - Milltown Dam

Rick explained that since the Board has approved the Milltown Dam and Open Space Plan, the next step would be for Gannett Fleming to design the improvements and incorporate them into the plans for breaching the dam. We have received a proposal from Gannett Fleming in the amount of \$258,360 for this work. In response to a question from Marty, Rick confirmed that Peter Simone would be a subcontractor to Gannett Fleming and that his cost was included in their proposal.

Mike expressed a concern about assumptions in the proposal. Rick advised that Gannett Fleming has reviewed the draft plan with the DEP and he did not believe any of them would be an issue.

Janet made a motion to accept the proposal from Gannett Fleming. Carmen seconded the motion. The motion passed unanimously.

Public Comment

Marty then exercised his authority as Chairman to revise the order of the agenda and asked for public comment on any non-agenda items.

David Shuey, 1547 Millrace Lane, encouraged the Board to consider bike trails and noted that the Greater Philadelphia Bike Coalition had a wealth of information on their website. Marty noted that Mike Broennle, who is an avid cyclist, serves on the Paoli Pike Master Plan Committee.

Donna Shuey, 1547 Mill Race Lane, asked who would be attending the Pipeline Safety Meeting next week. Marty advised her that representatives from the WEGO Police Department, Goshen Fire Company, and Chester County Department of Emergency Services will be in attendance. The initial presentations will take about 45 minutes, and then the meeting will be opened up for questions from the residents. He added that while Sunoco has been invited, they are not planning to attend.

Marty stated that the judge had dismissed the civil case that was filed by two residents in West Goshen against Sunoco. The judge's ruling confirmed that townships cannot regulate public utility facilities such as pipelines. He also noted that Sunoco intends to install the 20-inch pipeline initially, then come back later to install the 16-inch pipeline.

Mike said he had recently attended a meeting where it had been suggested that the Township inspect the pipeline installation and he noted that the Township was not authorized to conduct inspections.

Marty noted that while the federal regulations require pipelines to X-ray 10% of the welds, Sunoco X-rays every weld. He also noted that municipalities like East Goshen do not receive any money from the pipelines.

Chuck commented that Chester County gets some money from the impact fee on shale gas.

Evert Warren, 540 Beaumont Circle, stated that he has been experiencing vibrations in his house, which is two houses away from the HDD machine, and he has sent a letter to Sunoco. Marty said that Sunoco was advising residents to take photos of their house and foundation and that they will correct any problems if it can be proved that Sunoco caused the damage. Carmen suggested he hire a home inspector to document the condition of his home. Mike suggested he contact his insurance agent.

Greg Gaul, 1553 Ulster Circle, wanted to know “what the Board’s strategy was?” with respect to the Sunoco project. Marty explained that when the Board first became aware of the project, it hired a lawyer experienced in public utility law. Her research indicated that Sunoco had the law on their side and that there was nothing the Board, or any other entity, could do that would stop the project. The Board concluded that they would work with Sunoco to minimize the impact on Township residents and that they would provide the residents with any and all information about the project as it became available.

Greg Gaul asked if the Board could get Sunoco to present their “Crisis Plan”. Marty noted that Representative Comitta was unable to get Sunoco to attend her meeting and he had been unable to get Sunoco to attend next week’s meeting.

Nora Pearse, 1372-74 Boot Road, commented that we had just opened “Pandora’s Box” by allowing Sunoco to install these pipelines. Marty explained that Sunoco is a public utility that is regulated by the PA Public Utility Commission (PUC). The PUC regulates the type of service a public utility provides, the service area, and the rate they can charge for the service (tariff). However, the PUC does not regulate where pipelines can be located.

He also explained that Pennsylvania and Alaska are the only two states in the country that do not have a state agency that regulates where pipelines can be located. Finally, he read the following, which appears on the PUC website:

“The Pennsylvania legislature has empowered the Public Utility Commission to direct and enforce safety standards for pipeline facilities and to regulate safety practices of certificated utilities engaged in the transportation of natural gas and other gas by pipeline.

The Commission is authorized to enforce federal safety standards as an agent for the U.S. Department of Transportation's Office of Pipeline Safety. The safety standards

apply to the design, installation, operation, inspection, testing, construction, extension, replacement and maintenance of pipeline facilities. The PUC may prescribe additional pipeline safety standards over and above federal standards, provided they are not in conflict.”

Lex Pavlo, 611 Speakman Lane, suggested that the Board “Fed-Ex” a letter to all of the elected officials, asking them to use their influence to get Sunoco to attend a meeting. It was the consensus of the Board that Rick should draft such a letter for the Board’s review and send it.

Marty thanked the residents for their input and announced that the Board would continue with the published agenda.

Consider a Request for a Seismic Ordinance

Rick explained that he had received the request from Kevin McCleron, whose house is next to the Bow Tree I HDD site, and is concerned about vibration. The Board tabled action on the request and asked Rick to provide them with additional information on this matter.

Consider Recommendation to Replace Backhoe

Rick explained the current backhoe has been in service 15 years; it is fully depreciated and it is scheduled to be replaced.

Carmen moved to purchase the Case backhoe from Eagle Power & Equipment in the amount of \$75,706 (List Price \$105,706 – Trade-in \$30,000 – Net \$75,706). The motion was seconded by Mike. The motion passed unanimously.

Consider West Goshen Sewer Agreement

Rick explained that Memorandum Agreement No. VIII addresses how East Goshen will fund its share of the improvements and upgrades to the West Goshen Sewer Treatment Plant and those parts of their sewer system that we utilize. The agreement was modeled after the agreement we entered into when West Goshen expanded the treatment plant from 4.5 MGD to 6 MGD in 1997. He noted that agreement was approved by the Authority on June 12.

Carmen moved to authorize the Chairman to execute the agreement. The motion was seconded by Mike. The motion passed unanimously.

Any Other Matter

Rick stated that the e-waste event was held at the park on June 10th and that 28,864 pounds of e-waste were collected.

Approval of Minutes

Carmen made a motion to approve minutes of May 23, 2017, as corrected. Mike seconded the motion. The motion passed unanimously.

Carmen made a motion to approve minutes of May 24, 2017, as corrected. Janet seconded the motion. The motion passed unanimously.

Carmen made a motion to approve minutes of May 23, 2017, as corrected. Janet seconded the motion. The motion passed unanimously.

Treasurer's Report

See attached Treasurer's Report for June 15, 2017. The Board reviewed the Treasurer's Report and current invoices. Carmen moved to graciously accept the Treasurer's Report and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts, and to authorize payment of the invoices just reviewed. Janet seconded the motion. The motion passed unanimously.

Liaison Reports

None

Correspondence

- Notice of intent to submit an operating permit application for existing equipment at 1303 Goshen Parkway
- Notice of intent to submit application for a permit to remove sediment and install scour protection at the bridge on Ellis Lane

Adjournment

There being no further business, Mike motioned to adjourn the meeting at 10:10 pm. Chuck seconded the motion. The Board voted unanimously to adjourn.

Respectfully submitted,

Louis F. Smith, Jr.
Township Manager

Attachment: Treasurer's Report for June 15, 2017

June 1, 2017

**TREASURER'S REPORT
2017 RECEIPTS AND BILLS**

GENERAL FUND

Real Estate Tax	\$59,925.81	Accounts Payable	\$609,008.67
Earned Income Tax	\$90,700.00	Electronic Pmts:	
Local Service Tax	\$3,000.00	Credit Card	\$7,862.08
Transfer Tax	\$0.00	Postage	\$0.00
General Fund Interest Earned	\$0.00	Debt Service	\$0.00
Total Other Revenue	\$27,863.80	Payroll	\$105,640.53
Total Receipts:	\$181,489.61	Total Expenditures:	\$722,511.28

STATE LIQUID FUELS FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total State Liquid Fuels:	\$0.00	Expenditures:	

SINKING FUND

Receipts	\$0.00	Accounts Payable	\$95,106.05
Interest Earned	\$0.00	Credit Card	\$0.00
Total Sinking Fund:	\$0.00	Total Expenditures:	\$95,106.05

TRANSPORTATION FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total Sinking Fund:	\$0.00	Expenditures:	\$0.00

SEWER OPERATING FUND

Receipts	\$275,580.36	Accounts Payable	\$41,628.59
Interest Earned	\$1.64	Debt Service	\$0.00
Total Sewer:	\$275,582.00	Credit Card	\$0.00
		Total Expenditures:	\$41,628.59

REFUSE FUND

Receipts	\$85,820.74		
Interest Earned	\$1.63		
Total Refuse:	\$85,822.37	Expenditures:	\$13,629.16

SEWER SINKING FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total Sewer Sinking Fund:	\$0.00	Expenditures:	\$0.00

OPERATING RESERVE FUND

Receipts	\$0.00		
Interest Earned	\$0.00		
Total Operating Reserve Fund:	\$0.00	Expenditures:	\$0.00

Events Fund

Receipts	\$0.00		
Interest Earned	\$0.00		
Total Events Fund:	\$0.00	Expenditures:	\$0.00