

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, OCTOBER 3, 2017
FINAL APPROVED MINUTES**

**THE BOARD MET IN EXECUTIVE SESSION AT 6:00PM ABOUT THE POLICE
LABOR CONTRACT**

Present: Chairman Marty Shane; Vice Chairman Carmen Battavio; Supervisors Charles (Chuck) Proctor, Janet Emanuel and Michael Lynch; Township Manager Rick Smith; CFO Jon Altshul; Conservancy Board member Erich Meyer.

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. and asked Carmen to lead the pledge of allegiance.

Moment of Silence

Carmen called for a moment of silence to honor the victims of Sunday's shooting tragedy in Las Vegas.

Recording

Jack Rickenbach, 1558 Tanglewood Drive, recorded the meeting.

Chairman's Report/Announcements

Marty stated that the Board met in executive session prior to tonight's meeting to discuss the police labor contract.

Escrow Release for 1420 E. Strasburg Road

Carmen made a motion to approve an escrow release of \$5,970.00 to Gunnison Development Co, LLC for the property at 1420 E. Strasburg Road, leaving an escrow balance of \$55,942.60. Janet seconded the motion. The motion passed 5-0.

Amendment to the Non-Uniformed Defined Contribution Pension Plan

Jon explained that the amount of state pension aid this year was sufficient to make a contribution of 5.5% of non-uniformed staff wages to the defined contribution plan for the second year in a row. Janet made a motion to adopt Resolution 2017-61 amending the East Goshen Township Non-Uniformed Defined Contribution Plan for 2017. Chuck seconded the motion. The motion passed 5-0.

Stormwater Agreement for 1750 Hunters Circle

Carmen made a motion to authorize the Chairman to execute a stormwater operations and maintenance agreement for 1750 Hunter Circle. Chuck seconded. The motion passed 5-0.

Consider Vibration Ordinance

Ed McFalls, Hershey's Mill Homeowners Association, summarized his recent letter to the Board of Supervisors that raised concerns about the level of noise and vibrations in Quaker Village.

Marty observed that recent noise readings at the Quaker site were as high as 94 decibels. He stated that the Board intended to file a petition with PUC regarding the vibrations and cite Sunoco for noise violations. Carmen stated that he would like to approach Sunoco about paying for temporary accommodations for impacted homeowners.

Chuck made a motion to ask Margaret Morris, Esq (*note: she was erroneously referred to as Margaret Hill during the meeting*) to represent the Township before the PUC for vibration related matters and to cite Sunoco for violations of the Township's noise ordinance. Janet seconded the motion.

Nick Battista, 1428 Quaker, stated that he appreciated that motion, but that he was not interested in temporary housing. He noted that he recently had a structural engineer inspect his house and that there were nail pops in a room that he had recently refinished. He also noted that Sunoco has started to use work lights in the evenings, which is a new source of aggravation. Nick stated that Sunoco should share its vibration readings with the Township.

Joe Buonanno, 1606 Herron Lane, urged the Township to hire an independent engineer for the vibration issue.

Walt Levensgood, 1334 Troon Lane, stated that he's still getting vibrations.

Dave Shuey, 1547 Millrace, asked if Sunoco is being held to the same standard as any other business that violated the Township's noise ordinance. Rick responded that the process is the same for any violation of the noise ordinance; first, the business receives a letter from the Township asking them to correct the problem and that if that's not done in a reasonable period of time, a citation is filed.

Rick stated that Sunoco may challenge a Township citation and that the legal question for the court would be whether local ordinances can be enforced against a pipeline operator who is a public utility.

Mr. Battista asked whether Sunoco would have to stop work while it appeals the citation. Carmen stated that this issue would be taken up with the solicitor.

Chris Hannafin, 1336 Troon, raised concerns about whether the vibrations could jostle her electric lines and cause a fire hazard. She noted that in Alaska, residents receive a check from the pipeline companies for the impact of the pipelines on their property values. She also asked how disruptive other pipelines have been to the Township when they were installed. She also asked how long the drilling would

continue. She also noted that traffic from pipeline workers on the property next to Fire Station 56 could impede the ability of first responders to get into the Fire Station parking lot.

Rick and Carmen explained that past pipelines have involved open cuts, which were much faster to install. Janet clarified that Alaska provides all residents with oil and gas royalty payments, but these payments are unrelated to the impact of pipelines on home values. Marty explained that it's unclear how long the drilling would last and that Sunoco has not provided a firm schedule to the Township. Rick observed that Sunoco had an easement to access the property next to the Fire Station, but that he could check with West Goshen to see if there have been any complaints, as that property is not in East Goshen.

Joe Buonanno stated that the only reason Sunoco is doing Horizontal Directional Drilling is to avoid having to get more easements.

Bill Wegman, 629 S Speakman Lane, asked the Board what it would have done different if it could go back three years.

Chuck noted that pipelines do not appear to be high on U.S. Rep. Costello's priorities at the moment.

The motion passed 5-0.

Janet made a motion to enforce the Township's noise ordinance against Sunoco. Chuck seconded the motion. The motion passed 5-0.

Consider Pipeline Resolution

Mike thanked Lex Pavlo and Rick Smith for their work in developing a resolution on pipelines. He stated that the Board had not had time to review East Goshen Safety and Environmental Advocacy's (EGSEA) proposed changes to the Township's proposed pipeline ordinance, but that in general he thought that EGSEA's resolution was too specific to East Goshen and not broad enough to appeal to other municipalities and state legislators in both Chester County and the entire Commonwealth. He stated that resolutions like this are intended to appeal to as wide an audience as possible to build consensus across the state, not just in East Goshen. He also observed that in order for this resolution to be considered at CCATO's Fall Conference, where it could be voted on by all municipalities in the County, it would need to be approved tonight. For these reasons, he recommended that the Board adopt the Township's resolution, as drafted, but he also encouraged EGSEA to approve its own resolution independently and to continue to work with the Township to further refine similar resolutions in the months and years ahead.

Joe Buonanno stated that the state should impose an extraction tax.

Lex Pavlo, 611 S. Speakman Lane, stated that he was happy that there's a resolution to be discussed in the first place. He stated that EGSEA's version of the resolution attempted to dovetail with pending legislation on pipelines, but that he's not wedded to one resolution or the other. However, he suggested that the Board wait a couple days to see how the two resolutions could be melded together.

Janet stated that the resolution needs to be focused and to the point and that she feels the Township's resolution is better in this regard. Janet made a motion to approve the Township's resolution regarding the need for policy change in law and regulation of interstate and intrastate oil and gas pipelines as written. Carmen seconded.

Lynda Farrell, Chester County Pipeline Safety Coalition, stated that everything from the Township's resolution is also in EGSEA's resolution and that she feels EGSEA's resolution has "more teeth." She encouraged the Board to give the matter a couple more days.

Carmen observed that he previously served as a member of the Republican State Party and that general resolutions like the one drafted by the Township are the ones most effective in changing public policy.

Bernie Greenberg, 894 Jefferson Way, congratulated the Board for its work on this issue.

Dave Shuey referred to Title 49, Chapter 192 of the Code of Federal Regulations and asked if the Board had considered including language regarding integrity management plans and high concentrated area in its resolution.

Elaine McLaughlin, 615 Marydell Drive, stated that she supports EGSEA's resolution.

The motion passed 5-0.

Approval of Minutes of September 19, 2017

Carmen made a motion to approve the minutes of September 19, 2017 as amended. Janet seconded. The motion passed 5-0.

Treasurer's Report of September 28, 2017

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 passed 5-0.

ABC Goals

The Board was agreeable to the goals laid out by the various ABC groups.

Correspondence, Reports of Interest

The Board acknowledged receipt of the July-August Right to Know Report

Adjournment

There being no further business, Carmen motioned to adjourn the meeting at 9:35pm. Chuck seconded the motion. The motion passed 5-0.

Respectfully submitted,

Jon Altshul
Recording Secretary

Attachments: September 28, 2017 Treasurer's Report

				September 28, 2017	
TREASURER'S REPORT					
2017 RECEIPTS AND BILLS					
GENERAL FUND					
Real Estate Tax		\$557.62	Accounts Payable		\$222,728.02
Earned Income Tax		\$26,600.00	Electronic Pmts:		
Local Service Tax		\$7,547.34	Credit Card		\$1,667.90
Transfer Tax		\$0.00	Postage		\$0.00
General Fund Interest Earned		\$0.00	Debt Service		\$0.00
Total Other Revenue		\$202,220.19	Payroll		\$109,501.42
Total Receipts:		\$236,925.15	Total Expenditures:		\$333,897.34
STATE LIQUID FUELS FUND					
Receipts		\$0.00			
Interest Earned		\$0.00			
Total State Liquid Fuels:		\$0.00	Expenditures:		\$0.00
SINKING FUND					
Receipts		\$0.00	Accounts Payable		\$9,035.85
Interest Earned		(\$1,102.50)	Credit Card		\$0.00
Total Sinking Fund:		(\$1,102.50)	Total Expenditures:		\$9,035.85
TRANSPORTATION FUND					
Receipts		\$0.00			
Interest Earned		\$0.00			
Total Sinking Fund:		\$0.00	Expenditures:		\$0.00
SEWER OPERATING FUND					
Receipts		\$29,358.17	Accounts Payable		\$19,875.78
Interest Earned		\$7.53	Debt Service		\$0.00
Total Sewer:		\$29,365.70	Credit Card		\$0.00
			Total Expenditures:		\$19,875.78
REFUSE FUND					
Receipts		\$9,376.78			
Interest Earned		\$7.53			
Total Refuse:		\$9,384.31	Expenditures:		\$11,775.99
BOND FUND					
Receipts		\$0.00			
Interest Earned		\$0.00			
Total Refuse:		\$0.00	Expenditures:		\$13,965.80
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