

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, SEPTEMBER 19, 2017
FINAL APPROVED MINUTES**

THE BOARD MET IN EXECUTIVE SESSION AT 6:00PM FOR A LEGAL MATTER

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

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. He noted that Senya Isayeff, a former Supervisor was in attendance, and asked Senya to lead the group in the pledge of allegiance

Moment of Silence

Carmen called for a moment of silence to honor the first responders, the troops who defend our nation, and the hurricane victims.

Recording

None

Chairman's Report/Announcements

Marty made the following announcements:

The Board met in executive session prior to tonight's meeting to discuss a pending legal matter.

The Bicentennial Celebration was named as one of the five finalists for the Park Champion of the Year Award by the National Recreation and Parks Association.

Emergency Services Report

Chief Brenda Bernot of WEGO advised the residents about a "Coffee with Cop" event the Department was having at Dunkin Donuts on October 4, 2017, and that officers would also be in attendance at a health fair in Hershey Mill Village.

She also provided information about the Department's Bicycle Unit, and Chuck requested that her memo be attached to these minutes and posted on the Township Website.

Public Hearing to consider an amendment to the floodplain section of the Zoning Ordinance.

The Board held a public hearing to consider an amendment to the floodplain section of the Zoning Ordinance. A court reporter was present and copy of the transcript of the public hearing will be appended to the minutes of this meeting once the decision becomes “final, binding and nonappealable”.

Carmen made a motion to adopt the proposed amendment to the Zoning Ordinance. Janet seconded the motion. The motion passed 5-0.

Financial Report

Marty noted that Jon Altshul, who would normally have been present for this report, was running late and stated that as of August 31st, had received revenues of \$8,505,159 and incurred expenses of \$6,801,129. When compared to the YTD budget we had a favorable budget variance of \$784,811. Receipts for the real estate transfer tax are currently \$590,679 over budget due to the sale of a large commercial building in March. We are projected to end the year with a surplus of \$301,955.

Consider PennDOT Master Agreement- Attachment B for the North Chester Road Paving Project.

Rick stated PennDOT would be letting bids to pave North Chester Road from West Chester Pike to Route 30, that as a result the four manholes that Township had in the cart way would need to be adjusted, and that it was more cost effective to have PennDOT incorporate this work into their bid.

Carmen asked who would be inspecting the work. Rick advised that while PennDOT would inspect the work, our Public Works Department would also check on the workmanship.

Chuck made a motion to adopt Resolution 2016-186 authorizing the chairman to execute Attachment B to the Master Agreement with PennDOT. Carmen seconded the motion. The motion passed 5-0.

Consider Apartment for the Care of a Relative and Stormwater Agreement for 300 North Chester Road.

Rick stated that the Apartment for the Care of a Relative was a permitted accessory use and that, Julie Govie, the property owner, was present to answer any questions the Board had about the project to construct an addition to her home.

Carmen made a motion to approve the in-law suite agreement and the stormwater management agreement for the residential addition at 300 North Chester Road and authorized the chairman to sign the agreements. Chuck seconded the motion. The motion passed 5-0.

Consider Stormwater Agreements

Rick noted that while the agenda only listed stormwater agreements for the new building at New Kent Apartments and 1118 Taylor Avenue, the Township had also

received stormwater agreements for 922 St. Andrews Drive, 1040 King Road and 1666 East Boot Road after the agenda had been posted.

Carmen made a motion to authorize the chairman to execute all of the stormwater agreements listed by the Manager. Janet seconded the motion. The motion passed 5-0.

Consider Paoli Pike Trail Segment A, TAP Grant Application

Rick noted that Jason Lang had a conversation with a representative from DRVPC who suggested the Township apply for a TAP grant for Segment A only. Segment A would qualify for the Safe Route to Schools program since it includes pedestrian improvements that would serve the WCASD complex and the YMCA.

Chuck made a motion to authorize application Resolution (2017-187) for the PennDOT Multimodal Transportation Fund in the amount of \$483,000 and approve matching funds in the amount of \$219,397. Carmen seconded the motion. The motion passed 5-0.

Consider Purchase of a Brine Tank

Marty noted that Mark Miller has requested an additional brine tank, which would reduce the brining operation time by about 4 hours per storm event.

Carmen made a motion to approve the purchase of a new brine tank from Intercon in the amount of \$11,320. Janet seconded the motion. The motion passed 5-0.

Planning Commission Goals

The Board tabled this until the next meeting.

Consider Preserve at Applebrook Settlement Agreement

Ryan summarized the ongoing litigation between the Township and Preserve at Applebrook that resulted from the bridge replacement project in 2016 over the use of Hibberd Land and Grist Mill Lane by the general public.

He noted that under the proposed settlement agreement Applebrook would withdraw their lawsuit, there would be no payment for legal fees, and the amended easement would remove any ambiguity about the use of Hibberd Lane and Grist Mill Lane by the general public. In exchange the Township would take over maintenance of the sections of Hibberd Lane between Paoli Pike and the bridge: and from the rear property line of the Preserve to East Boot Road; and "No Thru Trucks" signs would be installed and Applebrook could install a development sign at the bridge.

Marty then asked the Board members for comments.

Carmen stated we have been dealing with his issue that had pitted neighbor against neighbor for over a year and while I would like to fight this tooth and nail, it is time

to take the settlement, put this matter to bed and not incur any additional costs to the Township.

Janet, Chuck and Mike indicated they did not have any comments at this time.

Marty stated that this was a line in the sand issue for him and provided a detailed explanation about why he is opposed to signing the settlement agreement. He noted the conditional use decision and point of sale disclosure, both of which indicated the roads were open to the general public. He reviewed specific sections of the easement agreement, emphasizing those sections which he believes allows the general public to use the roads and concluded that while there was a possibility that we could lose, the probability was very small.

Elaine McLaughlin, 615 Marydell Drive, stated that she supported Marty's position.

Lex Pavlo, 611 South Speakman Lane, asked how much it would cost to maintain the sections of Hibberd Lane described in the settlement agreement. Marty responded that it would be about \$1,700 per year.

Carmen observed that there is a lot of uncertainty about whether a judge would rule in the Township's favor on this matter. Janet noted that the cost of going to court and losing could exceed six figures. Chuck stated that it's time to move on from this matter and that if the case proceeds to court, the judge may simply uphold the existing easement, which would not resolve the matter.

Ryan confirmed that a court case could result a host of potential outcomes that are difficult to predict, including upholding the status quo.

Senya Isayeff, 1691 Hunter Circle, noted that all of the homeowners in the Preserve at Applebrook were provided with Point of Sale Disclosures when they bought their homes that support the Township's position. He stated that "the more we allow, the more we must accept" and encouraged the Board to oppose the settlement agreement.

Mike stated that he was compelled by Marty and Senya's arguments and was opposed to the settlement agreement.

The Board voted to approve the motion by a vote of 3-2, with Chuck, Janet and Carmen voting "yea" and Mike and Marty voting "nay".

Public Comment

Lex Pavlo thanked Mike and Rick for their work on a forward-looking pipeline resolution that he hopes will be on the agenda for the next BOS meeting. Carmen asked Lex to keep the Board informed on any pipeline-related news that Lex's group receives.

Dave Shuey, 1547 Millrace, asked for an update on the vibration ordinance. Rick stated that Pennoni took readings last week and provided the Township with data earlier today. Rick added that the Township was working with Pennoni to better understand some of the readings, but that it appears that the data supports Sunoco's position that the vibrations at the Quaker site were coming from the air and not the ground.

Approval of Minutes of September 5, 2017

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

Treasurer's Report of August 31, 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. Mike seconded. The motion passed 5-0.

Adjournment

There being no further business, Carmen motioned to adjourn the meeting at 9:00 pm. Mike seconded the motion. The motion passed 5-0.

Respectfully submitted,

Jon Altshul
Recording Secretary

Attachments: Email from Chief Bernot to Charles Proctor re: Bicycle Unit
September 14, 2017 Treasurer's Report

Chuck,

This email is in response to your request at the recent Police Commission meeting for more information about our Bicycle Unit and its current/potential uses.

1. Our Bicycle Unit currently has 5 active members.
2. It is the policy of this department to respond in a proactive manner to all violations of Pennsylvania statutes and local ordinances using the most appropriate and effective methods. Additionally, the department is committed to enhancing community relations, providing education to enhance the safety of our citizens, and engaging in crime prevention activities in an effort to minimize victimization among our citizens. As a result, the department created a Bicycle Patrol Unit to assist the department in achieving these goals.
3. Community Relations:
 - National statistics show that bicycle patrols result in more than twice as many contacts with the public than vehicle patrols. These contacts can range from discussing legal matters, asking for directions or parking information, etc. and create an excellent opportunity for officers to establish and reinforce positive relationships between the community and the police department.
 - In East Goshen Township, our department traditionally utilizes the Bicycle Unit during the Goshen Fair and the East Goshen Community Day
4. Crime Prevention and Apprehension:
 - Perpetrators don't notice bicycle patrols and therefore the officers are frequently able to ride up to crimes in progress, because the offenders don't notice or recognize the police officers.
 - Bicycle patrols can go where traditional patrol vehicles cannot, making them ideal for trails, parks, and sidewalks.
 - Bicycle officers can use all of their senses to detect illegal activity, making them more effective than officers in traditional patrol vehicles because they can hear and smell clues that lead them to areas where crimes are being committed.
 - In East Goshen, our department has utilized the Bicycle Unit for this purpose in areas where crime trends have been detected – primarily in the common areas and parking lots of apartments, condominiums, and businesses.

Although our department does not have any evidence to indicate that the addition of more trails in East Goshen will lead to an increase in crime, we are prepared to respond with our Bicycle Unit if that should occur.

I hope that this is what you were looking for. If you need anything additional, please contact me. Thank you.

Brenda

Brenda M. Bernot, Chief of Police ..

Westtown-East Goshen Regional Police Department

1041 Wilmington Pike

West Chester, PA 19382

610-701-9348, ext. 206 - direct

610-692-9600 - main

				September 14, 2017	
TREASURER'S REPORT					
2017 RECEIPTS AND BILLS					
GENERAL FUND					
Real Estate Tax		\$3,340.89	Accounts Payable		\$526,783.41
Earned Income Tax		\$207,229.12	Electronic Pmts:		
Local Service Tax		\$7,547.34	Credit Card		\$0.00
Transfer Tax		\$106,605.98	Postage		\$1,000.00
<i>General Fund Interest Earned</i>		\$3,899.27	Debt Service		\$11,287.49
Total Other Revenue		\$51,349.91	Payroll		\$115,160.49
Total Receipts:		\$379,972.51	Total Expenditures:		\$654,231.39
STATE LIQUID FUELS FUND					
Receipts		\$0.00			
<i>Interest Earned</i>		\$1.96			
Total State Liquid Fuels:		\$1.96	Expenditures:		\$0.00
SINKING FUND					
Receipts		\$0.00	Accounts Payable		\$6,116.46
<i>Interest Earned</i>		\$1,358.11	Credit Card		\$0.00
Total Sinking Fund:		\$1,358.11	Total Expenditures:		\$6,116.46
TRANSPORTATION FUND					
Receipts		\$0.00			
<i>Interest Earned</i>		\$450.54			
Total Sinking Fund:		\$450.54	Expenditures:		\$0.00
SEWER OPERATING FUND					
Receipts		\$68,164.72	Accounts Payable		\$30,296.60
<i>Interest Earned</i>		\$91.76	Debt Service		\$129,176.60
Total Sewer:		\$68,256.48	Credit Card		\$0.00
			Total Expenditures:		\$159,473.20
REFUSE FUND					
Receipts		\$21,667.65			
<i>Interest Earned</i>		\$11.97			
Total Refuse:		\$21,679.62	Expenditures:		\$65,216.89
BOND FUND					
Receipts		\$0.00			
<i>Interest Earned</i>		\$3,484.39			
Total Refuse:		\$3,484.39	Expenditures:		\$1,271.00
SEWER SINKING FUND					
Receipts		\$0.00			
<i>Interest Earned</i>		\$496.64			
Total Sewer Sinking Fund:		\$496.64	Expenditures:		\$0.00
OPERATING RESERVE FUND					
Receipts		\$0.00			
<i>Interest Earned</i>		\$474.16			
Total Operating Reserve Fund:		\$474.16	Expenditures:		\$0.00
Events Fund					
Receipts		\$0.00			
<i>Interest Earned</i>		\$5.50			
Total Events Fund:		\$5.50	Expenditures:		\$0.00