

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, JANUARY 16, 2018  
APPROVED FINAL MINUTES**

**Present:** Chairman Marty Shane; Vice Chairman Carmen Battavio; Supervisors David Shuey, Janet Emanuel and Mike Lynch; Township Manager Rick Smith; Finance Director Jon Altshul; Conservancy Board Chairman Erich Meyer.

**Call to Order & Pledge of Allegiance**

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

**Moment of Silence**

Carmen called for a moment of silence to honor our troops, as well as the late Philadelphia Firefighter Lt. Matthew LeTourneau, who died last week in a fire while protecting others.

**Recording**

None.

**Chairman's Report**

Marty announced that the Board met in executive session immediately prior to tonight's meeting to discuss a personnel matter.

**WEGO Police Report**

Chief Bernot stated that the department had increased traffic patrols in and around the Wyllpen Farms development as a result of the Dutton Mill Road bridge repair. She discussed how the department enforces trespassing around the Sunoco pipeline at length. She stated that the Chester County District Attorney takes the position that the holder of an easement has the power to exclude others from its easement, as outlined in Kao v. Halderman, but that Sunoco's attorneys have taken the position that Sunoco cannot install "No Trespassing" signs along the pipeline route. She also noted that the orange mesh fencing around the worksites does not generally represent that boundary of Sunoco's easement and that the easement typically extends well beyond the fence.

David stated that it is his understanding that one can't be cited for trespassing on an easement unless one is denying rightful access to that easement and that he had concerns about a resident being unlawfully cited for trespassing. Marty stated that we need to trust the District Attorney's interpretation of the law.

Chief Bernot also remarked on how she was concerned about the school district's land development application lacking any mention of bi-directional amplification at East Goshen Elementary and encouraged the Township to adopt a bi-directional amplification ordinance. Mark Grove, WCASD, stated that the school district was studying this issue as part of a different consultant's report. Mike suggested that the land development application either be delayed until the Board had time to study the issue in greater detail or that bi-directional amplification be added as a condition. Carmen stated that the application be approved, but that this issue be discussed separately with the school district, the Goshen Fire Company and WEGO.

### **Financial Report**

Jon reported that based on unaudited financials, the Township finished the year with a \$429,576 surplus in the general fund on account of very strong real estate transfer tax, the mild winter and the deferral of the vehicle wash bay project until 2018. Other Township funds also ended the year in a strong position. He noted that utilities receivables were more or less unchanged from last quarter, but that real estate receivables were somewhat higher than in recent years. He added that based on the spenddown rate on the Series 2017 bonds, he expects that the Township to be exempt from the IRS's interest arbitrage refund requirements for another six months, but that we would probably need to begin to report and potentially refund excess interest on the bond proceeds beginning in August 2018.

### **Malvern Fire Company Report**

Carmen reported that in December the Malvern Fire Company had 54 calls from East Goshen, of which 47 were for Advanced Life Support and 7 were for Basic Life Support.

### **Consider Installing Temporary Speed Humps in Wyllpen Farms**

Dave Kohler, 1750 Hunter Circle, and Fran Iacobucci, 1621 Hunters Circle, were present to support installing temporary speed humps in Wyllpen Farms while the Dutton Mill Road bridge is under repair. Mr. Kohler noted that the speed of pass-through traffic in their neighborhood presents dangers to residents out walking or riding bikes.

Marty and Carmen both observed that they had spoken with three Wyllpen residents who were opposed to the installation of speed humps.

David suggested that digital speed signs be relocated to Wyllpen to deter speeding. Janet raised concerns about how effective temporary speed humps are.

Rick suggested that a survey be mailed to the 33 households on Wyllpen Drive, Hunter Circle and Fox Crossing. Carmen raised concerns that it would take a long time to get results from a mailed survey and that the bridge project would likely be almost complete by the time the results were tabulated. Jon suggested that because we have all the affected residents' email addresses that we administer a web survey that could be completed and tabulated within 36 hours.

Carmen made a motion to direct Township staff to 1) set up digital speed signs in Wyllpen Farms; 2) encourage the Westtown-East Goshen Police to continue to assign traffic patrols in Wyllpen Farms; and 3) install temporary speed humps in Wyllpen Farms, contingent upon receiving a simple majority of households living along affected roadways (Wyllpen Drive, Hunter Circle and Fox Crossing) in favor of temporary speed humps via an online survey. David seconded the motion.

Mr. Iacobucci suggested that the digital speed signs be posted on the downhill section of Wyllpen Drive.

The motion passed 5-0.

#### **Consider Approval of Land Development Plan for East Goshen Elementary**

Mark Groves indicated that he had spoken with his boss (Kevin Campbell) after Chief Bernot had raised concerns about bi-directional amplification and that the school district planned to install this technology at East Goshen Elementary and therefore had no objections to it being included as a condition.

Mr. Groves stated that the school district planned to go out for bid in March and begin construction in June, with the project finalized by August 20, 2020.

Marty raised concerns about the nine waivers the school district had requested related to stormwater and listing the names of the property owners of abutting properties on the plans. George Hartmann, Bohler Engineering, explained that the waivers were straight-forward, as the plan would reduce the amount of impervious coverage; that there is no issue with infiltration or runoff; and that including the parcels and names of abutting properties on the plan was impractical because the adjoining parcels are so large that doing so would shrink the plans making them hard to read. Rick noted that abutting properties are owned by the Hankin (New Kent) and the Township and that the Planning Commission had not raised any concerns about the waivers. Mike suggested that the plan be amended to include a note that states that the abutting properties are owned by the Hankin Group and East Goshen Township.

Carmen made a motion to recommend approval of the land development plan and waiver requests for the East Goshen Elementary School dated 4/28/17 and last revised 1/5/18 with the following conditions:

1. In an effort to address the parking shortages for special events at the school, the Applicant shall begin conversations with the Township to use the Township Building parking lot for overflow parking during special school events.
2. The Applicant shall petition PennDOT to relocate and supplement the "School Zone" flashing lights on N. Chester Rd. and E. Boot Rd. to improve safety at the school entrances on North Chester Rd.

3. The Applicant shall follow all applicable Federal, State and Local laws and ordinances.
4. The Applicant agrees to work cooperatively with the Township in the event it decides to construct a trail or sidewalk along North Chester Road between East Boot Road and Paoli Pike.
5. The Applicant installs bi-directional amplification technology at the property by no later than August 20, 2020.

Janet seconded the motion. The motion passed 5-0.

**Consider Paoli Pike Trail Easement Plan**

Rick explained that because we are using state and federal money to build the Paoli Pike trail that we need to follow PennDOT’s processes before we can approach landowners about acquiring easements, which includes adoption of the attached resolution. Janet noted that the resolution should be amended to 2018-176 instead of 2017-176.

Janet made a motion to adopt Resolution 2018-176. Mike seconded. David asked if the impacted property owners were aware that the trail would be constructed. Rick stated that all impacted property owners were made aware of the trail during the feasibility study. The motion passed 4-0 (Carmen was temporarily out of the room).

**Consider 2018 Group Bids**

The following group bids were received:

<b>Fuel</b>		<b>89 Octane Gas &amp; Diesel Fuel</b>	
Reilly & Sons Inc.		\$20,700.00	
<b>Soda Ash</b>	<b>Soda Ash</b>	<b>Alum.</b>	<b>Total</b>
Main Pool and Chemical Co.	\$7,872.00	\$20,440.00	\$28,312.00
USALCO, LLC		No Bid	
George S. Coyne Chemical	\$9,050.40	\$24,458.00	\$33,508.40
Univar USA Inc.	\$9,600.00	\$47,320.00	\$56,508.40
<b>Rental Equip. w/Operators</b>		<b>Total Price</b>	
S.A. Macanga		\$232,800.00	
<b>Rental Equip. without Operators</b>	<b>Weekly</b>	<b>Monthly</b>	
Blue Line Rental, LLC*	\$9,165.00	\$19,830.00	
Giles & Ransome	\$9,250.00	\$25,016.00	
* Blue Line Rental did not meet the bid specifications.			
<b>Signs and Posts</b>		<b>Total Bid</b>	
Garden State Highway Products, Inc.		\$5,701.65	
U.S. Municipal Supply Inc.		\$10,176.50	

Janet made a motion to award the contract for fuel to Reilly & Sons; for Soda Ash and Alum to Main Pool and Chemical Company; for Rental Equipment with Operator to S.A. Macanga; for Rental Equipment without Operator to Giles & Ransome; and for Signs and Posts to Garden State Highway Products, Inc. Mike seconded. The motion passed 4-0.

**Consider Stormwater Operation and Maintenance Agreements for 1551 Colonial Lane and 907 Madison Drive**

Mike made a motion to authorize the Chairman to execute storm water operation and maintenance agreements for 1551 Colonial Lane and 907 Madison Drive. Janet seconded. The motion passed 4-0.

**Consider 1665 E. Boot Road Dimensional Variance**

Mike suggested that a condition be added that any variance granted be the absolute minimum possible with respect to bump outs encroaching into the setback. Eric Freeman, Gasper Landscaping, explained that the proposed design minimized the encroachment as much as possible.

Janet made a motion to take “No Position” with respect to the requested side yard variance relief. However, should the Zoning Hearing Board grant the requested relief, the following conditions should be imposed to mitigate any impacts caused by the granted relief:

1. The applicant shall make every effort to protect the existing trees that currently screen the area of the proposed building addition from the neighboring property to the east.
2. The applicant shall enhance the existing landscape screening, to the satisfaction of the Township, in order to provide a complete landscape screen for the neighboring property to the east.
3. The applicant shall follow all applicable Federal, State and Local laws and ordinances.

Mike seconded the motion. The motion passed 5-0.

**Consider Appointment of Thornbury Township Supervisor Jim Benoit as the Member-at-Large to the Police Commission**

Carmen made a motion to appoint Jim Benoit as the Member-at-Large to the Police Commission. Janet seconded. The motion passed unanimously.

**Any Other Matter**

Rick noted that PennDOT will be going out to bid next month for the interactive traffic signals along Route 3, and that the project is expected to be complete by January 2019. Rick also noted that Adelphia has filed for its certificate of public convenience with FERC to convey natural gas through the existing pipeline in East Goshen. He added that

Margie Morris, the Township's attorney handling pipeline issues, will be providing us with more information on the application later this week.

**Approval of Minutes of January 2<sup>nd</sup>, 6<sup>th</sup> & 9<sup>th</sup>, 2018**

Carmen made a motion to approve the minutes of January 2, 2018, as corrected. David seconded. The motion passed 5-0

Carmen made a motion to approve the minutes of January 6, 2018, as corrected. Mike seconded. The motion passed 5-0.

Carmen made a motion to approve the minutes of January 9, 2018, as corrected. Mike seconded. The motion passed 5-0.

**Treasurer's Report of January 11, 2018**

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.

**Correspondence, Reports of Interest**

The Board acknowledged the following correspondence and reports of interest:

- 12/22/17 Letter of Map Revision from FEMA regarding 703 Westtown Circle
- 4<sup>th</sup> Quarter Right-to-Know Report

**Adjournment**

There being no further business, Janet motioned to adjourn the meeting at 8:40 pm. Carmen seconded the motion. The motion passed 5-0.

Respectfully submitted,  
*Jon Altshul*  
*Recording Secretary*

Attachments: January 11, 2018 Treasurer's Report

January 11, 2018

**TREASURER'S REPORT**

**2017 & 2018 RECEIPTS AND BILLS**

**GENERAL FUND**

Real Estate Tax (2017)	\$4,187.59		
Real Estate Tax (2018)	\$10.00		
Earned Income Tax (2018)	\$69,652.17	Accounts Payable	\$800,670.17
Local Service Tax (2018)	\$2,784.22	Electronic Pmts:	
Transfer Tax	\$0.00	Credit Card	\$0.00
General Fund Interest Earned (2017)	\$3,677.30	Postage	\$1,000.00
Total Other Revenue (2017)	\$123,314.57	Debt Service	\$9,460.82
Total Other Revenue (2018)	\$2,975.11	Payroll	\$126,470.39
<b>Total General Fund Receipts:</b>	<b>\$206,600.96</b>	<b>Total Expenditures:</b>	<b>\$937,601.38</b>

**STATE LIQUID FUELS FUND**

Receipts	\$0.00		
Interest Earned (2017)	\$361.41		
<b>Total State Liquid Fuels:</b>	<b>\$361.41</b>	Expenditures:	<b>\$0.00</b>

**SINKING FUND**

Receipts	\$0.00		
Interest Earned (2017)	\$7,043.85	Accounts Payable	\$51,775.58
<b>Total Sinking Fund:</b>	<b>\$7,043.85</b>	Credit Card	\$0.00
		<b>Total Expenditures:</b>	<b>\$51,775.58</b>

**TRANSPORTATION FUND**

Receipts	\$0.00		
Interest Earned (2017)	\$437.25		
<b>Total Sinking Fund:</b>	<b>\$437.25</b>	Expenditures:	<b>\$0.00</b>

**SEWER OPERATING FUND**

Receipts (2017)	\$10,006.56	Accounts Payable (2017)	\$70,000.00
Interest Earned (2017)	\$150.55	Accounts Payable (2018)	\$55,572.36
Receipts (2018)	\$7,228.43	Debt Service	\$28,240.59
<b>Total Sewer:</b>	<b>\$17,385.54</b>	<b>Total Expenditures:</b>	<b>\$153,812.95</b>

**REFUSE FUND**

Receipts (2017)	\$3,790.81		
Interest Earned (2017)	\$25.08		
Receipts (2018)	\$2,957.09		
<b>Total Refuse:</b>	<b>\$6,772.98</b>	Expenditures:	<b>\$10,364.50</b>

**BOND FUND**

Receipts	\$0.00		
Interest Earned (2017)	\$7,110.73		
<b>Total Bond:</b>	<b>\$7,110.73</b>	Expenditures:	<b>\$45,174.15</b>

**SEWER SINKING FUND**

Receipts	\$0.00		
Interest Earned (2017)	\$558.29		
<b>Total Sewer Sinking Fund:</b>	<b>\$558.29</b>	Expenditures:	<b>\$0.00</b>

**OPERATING RESERVE FUND**

Receipts	\$0.00		
Interest Earned (2017)	\$483.20		
<b>Total Operating Reserve Fund:</b>	<b>\$483.20</b>	Expenditures:	<b>\$0.00</b>