

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, JULY 17, 2018
FINAL APPROVED MINUTES**

Present: Chairman Marty Shane; Vice-Chair Carmen Battavio; Members David Shuey, Janet Emanuel and Mike Lynch; Township Manager Rick Smith; Assistant Township Manager and Finance Director Jon Altshul; and Erich Meyer (Conservancy Board).

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.

Recording

The meeting was livestreamed on the Township's [YouTube](#) page.

Chairman's Report

Marty made the following announcements:

- The Board met in Executive Session prior to tonight's meeting to discuss a personnel matter and a police labor matter.
- Chester County has certified the results of the referendum on the issuance of liquor licenses. The referendum passed by a 4-1 margin.
- Jean Hendrix has resigned from the Marydell Pond Committee.

Public Comment

None.

Malvern Fire Company

Carmen reported that Malvern Fire Company responded to 38 calls in East Goshen in June.

June Financial Report

Jon reported that the General Fund has a positive budget variance of \$304,066, but that he is currently projecting the general fund to finish the year with a deficit of \$308,050. He also made the following observations:

- The Township will be working with its financial advisors on calculating any arbitrage rebate liability from the proceeds of the 2017 bonds.
- The 2004 street sweeper sold on Municibid for \$40,150
- Accounts receivable are at or near recent lows for both real estate and utilities. He added that the Township has received payments in full from two delinquent utility accounts over the past two weeks.

- The average yield on Township funds is now 1.81%.

Mike thanked Jon for providing financial planning assistance to East Bradford Township earlier in the day and the Public Works Department for its professionalism and accessibility while milling and paving his road in Goshen Downs over the past few days.

Approval of Minutes, July 3, 2018 & Treasurer's Report, July 12, 2018

Carmen made a motion to approve the minutes of July 3, 2018 as corrected and the Treasurer's Report of July 12, 2018. David seconded the motion. The motion passed 4-0 (Janet had not yet arrived).

Consider Pond Recommendation

David and Mike recommended that the Bow Tree I Pond be the second Township pond to be dredged and rehabilitated, using the same criteria of Water Quality, Complexity, Visibility and Self-performance that was used to select Marydell Pond earlier in the year. Mike made a motion to direct staff to begin the permitting process for the Bow Tree I Pond. David seconded. The motion passed 5-0.

Consider Resolution Allowing Alcohol Sales at the Farmers Market

David suggested that the resolution be amended so that the maximum volume for tasting samples be ¼ oz for distilled alcohol, ½ oz for wine and 2 oz for beer.

Janet asked whether there would be any problems monitoring how much vendors were serving in sample cups. Rick stated that Jason manages the farmer's market and is able to keep tabs on the alcohol vendors. Mike asked whether granting Jason "sole discretion" over selecting alcohol vendors was too strong, to which Rick responded that decisions about Farmer's Market vendors need to be made quickly and can't wait until the next BOS meeting.

Carmen made a motion to adopt Resolution 2018-180 permitting the sale, possession and consumption of alcohol at the Farmers Market, with the amendment about permitting tasting samples of ¼ oz for distilled alcohol, ½ oz for wine and 2 oz for beer, as recommended by David. David seconded the motion.

Judy DiFonzo, 462 Gateswood Drive, asked what would happen if Jason leaves. Jon suggested the language be changed to "The Township Manager or his or her designee shall have sole discretion...". Carmen and David agreed to modify their motion to reflect this suggestion.

Lex Pavlo, 611 S. Speakman Lane, suggested that alcohol vendors be given a standard placard to display indicating the maximum volume of alcohol in tasting samples.

The motion passed, as amended, 5-0.

Consider recommendation for a fireworks ordinance

Rick outlined Act 43, which allows for the sale and use of fireworks in Pennsylvania. He suggested that the Township adopt an ordinance reinforcing the state requirements. David suggested that our ordinance restrict the hours for fireworks and restrict the days that they can be used to coincide with the days that the sale of fireworks is permitted in Pennsylvania.

Carmen made a motion to direct staff to draft a fireworks ordinance with the restrictions recommended by David. David seconded. The motion passed 5-0.

Consider Pipeline Commission

David and Mike provided an overview of the Township's proposed Pipeline Commission, consisting of seven volunteer members, just like any other ABC group. Janet asked if the position of Chair would be limited to two years, to which Rick responded that the proposed resolution was modeled on the Historical Commission's authorizing resolution, which does not set term limits for the Chair.

Carmen suggested that the Commission was really a "Task Force", which implies something more important than "Commission". Marty agreed that the term "Task Force" has more strength than "Commission" and that calling it a "Commission" may cause the group to lapse into passivity over time. Janet indicated that "Task Force" implies that the group will meet more frequently than a Commission and use professional consultants to support their work.

Bernie Greenberg, 894 Jefferson Way, asked why three members would only have one-year terms. Marty explained that the terms need to be staggered to ensure continuity in membership over time.

Bill Wegeman, 629 N. Speakman Lane, asked about the composition of the group. Marty explained that it would consist of seven members, plus a staff and Board of Supervisors liaison and that interested residents would need to formally apply and be interviewed by the Board.

David made a motion to approve Resolution 2018-78 establishing the East Goshen Township Pipeline Task Force. Mike seconded. The motion passed 5-0.

Mr. Greenberg asked about the status of Mariner East in East Goshen. Rick responded that Mariner East 1 is operational again; that probably only about 10% of the Mariner East 2 and 2X pipes are in the ground, although there are many more bore holes with no pipe in them; that Sunoco is proceeding with the open cut in front of Giant, but that further horizontal directional drilling is on hold; and that Sunoco has submitted notice to PHMSA that it intends convey NGLs west-to-east through the existing 12" east-to-west petroleum pipeline.

Mr. Greenberg also asked whether Sunoco needs permission for additional open cutting, to which Rick replied that they will need a NPDES permit from DEP and a soil & erosion permit from the Township.

Consider Milling Machine Bid Results

One bid was received for milling machine rental, as follows:

<u>Company</u>	<u>Daily Rental (8 hours)</u>	<u>Weekly Rental</u>	<u>10-Day Cost</u>
CC&T Inc/	\$2,500	\$7,000	\$14,000
Groff Tractor			

Carmen made a motion to accept CC&T Inc/Groff Tractor’s bid in the amount of \$14,000 for a 10-day milling machine rental. Mike seconded. The motion passed 5-0.

Consider land development and escrow agreement for 1664 and 1666 East Boot Road

Carmen made a motion to approve the land development agreement and the financial security agreement for 1664 East Boot Road (lot 3, Subdivision and Land Development Plan for Renehan Building Group) and 1666 East Boot Road (lot 2, Subdivision and Land Development Plan for Renehan Building Group). Janet seconded. The motion passed 5-0.

Consider recommendation to terminate Other Post Employment Benefit Trust

Jon provided background about East Goshen and Westtown’s intention to consolidate the East Goshen OPEB Trust and Westtown’s reserved fund balance into the Police Commission’s OPEB Trust. He observed that Westtown approved the transfer at its meeting last night. Mike added that in total the two Townships will transfer \$2.73 million into the trust, compared to a total OPEB liability of \$5.1 million.

Janet made a motion to approve Resolution 2018-182 authorizing the transfer of funds from the East Goshen Other Post Employment Benefit Trust Agreement to the Westtown East Goshen Police Commission OPEB Trust Agreement and to authorize the termination of the East Goshen Township Other Employment Benefits Trust Agreement, and to approve the East Goshen Township Other Post Employment Benefit Trust Termination of Trust Agreement. Carmen seconded. The motion passed 5-0.

Consider recommendation for Sewer Planning Module for 1405 Wexford Circle

Carmen made a motion to approve the Sewage Facility Planning Module for the on-lot stream discharge sanitary sewer system at 1405 Wexford Circle with the following conditions: 1) upon approval by the DEP, the applicant will execute and record the O&M agreement; 2) upon approval by the DEP, the applicant will reimburse the Township for all review expenses incurred by the Township; and 3) upon approval by the DEP, the applicant will post the required escrow fees for

Township inspections during construction of the system. Mike seconded. The motion passed 5-0.

Consider chicken ordinance

Mike raised concerns that 5 chickens would yield 30 eggs per week and 20 would yield 120 eggs, both of which are more than most families consume in a given week. Carmen stated that Mike's figures were high as chickens do not consistently lay eggs. David asked whether we should allow chickens on lots of under 1 acre. Rick indicated that relatively few residences in the Township have over an acre of land. Jon reminded the Board that the Planning Commission had originally proposed allowing chickens on half acre lots, but that the Board had not wanted to allow this. Marty and Carmen both indicated that it's preferable to start with one acre and, if that doesn't create problems, to later amend the ordinance to allow chickens on smaller lots. Carmen made a motion to forward the draft ordinance to the solicitor for formatting and then send to the Chester County Planning Commission for its review and then to advertise for a public hearing in September. Mike seconded. Mike asked if it's sanitary to dispose of chicken feces in the garbage, and Rick indicated that that's how dog waste is disposed of. The motion passed 5-0.

Consider response from PUC regarding Senator Dinniman's petition and complaint

Marty stated that he was offended by Secretary Chiavetta's response to his letter and suggested that Rick resend the letter and add that the Township is not seeking legal advice, but merely clarification on the PUC's ruling. Rick likened resending the letter to asking the Clerk of the Court about what a judge's ruling meant. He suggested that the same question be posed to John Snyder for clarification. The Board agreed with Rick's recommendation.

Any Other Matter

Janet made a motion to authorize the Chairman to execute the storm water management operation and maintenance agreement for the Applebrook Golf Club Mixed Grill patio area. Mike seconded. The motion passed 5-0.

Mike made a motion to appoint Ted Roberts to the Historical Commission. Carmen seconded. The motion passed 5-0.

Correspondance, Reports of Interest

The Board acknowledged notice from the Westtown Township Zoning Hearing Board about a variance application for a new fence at 193 Pheasant Run, which is adjacent to East Goshen Township. The Board also acknowledged the Remedial Action Completion Report for the Sunoco Gas Station at 1425 Paoli Pike.

Adjournment

Mike made a motion to adjourn at 8:40. David seconded the motion. The motion passed 5-0.

Respectfully submitted,
Jon Altshul
Recording Secretary

Attachments: July 12, 2018 Treasurer's Report

GENERAL FUND							
	Real Estate Tax		\$11,489.19		Accounts Payable		\$371,909.41
	Earned Income Tax		\$71,654.80		Electronic Pmts:		
	Local Service Tax		\$634.77		Credit Card		\$0.00
	Transfer Tax		\$0.00		Postage		\$1,000.00
	General Fund Interest Earned		\$7,356.15		Debt Service		\$9,391.49
	Total Other Revenue		\$442,040.32		Payroll		\$129,586.11
	Total Receipts:		\$533,175.23		Total Expenditures:		\$511,887.01
STATE LIQUID FUELS FUND							
	Receipts		\$0.00				
	Interest Earned		\$0.00				
	Total State Liquid Fuels:		\$0.00		Expenditures:		\$0.00
CAPITAL RESERVE FUND							
	Receipts		\$40,150.00		Accounts Payable		\$9,356.20
	Interest Earned		\$2,109.38		Credit Card		\$0.00
	Total Sinking Fund:		\$42,259.38		Total Expenditures:		\$9,356.20
TRANSPORTATION FUND							
	Receipts		\$0.00				
	Interest Earned		\$822.82				
	Total Sinking Fund:		\$822.82		Expenditures:		\$0.00
SEWER OPERATING FUND							
	Receipts		\$17,130.82		Accounts Payable		\$7,761.74
	Interest Earned		\$1,129.18		Debt Service		\$27,098.79
	Total Sewer:		\$18,260.00		Credit Card		\$0.00
					Total Expenditures:		\$34,860.53
REFUSE FUND							
	Receipts		\$5,297.33				
	Interest Earned		\$517.06				
	Total Refuse:		\$5,814.39		Expenditures:		\$63,501.27
BOND FUND							
	Receipts		\$0.00		Accounts Payable		\$33,079.96
	Interest Earned		\$9,991.86		Credit Card		\$0.00
	Total Sewer Sinking Fund:		\$9,991.86		Total Expenditures:		\$33,079.96
SEWER CAPITAL RESERVE FUND							
	Receipts		\$0.00				
	Interest Earned		\$3,166.36				
	Total Sewer Sinking Fund:		\$3,166.36		Expenditures:		\$0.00
OPERATING RESERVE FUND							
	Receipts		\$0.00				
	Interest Earned		\$17,934.97				
	Total Operating Reserve Fund:		\$17,934.97		Expenditures:		\$0.00