

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, MAY 28, 2019
FINAL APPROVED MINUTES**

Present: Chairwoman Janet Emanuel; Vice-Chair Marty Shane; Members Carmen Battavio, David Shuey and Mike Lynch; Township Manager Rick Smith; Assistant Township Manager and Finance Director Jon Altshul; Township Zoning Officer Mark Gordon; Township Solicitor Kristin Camp; Ted Roberts (Historical Commission); Erich Meyer (Conservancy Board)

Call to Order & Pledge of Allegiance

Janet called the meeting to order at 7:07 p.m. and asked Erich to lead the pledge of allegiance.

Moment of Silence

Carmen called for a moment of silence to honor our troops and first responders.

Recording

Janet announced that the meeting was being livestreamed on YouTube.

Chairman's Report

Janet made the following reports:

- The Board met in Executive Session prior to tonight's meeting to discuss a personnel matter.
- East Goshen Township Department of Parks and Recreation has been named a 2019 National Recreation and Parks Association Gold Medal Finalist
- The annual Long-Range Planning Session is May 29 at 10am
- East Goshen and East Whiteland will jointly host an informational meeting in the Great Hall at Immaculata University on potential improvements to the King Road and Route 352 intersection.

Public Comment

None

Emergency Services Reports

Carmen reported that the Goshen Fire Company responded to 33 fire calls, 14 fire police and 167 EMS calls in East Goshen in April; that the Malvern Fire Company responded to 34 EMS calls in April; and that Good Fellowship responded to 53 EMS calls in April.

Carmen also stated that he responded to a fire call for a chimney fire at 1714 East Boot Road. There was no fire damage and only minor smoke damage.

Financial Report

Jon reported that the Township's General Fund had a surplus of \$688,107 and a positive budget variance of \$244,065 as of April 30th.

Approval of Minutes and Treasurer's Report

Carmen made a motion to approve the minutes of May 7, 2019, as corrected. Marty seconded. The motion passed 5-0.

Carmen made a motion to approve the Treasurer's Report of May 23, 2019. David seconded the motion. The motion passed 5-0.

Public Hearing on PECO Energy Conditional Use Application

The Board held a public hearing on a conditional use application to modify the August 19, 1997 PECO Energy Gate Station conditional use decision to allow for the installation of a 10' x 16' communications equipment building on the Hershey's Mill Village property at the intersection of North Chester Road and Wineberry Lane.

Carmen made a motion to move that the Board of Supervisors approve the Conditional Use application of PECO Energy amending the 1997 approval to permit the installation of a 10' x 16' communications equipment shelter at the existing Public Utility Facility to house fiber optic equipment for the facility with the following conditions:

1. Evergreen landscape screening shall be installed to conceal the new structure from the adjacent residential properties if determined necessary by the Township Zoning Officer.
2. A representative of the pipeline shall approve the location of the shelter and the storm water management infiltration trench prior to the issuance of the building permit.
3. A representative from the pipeline shall be in attendance on site during the delivery of the equipment shelter.
4. All conditions from the August 21, 1997 approval remain in effect with this amended approval.
5. The applicant shall notify the County Department of Emergency Services and the Goshen Fire Company about changes to the structure at this location.

David seconded. The motion passed 5-0. A court reporter was present and will provide a full transcript of the hearing. A copy of the transcript will be appended to the minutes of this meeting when the decision becomes "final, binding and nonappealable."

Consider recommendation for comments on the West Goshen Township Comprehensive Plan and the West Whiteland Township Comprehensive Plan

Carmen made a motion to direct staff to send a letter to the West Goshen Board of Supervisors highlighting the above referenced recommendation from the Planning Commission and staff (*ed. note: see 5/9/19 Planning Commission memo to Board of Supervisors*). David seconded. Mike asked for clarification around West Goshen's use of the term "bike boulevard," which Mark addressed. The motion passed 5-0.

Carmen made a motion to direct staff to send a letter to the West Whiteland Board of Supervisors supporting the proposed Bicycle and Pedestrian Plan amendment to the West Whiteland Township Comprehensive Plan. David seconded. The motion passed 5-0.

Consider Recommendations on the Goshen Parkway Sidewalk

Mark provided background about DePuy Synthes’s proposal to build a pervious walking path along Goshen Parkway. He recommended that the sidewalk be constructed outside of the right-of-way on private property, so that the path would not interfere with utility lines and the Township would not have any maintenance responsibility for the sidewalk. Mark also outlined the pros and cons of installing the sidewalk in the right-of-way. Marty expressed concern that requiring Synthes to install the sidewalk on its own property was arguably unfair to Synthes. Mark observed that installing the sidewalk outside of the right-of-way would require Synthes to do more grading work. Both Carmen and Mike expressed concern about the Township having future maintenance responsibilities for the sidewalk . Kristin observed that agreements can be signed with the property owners requiring them to assume maintenance responsibility over the sidewalk. It was agreed that the Township convene a meeting with representatives of Synthes to better understand the project before taking further action.

Consider Recommendation to Authorize Approval of Various Easements for the Paoli Pike Trail

Kristin explained that as of earlier today she had received signed or verbal consent for the easement agreements from all the property owners along Segments C through E of the Paoli Pike Trail. Mike acknowledged the various owners who waived any financial consideration for the easements and recognized the public benefit of the trail. Carmen made a motion to authorize the chair to sign easement paperwork that we have either already received or will receive by Monday, June 3rd, as recommended by the Solicitor. Marty seconded. The motion passed 5-0.

Michelle Truitt, 1430 Grand Oak Lane, asked about the cost of the easements. Jon responded that the total consideration was about \$381,000.

Consider Recommendation to Authorize Condemnation of Two Parcels for the Paoli Pike Trail

Kristin reiterated that because she received a verbal consent from Redeem Properties that it intends to sign the easement agreement, it is unlikely that the Township will need to condemn that parcel; however, in the event that Redeem doesn’t sign the agreement, she recommended that the Board authorize condemnation of that parcel and that the Township simply not follow through with it once the paperwork is signed. She also explained that there is one “gap” property for which there is no legal owner of record. The process for condemning this property is therefore very inexpensive. Specifically, the Township will need to pay \$500 for condemnation to the state.

Marty made a motion to approve the resolution to condemn the two properties along Paoli Pike. Carmen seconded. The motion passed 5-0.

Consider Recommendation to add the Sullivan House to the Historic Resource Inventory

Mark and Ted provided background about Sullivan House and why it was never originally added to the Historic Resource Inventory. Mike made a motion to add Sullivan House to the Township's Historic Resource Inventory. Carmen seconded. The motion passed 5-0.

Consider Recommendation to Accept Proposal for Adjustments to the Hershey's Mill Dam Park Project

Rick explained that the Army Corps of Engineers has now determined that the Hershey Mill Dam impoundment area is actually a wetland. This means that the parking area will need to be reconfigured; that more dirt will need to be hauled offsite; and that a boardwalk style path will need to be added. As a result, Gannett Fleming and Simone Collins will need to revise their plans at an additional cost of \$37,000.

Marty and Mike expressed frustration with this decision and asked about ways of appealing it. Janet also asked how this new development would delay the project completion. Rick indicated that it would push the project back to 2020. It was agreed that the Rick would attempt to convene a meeting with the Army Corps of Engineers and the Township to further explore why this decision was made and how it could be appealed.

Consider Recommendation to Adopt Resolution 2019-34B, Increasing the Solicitation Permit Fee to \$32

Jon explained that the State Police had raised the cost of a background check from \$10 to \$22, and therefore that he was recommending that the solicitation permit fee be increased to \$32, reflecting the cost of the background check and the \$10 administrative processing fee. Marty made a motion to adopt Resolution 2019-34B, increasing the solicitation permit fee to \$32. Mike seconded. Mike stated that the fee should be raised to \$35. Jon stated that fees need to be reasonably related to the cost of service and that he can't justify a \$3 increase to the administrative portion of the fee at this time. The motion passed 4-0, with Mike abstaining.

Consider Recommendation to Authorize Submission of a CMAQ grant application for Segment B of the Paoli Pike Trail

This matter was tabled.

Consider Request to Extend the Wood Chip Path on Line Road from the Soccer Fields to East Boot Road

The Board acknowledged receipt of a letter from Vicki Wooters requesting that the wood chip path along Line Road be extended. Marty noted that there has been a lack of public interest in extending this section of path and that this section was not

identified during the public planning process for connector trails to the Paoli Pike Trail. Janet asked Mark to put it on the list for possible future connector trails, but the Board agreed to take no immediate action on the request.

Consider Recommendation for Storm Water Modifications for 938A Cornwallis Drive

Mark explained that this parcel is a flag lot where the owner wants to build a new house. The current storm water ordinance requires a 50-foot buffer area between wetlands and any construction equipment during construction. However, this requirement effectively makes this parcel undevelopable. Accordingly, Mark recommended that the Board provide for a modification to allow a 25 foot temporary buffer during construction with the installation of a chain link fence.

Marty made a motion to approve a modification to §195-27B.(8).(q.), as we are authorized to do as per §195-11B for the 50 foot nondisturbance wetland boundary for the storm water management plan submission for the improvement proposed at 938 A Cornwallis Drive as shown on the plans prepared by Ludgate Engineering Co., titled 938 A Cornwallis Drive, Erosion and Sedimentation Pollution Control Plan, dated 10/31/2018, last revised 5/16/2019 with the following condition:

1. The applicant shall install and maintain temporary chain link fencing as depicted on the plans until completion of the project and its removal is approved by the Township.

Mike seconded. Carmen observed that the property owner is also a plumber and an acquaintance, but that he was not aware of this plan prior to receiving the meeting materials and has no conflict of interest. The motion passed 5-0.

Adjournment

Mike made a motion to adjourn at 9:05. David seconded. The motion passed 5-0.

Respectfully submitted,
Jon Altshul
Recording Secretary

Attached: May 23, 2019 Treasurer's Report

TREASURER'S REPORT		May 3 - May 23, 2019	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$23,740.65	Accounts Payable	\$170,107.07
Earned Income Tax	\$1,020,136.42	Electronic Pmts:	
Local Service Tax	\$25,923.45	Credit Card	\$0.00
Transfer Tax	\$59,830.21	Postage	\$0.00
General Fund Interest Earned	\$8,470.17	Debt Service	\$7,408.23
Total Other Revenue	\$104,651.56	Payroll	\$214,952.24
Total General Fund Receipts:	\$1,242,752.46	Total Expenditures:	\$392,467.54
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$160.41		
Total State Liquid Fuels Receipts:	\$160.41	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$695.83	Accounts Payable	\$182,524.46
Interest Earned	\$16,501.72	Credit Card	\$0.00
Total Capital Reserve Fund Receipts:	\$17,197.55	Total Expenditures:	\$182,524.46
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$903.75		
Total Transportation Fund Receipts:	\$903.75	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$202,185.98	Accounts Payable	\$221,527.86
Interest Earned	\$1,291.18	Credit Card	\$0.00
		Debt Service	\$26,837.08
Total Sewer Operating Fund Receipts:	\$203,477.16	Total Expenditures:	\$248,364.94
REFUSE FUND			
Receipts	\$53,006.77	Accounts Payable	\$81,253.75
Interest Earned	\$833.90		
Total Refuse Fund Receipts:	\$53,840.67	Total Expenditures:	\$81,253.75
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$62,585.78
Interest Earned	\$6,965.07		
Total Bond Fund Receipts:	\$6,965.07	Total Expenditures:	\$62,585.78
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$5,271.97		
Total Sewer Capital Reserve Fund Receipts:	\$5,271.97	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$1,360.48		
Total Operating Reserve Fund Receipts:	\$1,360.48	Total Expenditures:	\$0.00