

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, NOVEMBER 12, 2019
FINAL APPROVED MINUTES**

Present: Chairwoman Janet Emanuel; Vice-Chair Marty Shane; Members Mike Lynch, David Shuey and Carmen Battavio; Township Manager Rick Smith; Township Solicitor Ryan Jennings; Director of Finance and Assistant Township Manager Jon Altshul; Township Zoning Officer Mark Gordon; Erich Meyer (Conservancy Board); Christina Morley (Pipeline Task Force); Tom Kilburn (Futurists Committee); Phil Meyer (Municipal Authority).

Call to Order & Pledge of Allegiance

Janet called the meeting to order at 7:00 p.m. and asked Mike Broennle 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 the Township's YouTube Channel.

Approval of Minutes of October 15 and October 22, 2019

Carmen made a motion to approve the minutes of October 15 and October 22, 2019, as amended. David seconded. The motion passed 5-0.

Treasurer's Report of November 7, 2019

Carmen made a motion to graciously accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the Treasurer's Report. Mike seconded. The motion passed 5-0.

CZ Woodworking Conditional Use Decision

Ryan provided background on the Conditional Use application for CZ Woodworking. Carmen then made the following motion:

The Board hereby approves the Application to allow Applicant, CZ Woodworking, to operate the proposed woodworking business as a home occupation from the Property, located at 1422 Ardleigh Circle, West Chester, 19380, East Goshen Township, Chester County, Pennsylvania, pursuant to Sections 240-9.E(1), 240-31, and 240-32.J of the East Goshen Township Zoning Ordinance of 1997, as amended. Such approval is conditioned upon Applicant complying with the following conditions:

1. Applicant and his successors and assigns in interest to the Property shall be strictly bound by:

- a. all representations, commitments, testimony, and evidence made by or on behalf of the Applicant at the public conditional use hearings conducted on the Application on June 18, July 9, August 13, September 5, and September 11, 2019, whether or not express reference is made to said representations, commitments, testimony, and evidence in this Decision and Order; and
 - b. this Decision and Order, including but not limited to, all of the foregoing conditions of approval.
2. The entire woodworking operation shall be limited to 500 square feet of floor area, enclosed entirely within the first story of the detached, Accessory Structure located on the Property. The 500-square foot area must be demarcated using non-movable walls, to be inspected by the Township Zoning Officer (in accordance with Ordinance Section 240-32.J.(3), (4), and (5)).
3. Applicant shall maintain any and all existing acoustical absorption treatments around the windows, doors, and walls of the Accessory Structure, along with any and all existing fiberglass batten posed on the ceiling.
4. The home occupation shall be permitted to operate Mondays through Fridays between the hours of 7 a.m. and 7 p.m. The home occupation shall not operate on Saturdays or Sundays, nor shall it operate on the following holidays: New Year's Day; Martin Luther King Day; Presidents' Day; Good Friday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving; the day after Thanksgiving; Christmas Eve; and Christmas Day.
5. Power tools (*i.e.*, those woodworking tools powered by battery, electricity, and/or air) shall only be operated by Applicant between the hours of 10 a.m. and 4 p.m., Mondays through Fridays, but may not be operated at all on the holidays listed in Condition #4. When using power tools, the doors and windows of the Accessory Structure shall be closed.
6. Applicant shall not conduct a general contracting business, nor any home-based business from, out of or on the Property.
7. Applicant (or any successor in title) shall be the only employee of the home occupation. The home occupation shall have no additional paid or unpaid employees, volunteers, assistants, interns, apprentices or trainees.
8. No metalworking, masonry, welding or furniture stripping shall be permitted as part of the home occupation.
9. Applicant shall update the home occupation's website (czwoodworking.com or any subsequent and/or additional website) within sixty (60) days of the date of this Order and shall thereafter maintain it to

reflect CZ Woodworking's operations, as hereby permitted, consistent with the testimony and evidence presented by and on behalf of Applicant during the Hearing. Additionally, all subsequent advertisements and social media posts shall accurately reflect CZ Woodworking's operations, as hereby permitted and limited, consistent with the testimony and evidence by and on behalf of Applicant during the Hearing.

10. There shall be no outside storage (whether exposed or enclosed) of materials or products associated in any way with the woodworking operation. Such prohibition includes the use of storage pods and sheds.
11. Any lighting associated with the home occupation shall be in accordance and compliance with all applicable provisions of the Township Code.
12. If Applicant intends to install a sign advertising the home occupation, it must comply with Ordinance Section 240-32.J.(6)(m). The home occupation shall not feature the signage depicted in Applicant's Hearing Exhibit A-13.
13. There shall be no in-person customer interaction or direct, retail sales occurring on the Property.
14. The home occupation shall not have a design center nor showroom at the Property which features products made by Applicant.
15. Applicant shall not utilize any computer numerical control ("CNC") machines for the home occupation.
16. At all times while conducting the home occupation, Applicant shall comply with all applicable federal, state, and local licenses and permits necessary and/or required for operating as a professional woodworker. Applicant shall provide the Township with a copy of all required state licenses and permits, as well as all license and permit renewals.
17. Applicant shall accept the conditions of approval within fifteen (15) days of this Order by sending written notice of acceptance, addressed to the Board. If Applicant does not unconditionally accept the conditions within fifteen (15) calendar days, the Application is denied and the Board retains jurisdiction of the Application to subsequently adopt Findings of Fact and Conclusions of Law in support of such denial.

Mike seconded. The motion passed 5-0. At 7:12pm, Janet called for a 5-minute recess to sign the order. The meeting was reconvened at 7:17pm.

Consider Revised TND Ordinance

Janet provided a brief overview of the amendments to the TND ordinance that the Planning Commission recommended since receiving public comments last month. Specifically, the major amendments included:

- 1) Removing townhomes in the TND-2, and only allowing detached homes and twins.
- 2) Eliminating stand-alone apartments in the TND-1, but still allowing apartments over first floor commercial with a density of 10 dwelling units per acre
- 3) Amending the “build-to” line so that it is a minimum, as opposed to a required, setback.

Mike expressed his gratitude for the resident input. David made a motion to authorize staff to forward the TND ordinance to the Chester County Planning Commission for review and comment and set a hearing date to formally consider the ordinance for adoption. Mike seconded.

Dan Truitt, 1430 Grand Oak Lane, expressed concern about allowing apartments over commercial in the TND-1. He worried about the Township trying to “cram too much stuff” into the TND-1.

Maria Vinall, 210 Wyllpen Drive, asked the Board what the benefit of the TND ordinance was and why there was interest in a “town center.” Janet and Rick provided background on the development of the 2015 Comprehensive Plan., as well as previous efforts to create a modest town center.

Joe Kirlin, 1528 Brian Drive, asked when the Township started working on the trail and the TND ordinance together. He had a series of questions about the Township’s finances and how the Township does long-range planning, which Jon addressed. He asked for clarification about the location of the TND and expressed concerns about traffic congestion. He asked if the Township had leases for the commercial buildings. Janet and Mike explained that the Township does not own any commercial buildings and that any leases would be a private matter between commercial landlords and entrepreneurs. Mike further clarified that a Zoning Ordinance merely sets the parameters for the types of uses and building standards in a particular part of the Township.

Michele Truitt, 1430 Grand Oak Lane, asked if second and third story commercial uses would be allowed in the TND-1. Mark responded that they would. Rick noted that under the current zoning ordinance, 2nd floor commercial is currently allowed. Michele also asked which ABC groups were involved in the development of the TND. Marty explained that both the Planning Commission and the Futurists Committee were intimately involved in the development of the ordinance and asked Tom Kilburn to describe the work that the Futurists did. Tom explained that his group met with all the ABCs about the TND proposal and that the overwhelming response from ABC members and other residents he’s spoken with has been positive. Michele asked for clarification about which ABCs actually approved the TND proposal, to which Rick responded that under the PA Municipal Planning Code, responsibility for recommending changes to Zoning Ordinances falls to the Planning Commission.

Linda Polishuk, 1424 Grand Oak Lane, stated that in her 45 years of living in East Goshen she doesn’t remember any discussion about a town center until now.

Frank Morgan, 1704 Clocktower Drive, stated that the Township doesn't need more apartments.

Leo Sinclair, 217 Lochwood Lane, asked about whether the traffic impact would be greater from residential or commercial development and raised concerns about the potential for more cars on the road. He also asked for clarification about maximum density in apartment versus commercial developments and the parking ordinance, which Janet and Mark explained.

Ruth Stewart, 405 Scofield Lane, asked for clarification about what the design standards would look like and the number of affected property owners in the TND-1 and TND-2. Mark referred her to the TND report on the Township's webpage.

The motion passed 5-0. The Board agreed to hold the hearing on December 17, 2019.

Consider Recommendation for "Not to Exceed" Construction Services Proposal for Paoli Pike Segments C, D & E

Rick explained that this proposal was discussed at the last meeting, but that the Board wanted assurances that the contract had a "not to exceed" clause. David made a motion to accept the October 17, 2019 proposal from McMahon Associates for construction services for Segments C, D & E of the Paoli Pike Trail in the amount of \$93,600 and authorize the Chair to sign the proposal. Mike seconded. The motion passed 5-0.

Presentation of 2020 Budget

Jon presented the Powerpoint overview of the 2020 Proposed Budget. He highlighted that staff is proposing that the real estate tax rate remain unchanged for the 17th consecutive year, but that the refuse rate be increased from \$69.88 per quarter to \$75 per quarter to offset the higher costs for processing recyclables. A copy of the Powerpoint presentation and associated 2020 budget documents may be found on-line at <https://eastgoshen.org/2020-proposed-budget/>. Jon explained that per the 2nd Class Township Code, the budget must have been advertised for at least 20 days prior to its adoption and that therefore the earliest that the budget could be adopted is December 3, 2019.

Mr. Truitt noted that the Township has ample fund reserves and should therefore consider lowering the millage rate by .25 mills to 1 mill in 2020.

Mr. Kirilin asked how the Township invests its funds. Jon explained that public funds need to be invested pursuant to PA Act 10 and that the Township invests its funds through the Pennsylvania Local Government Investment Trust. Mr. Kirilin asked about the yield on Township funds, to which Jon responded that he reports this figure on a quarterly basis, but that it has fallen over the past year to a little above 2%.

Mr. Sinclair reiterated Mr. Truitt's recommendation about lowering the millage rate in 2020. He also asked whether the Township could cut back on refuse service. Jon noted

that the existing contract doesn't expire for another two years. Rick noted that cutting back on the number of pick ups doesn't materially change the haulers' costs because we would still generate the same amount of trash and that by having pick-ups essentially five days a week allows the hauler to more efficiently staff our routes. Mr. Sinclair also asked if staff could post the budget and the revised TND ordinance to the homepage.

Ms. Truitt asked for clarification about the tipping fee for trash versus recyclables. Jon explained that recyclables cost about \$34/ton, whereas trash is roughly three times as expensive. She suggested eliminating glass from recycling given that it is a difficult material for the processor to market. Jon noted that eliminating glass from recycling would cause our overall refuse costs to increase, as the tipping fee for refuse is so much higher than for recycling. Ms. Truitt also asked about why we were awarding an inspection contract for the Paoli Pike Trail to the same engineering firm that may have underestimated project costs. Rick and Mark explained that the main reason for any overruns were due to uncertainty about complying with the Clean Water Act and that these stormwater costs are very difficult to predict until substantial on-site engineering work has been performed.

Mike made a motion to advertise the Township's 2020 Budget in the *Daily Local News*. David seconded. The motion passed 4-0 (Carmen had left by this point).

Consider Date for 2020 ABC Planning Session

Rick noted that based on declining attendance and feedback, he was recommending that the ABC Planning Session be moved to an evening time during the workweek. It was agreed that the 2020 Planning Session would be held on the evening of January 28th.

Consider Request for Christmas Tree Sales at 1301 West Chester Pike

Marty made a motion to approve Robert Wiggin's request to sell Christmas Trees at 1301 West Chester Pike, provided adequate off-street parking is provided and clean-up takes place immediately after Christmas. David seconded. The motion passed 4-0.

Consider Recommendation for Proposal to Prepare Appraisals for the Paoli Pike Trail

Mark explained that Coyle, Lynch and Co had done an excellent job on the appraisals for Segments C-E of the trail and had not had any challenges from property owners to their work. Marty made a motion to accept the proposal from Coyle, Lynch and Co. for trail easement appraisal services for the two parcels in Segment A of the Paoli Pike Trail in the amount of \$13,000. David seconded. The motion passed 4-0.

Consider Recommendation for Truck Replacement

Jon explained that Mark Miller would like to upgrade a fully depreciated Ford F350 with a larger F550 in order to more efficiently haul dirt and gravel, while not running the risk of turfing lawns as might occur with a larger dump truck. He noted that the F550 would cost about \$30,000 more than a smaller F350. Mike made a motion to purchase a Ford F550 with plow and spreader from Fred Beans of West Chester and Inter-Con Truck

Equipment in the amount of \$79,541, net of trade-in. David seconded. The motion passed 4-0.

Consider Stormwater Operation and Maintenance Agreements

Mike made a motion to authorize the Chair to execute stormwater operation and maintenance agreements for 1305 Park Avenue, 1507 Greenhill Road, 1623 Williams Way and 45 Sherman Drive. Marty seconded. The motion passed 4-0.

Public Comment on Non-Agenda Items

Christina Morley, Pipeline Task Force, asked for the Board's assistance in convening a meeting between the Pipeline Task Force and the Planning Commission to discuss how a draft pipeline ordinance that the Pipeline Task Force is reviewing would dovetail with the TND Ordinance. David suggested that the Pipeline Task Force attend the Planning Commission meeting. Mike suggested that the Chair of the Pipeline Task Force reach out to Rick for the Planning Commission Chair's contact information so that they could coordinate on any future discussions between the two ABCs.

Correspondence, Reports of Interest

The Board acknowledged receipt of the following correspondence and reports:

- October 15, 2019 Notice of Intent from West Whiteland Township to apply for a PennDOT MultiModal Grant
- October 17, 2019 Notice of Intent from Pennoni on behalf of East Goshen Township to apply for an NPDES permit for the Bow Tree I Pond
- October 19, 2019 Notice of Intent from McMahon Associates ton behalf of East Goshen Township to apply for a DEP permit for Segment A of the Paoli Pike Trail

Adjournment

There being no further business, Marty made a motion to adjourn at 9:15pm. David seconded. The motion passed 4-0.

Respectfully submitted,
Jon Altshul
Recording Secretary

Attached: Treasurer's Report of November 7, 2019

TREASURER'S REPORT		October 10 - November 7, 2019	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$1,315.27	Accounts Payable	\$523,507.19
Earned Income Tax	\$628,322.40	<u>Electronic Pmts:</u>	
Local Service Tax	\$51,021.93	Credit Card	\$0.00
Transfer Tax	\$67,247.07	Postage	\$1,222.99
<i>General Fund Interest Earned</i>	\$7,183.52	Debt Service	\$320,533.23
Total Other Revenue	\$58,773.14	Payroll	\$270,782.03
Total General Fund Receipts:	\$813,863.33	Total Expenditures:	\$1,116,045.44
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$139.04		
Total State Liquid Fuels Receipts:	\$139.04	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$14,105.16	Accounts Payable	\$205,127.02
<i>Interest Earned</i>	\$5,164.26	Credit Card	\$0.00
Total Capital Reserve Fund Receipts:	\$19,269.42	Total Expenditures:	\$205,127.02
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$42,913.51
<i>Interest Earned</i>	\$800.01		
Total Transportation Fund Receipts:	\$800.01	Total Expenditures:	\$42,913.51
SEWER OPERATING FUND			
Receipts	\$371,868.50	Accounts Payable	\$170,920.80
<i>Interest Earned</i>	\$1,073.31	Credit Card	\$0.00
		<i>Debt Service</i>	\$180,296.59
Total Sewer Operating Fund Receipts:	\$372,941.81	Total Expenditures:	\$351,217.39
REFUSE FUND			
Receipts	\$94,826.09	Accounts Payable	\$87,732.79
<i>Interest Earned</i>	\$601.00	Credit Card	\$0.00
Total Refuse Fund Receipts:	\$95,427.09	Total Expenditures:	\$87,732.79
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$31,484.92
<i>Interest Earned</i>	\$8,949.79		
Total Bond Fund Receipts:	\$8,949.79	Total Expenditures:	\$31,484.92
SEWER CAPITAL RESERVE FUND			
Receipts	\$3,022.68	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$1,350.42		
Total Sewer Capital Reserve Fund Receipts:	\$4,373.10	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$487.01		
Total Operating Reserve Fund Receipts:	\$487.01	Total Expenditures:	\$0.00