

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
Tuesday, December 17, 2019
7:00 PM

1. Call to Order (7:00 PM)
2. Pledge of Allegiance
3. Moment of Silence
4. Announce that the meeting is being livestreamed
5. Chairman's Report (7:05 PM to 7:10 PM)
 - a. The Board met in Executive Session prior to tonight's meeting to discuss a personnel matter and a pending legal matter.
 - b. [East Whiteland Township has decided not to make any changes to the King Road and Sproul/North Chester Road Intersection.](#)
 - c. Brad Giresi has resigned from the Planning Commission.
6. Public Comment on non-agenda items – to be held later in the meeting
7. Emergency Services Reports (7:10 PM to 7:15 PM)
 - a. WEGO – Chief Brenda Bernot
 - b. [Goshen Fire Co – November 2019](#)
 - c. [Malvern Fire Co – November 2019](#)
 - d. [Good Fellowship – November 2019](#)
 - e. Fire Marshal – none
8. Financial Report – [November 2019 \(7:15 PM to 7:20 PM\)](#)
[Assessment Office Statement of Valuations](#)
9. Approval of Minutes and Treasurer's Report (7:20 PM to 7:25 PM)
 - a. [Minutes – December 3, 2019](#)
 - b. [Treasurers Report – December 12, 2019](#)
10. [Public Hearings - Consider Adoption of Paoli Pike Traditional Neighborhood Development Overlay Ordinances.](#) (7:25 PM to 8:25 PM)
11. Old Business
 - a. [Acknowledge receipt of Common Pleas Court Decision regarding the Malvern Institute ZHB Decision](#) (8:25 PM to 8:30 PM)
12. New Business
 - a. [Consider recommendation regarding ice skating on Township owned ponds](#) (8:30 PM to 8:35 PM)
 - b. [Consider recommendation regarding Sunoco Notice of Violation](#) (8:35 PM to 8:40 PM)
13. Any Other Matter
14. Public Comment (8:40 PM to 9:10 PM)
15. Liaison Reports - none
16. Correspondence, Reports of Interest
 - a. [11/27/19 - Note from Mr. & Mrs. Florian](#)
17. Adjournment (9:10 PM)

Meetings & Dates of Importance

Dec 19, 2019	Futurist Committee	07:00pm
Jan 02, 2020	Parks and Rec Commission	07:00pm
Jan 06, 2020	Board of Supervisors	07:00pm
Jan 07, 2020	Board of Auditors	07:00pm
Jan 08, 2020	Planning Commission	07:00pm
Jan 08, 2020	Conservancy Board	07:00pm
Jan 09, 2020	Pipeline Task Force Workshop	05:00pm
Jan 09, 2020	Historical Commission	07:00pm
Jan 13, 2020	Municipal Authority	07:00pm
Jan 16, 2020	Futurist Committee	07:00pm
Jan 20, 2020	Office Closed	-----
Jan 21, 2020	Board of Supervisors	07:00pm
Jan 23, 2020	Pipeline Task Force	05:00pm
Jan 27, 2020	Sustainability Advisory Com	07:00pm
Jan 28, 2020	Annual Planning Session	06:00pm

Newsletter Deadline for Spring 2020: February 1

The Chairperson, in his or her sole discretion, shall have the authority to rearrange the agenda accommodate the needs of other board members, the public or an applicant.

Public Comment – Pursuant to Section 710.1 of the Sunshine Act the Township is required to include an opportunity for public comment agenda which is intended to allow residents and/or taxpayers to comment on matters of concern, official action or deliberation which are or may be before the Board of Supervisors. Matters of concern which merit additional research will be placed on the agenda for the next meeting. The Board of Supervisors will allocate a maximum of 30 minutes for public comment at the beginning of each meeting. If necessary there will be a second period for public comment prior to the end of the meeting.

Constant Contact - Want more information about the latest news in the Township and surrounding area? East Goshen Township and Chester County offer two valuable resources to stay informed about important local issues. East Goshen communicates information by email about all Township news through Constant Contact. To sign up, go to www.eastgoshen.org, and click the “E-notification & Emergency Alert” button on the left side of the homepage.

ReadyChesco - Chester County offers an emergency notification system called ReadyChesco, which notifies residents about public safety emergencies in the area via text, email and cell phone call. Signing up is a great way to keep you and your loved ones safe when disaster strikes. Visit www.readychesco.org to sign up today!

Smart 911 – Smart 911 is a new service in Chester County that allows you to create a Safety Profile at www.smart911.com that includes details you want the 9-1-1 center and public safety response teams to know about your household in an emergency. When you dial 9-1-1, from a

phone associated with your Safety Profile that information automatically displays to the 9-1-1 call taker allowing them to send responders based on up-to-date location and emergency information. With your Safety Profile, responders can arrive aware of many details they would not otherwise know. Fire crews can arrive knowing exactly how many people live in your home and where the bedrooms are located. EMS personnel can know family members' allergies or specific medical conditions. And police can access a photo of a missing family member in seconds rather than minutes or hours, helping the search start faster.

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The following notice was posted on the East Whiteland Township website on Thursday, December 12, 2019.

Posted on: December 12, 2019

East Whiteland Township King & Sproul Roads Update

To All

The results of the recent traffic counts have been shared with the staff and governing body of East Whiteland Township (see attached). The consensus of the East Whiteland Board of Supervisors is that no changes will be made to the intersection based on these new counts and on the minimal impact that recommended solutions would have to improve traffic conditions surrounding the intersection. We will communicate this news to East Goshen Township, McMahon and PennDOT.

We hope this clarifies concerns. Please also keep in mind this entire process was intended to improve conditions at the intersection, not to adversely affect any properties.

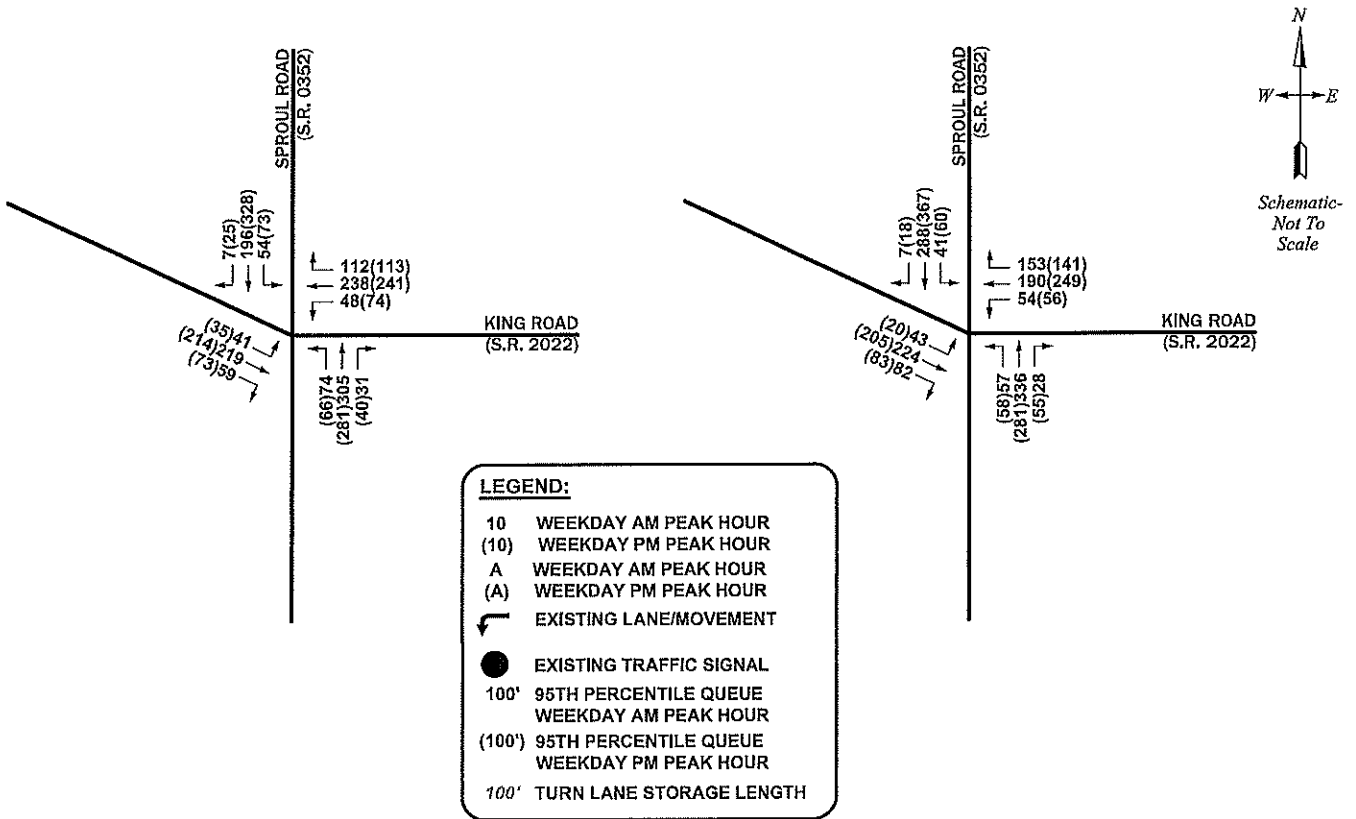
John Nagel

Township Manager

[Traffic counts](#)

2016 Existing Peak Hour Traffic Volumes

2019 Existing Peak Hour Traffic Volumes



Scenario 1
2019 Existing Peak Hour Levels-of-Service
With Existing Signal Phasing

Scenario 2
2019 Existing Peak Hour Levels-of-Service
With Interim Improvements

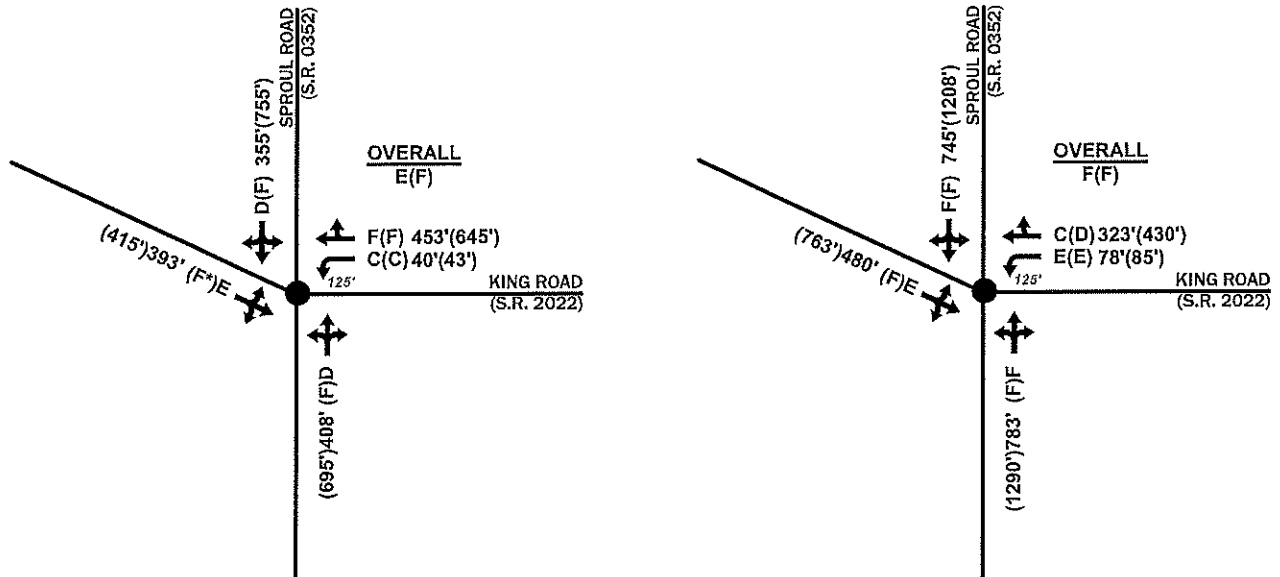


FIGURE 1
2019 Existing Peak Hour Traffic Conditions
S.R. 352 AND KING ROAD
INTERSECTION IMPROVEMENTS
EAST WHITELAND AND EAST GOSEHN TOWNSHIPS, CHESTER COUNTY, PA

Goshen Fire Company Monthly Operations Report

November 2019



Fire Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	23	43	284	585
West Goshen	22	45	201	463
Westtown	13	41	82	212
Willistown	13	30	48	124
Other	8	126	58	528
Total - Fire	79	285	673	1912

Fire Police Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	7	14	138	433.9
West Goshen	11	23	105	187.2
Westtown	6	6	61	152.6
Willistown	4	4	38	84.8
Other	4	18	44	238.4
Total - Fire Police	32	65	386	1096.9

EMS Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	156	248	2007	2978
West Goshen	90	150	1074	1527
Westtown	18	36	265	469
Willistown	50	80	334	496
Other	6	5	142	115
Total - EMS	320	519	3822	5585

Total Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	186	305	2429	3997
West Goshen	123	218	1380	2177
Westtown	37	83	408	834
Willistown	67	114	420	705
Other	18	149	244	881
Total - Goshen Fire Company	431	869	4881	8594

Goshen Fire Company Monthly Operations Report November 2019



Monthly Updates

Key Indicators

Patients Treated	230	
Patients 65 and Over	171	74%
EMS Calls to Assisted Living and Retirement Facilities	135	38%
Automatic Fire/CO Alarms	20	25%

Major Incidents

Multiple Severe Weather Calls	11/1/2019
Building Fire 1263 Stackhouse Mill Rd Edgmont Twp	11/17/2019
Building Fire 2010 Antler Dr Edgmont Twp	11/18/2019

Events

Santa at Station 54 Event	12/1/2019
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Fundraising Activities

Breakfast Buffet	Nov. 23
15 Week Club Raffle	Underway
2020 Ambulance Subscription Drive	In Progress
2020 Business Contribution Drive	In Progress

Personnel Updates

None	
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Apparatus Updates

Replacement ambulance on order	
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Malvern Fire Company

424 East King Street
Malvern, PA 19355

Main 610-647-0693
Fax 610-647-0249
www.malvernfireco.com

East Goshen Township 2019 EMS Statistics

January:

28 Calls; 2 BLS (1 Transport); 26 ALS (22 Transports)

February:

36 Calls; 6 BLS (6 Transports); 30 ALS (18 Transports)

March:

37 Calls; 1 BLS (0 Transports); 36 ALS (22 Transports)

April:

34 Calls; 4 BLS (4 Transports); 30 ALS (25 Transports)

May:

32 Calls; 11 BLS (10 Transports); 21 ALS (13 Transports)

June:

27 Calls; 2 BLS (1 Transport); 25 ALS (13 Transports)

July:

25 Calls; 0 BLS (0 Transports); 25 ALS (15 Transports)

August:

24 Calls; 2 BLS (2 Transports); 22 ALS (15 Transports)

September:

28 Calls; 4 BLS (3 Transports); 24 ALS (18 Transports)

October:

31 Calls; 2 BLS (1 Transport); 29 ALS (15 Transports)

November:

29 Calls; 5 BLS (2 Transports); 24 ALS (17 Transports)

**Malvern Fire Company EMS
2019 Statistics**

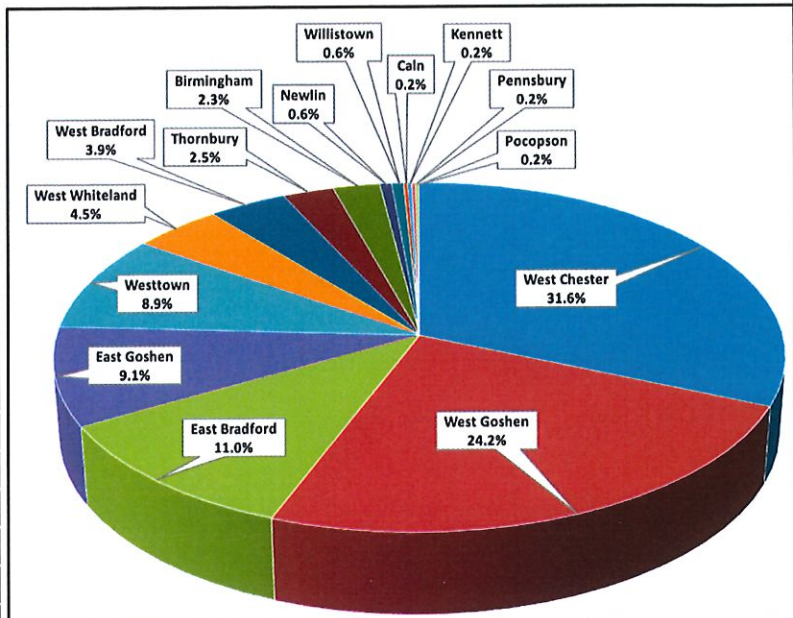
2019		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
Calls		165	196	187	207	184	199	192	175	185	213	195		2098
Call Types	Emer. Transfer	0	0	0	2	0	0	1	1	0	1	0		5
	Event Standby	0	2	0	0	3	1	0	0	2	1	2		11
	Fire	9	7	8	16	8	11	13	10	12	12	17		123
	Medical	153	179	172	176	162	176	167	159	159	189	170		1862
	MVA	3	8	7	13	10	11	11	5	11	7	6		92
	Relocate	0	0	0	0	0	0	0	0	1	2	0		3
	Routine	0	0	0	0	1	0	0	0	0	0	0		1
ALS/BLS	ALS	122	141	142	158	130	143	151	128	131	150	141		1537
	BLS	43	55	45	49	54	56	41	47	54	63	54		561
Municipalities	Charlestown Twp.	7	7	8	3	4	2	7	2	5	4	1		50
	Delaware County	0	0	0	0	1	1	1	0	0	0	0		3
	E. Goshen Twp.	28	36	37	34	32	27	25	24	28	31	29		331
	E. Pikeland Twp.	0	0	0	0	0	0	1	0	0	0	0		1
	E. Whiteland Twp.	16	34	39	41	26	40	24	32	29	33	32		346
	Easttown Twp.	0	1	1	1	2	0	1	1	1	2	0		10
	Edgemont Twp.	0	0	1	0	0	0	0	0	0	0	0		1
	Malvern Boro.	21	23	14	25	18	19	16	14	15	24	23		212
	Salisbury Twp.	0	0	0	0	0	0	0	0	1	0	0		1
	Tredyffrin Twp.	13	26	13	15	21	17	25	20	20	15	16		201
	W. Goshen Twp.	2	0	0	2	0	0	0	0	0	1	1		6
	W. Pikeland Twp.	0	0	0	0	0	0	3	0	0	0	0		3
	W. Whiteland Twp.	0	0	0	0	0	0	1	0	1	0	1		3
	Westtown Twp.	1	0	0	0	1	0	0	1	1	1	0		5
	Willistown Twp.	77	69	74	86	79	93	88	81	84	102	92		925
Hospital - Outcome	BMH	3	4	0	7	2	2	1	2	0	4	3		28
	BWH	0	0	1	0	0	0	0	0	0	0	0		1
	CCH	9	14	14	12	12	7	10	7	12	12	10		119
	CHOP	1	0	0	0	1	1	0	0	0	0	0		3
	Helicopter	0	0	0	0	0	0	1	0	0	0	0		1
	LH	0	0	0	0	0	2	0	0	0	0	0		2
	PMH	113	110	102	122	119	123	114	109	118	123	109		1262
	RMH	0	0	1	2	1	0	0	0	1	0	0		5
	TJUH	0	0	0	0	0	0	0	0	0	1	0		1



November 2019 Operations Report

Call Volume

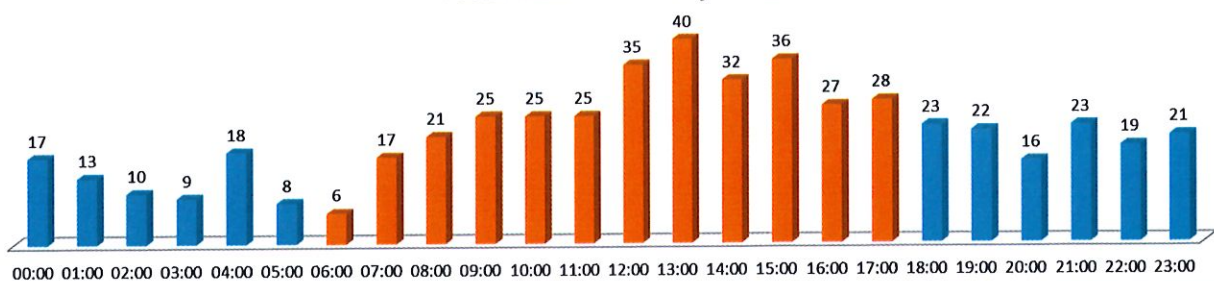
Municipality	Count	% of Calls
West Chester	163	31.6%
West Goshen	125	24.2%
East Bradford	57	11.0%
East Goshen	47	9.1%
Westtown	46	8.9%
West Whiteland	23	4.5%
West Bradford	20	3.9%
Thornbury	13	2.5%
Birmingham	12	2.3%
Newlin	3	0.6%
Willistown	3	0.6%
Caln	1	0.2%
Kennett	1	0.2%
Pennsbury	1	0.2%
Pocopson	1	0.2%
Total	516	



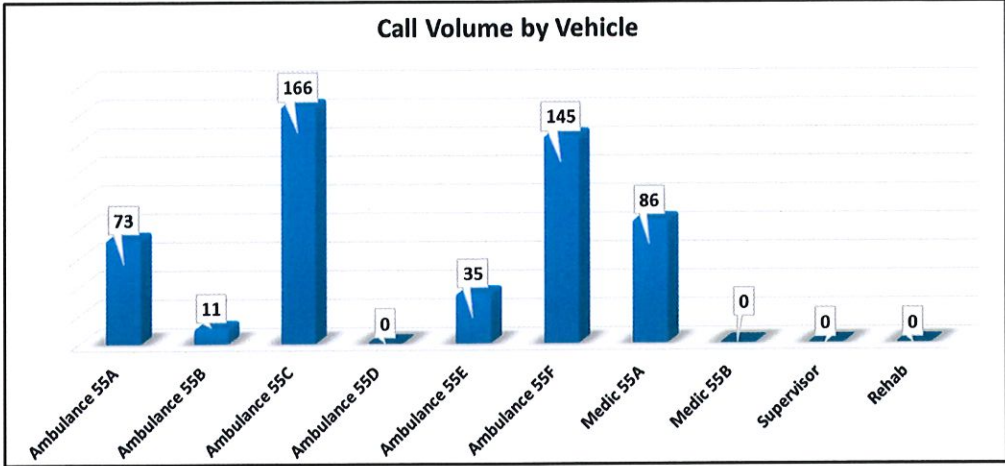
Non-Transport Breakdown

Refusal	54
Recalled Enroute	28
Recalled On Scene	38
No Services	40
Lift Assist	12
DOA	1
Released to BLS	4
External ALS Assist	0
Total	177

Total Call Volume By Hour

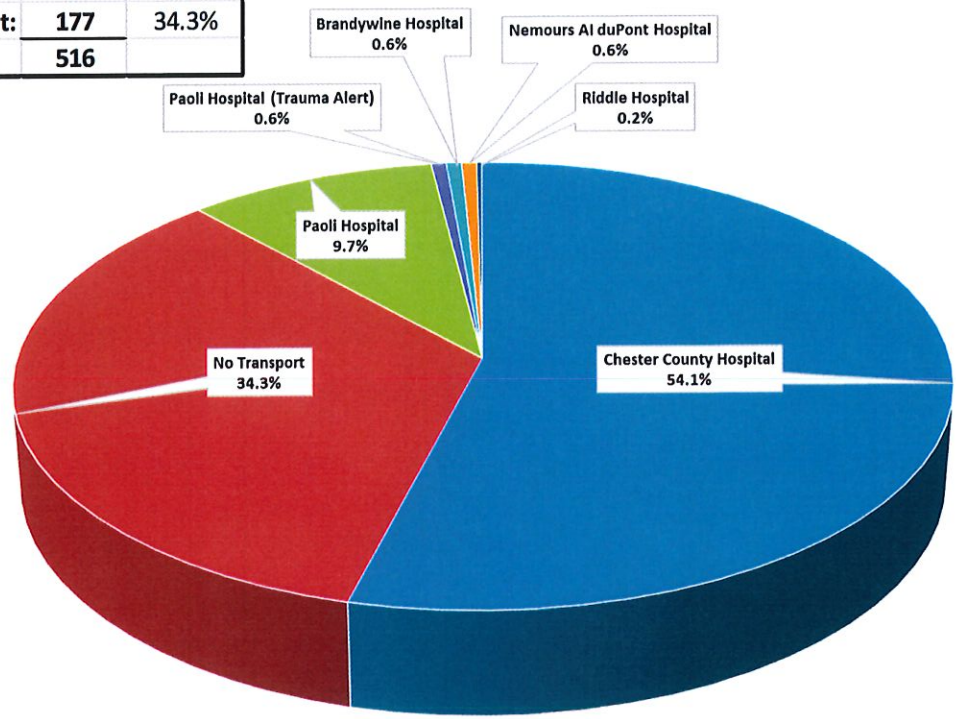


Call Volume by Vehicle	
Ambulance 55A	73
Ambulance 55B	11
Ambulance 55C	166
Ambulance 55D	0
Ambulance 55E	35
Ambulance 55F	145
Medic 55A	86
Medic 55B	0
Supervisor	0
Rehab	0
Total	516



Hospital Destination Information

Disposition	Total	%
Chester County Hospital	279	54.1%
No Transport	177	34.3%
Paoli Hospital	50	9.7%
Paoli Hospital (Trauma Alert)	3	0.6%
Brandywine Hospital	3	0.6%
Nemours Al duPont Hospital	3	0.6%
Riddle Hospital	1	0.2%
Total	516	
Transported:	339	65.7%
No Transport:	177	34.3%
	516	



Miscellaneous Call Information

Covering Other Agencies

Goshen Fire Co	25
Uwchlan Ambulance	8
Minquas Fire Co	4
Concordville Fire Co	3
Longwood Fire Co	3
Malvern Fire Co	2
Total	45

West Chester University Calls

	Total	%
Total WCU Calls	28	5.4%
WCU Calls in West Chester	25	4.8%
WCU Calls in West Goshen	3	0.6%
WCU Calls in East Bradford	0	0.0%

Alcohol / Drug Suspicion

	Total	%
Alcohol	38	7.4%
Alcohol and Drugs	7	1.4%
Drugs	7	1.4%
Total:	52	10.1%
Unknown / Unable to Determine	36	7.0%

Responses By Station

Main Station (Station 55)	426
East Goshen (Station 155)	46
East Bradford (Station 255)	44

Average Times

Dispatch To Enroute	1.41
Enroute To On Scene	6.74
On Scene Time	14.92
Transport Time	9.89
Dispatch To Available	41.24

Call Types

BLS - Sick Person	67	13.0%
BLS - Fall / Lift Assist	50	9.7%
ALS - Cardiac Problems	44	8.5%
Accident - BLS	35	6.8%
ALS - Respiratory Difficulty	34	6.6%
BLS - Injured Person	27	5.2%
BLS - Emotional Disorder	25	4.8%
ALS - Fall	19	3.7%
BLS - Overdose	17	3.3%
ALS - Diabetic Emergency	16	3.1%
ALS - Syncope	16	3.1%
EMS - Stand By - Fire	16	3.1%
ALS - Overdose	13	2.5%
ALS - Seizures	13	2.5%
ALS - CVA/Stroke	12	2.3%
ALS - Unresponsive Person	12	2.3%
BLS - Syncope	10	1.9%
BLS - Seizures	8	1.6%
BLS - Abdominal Pain	7	1.4%
BLS - Hemorrhaging	7	1.4%
ALS - Hypotension	6	1.2%
ALS - Unconscious Person	6	1.2%
ALS - Hemorrhaging	5	1.0%
Alarm - BLS Medical	5	1.0%
ALS - Cardiac/Resp Arrest	4	0.8%
ALS - Choking	4	0.8%
ALS - Injured Person	4	0.8%
BLS - Assault w/Injury	4	0.8%
ALS - Allergic/Med Reaction	3	0.6%
ALS - Assault w/Injury	3	0.6%
ALS - Emotional Disorder	3	0.6%
Accident - Pedestrian	3	0.6%
BLS - Unknown Nature	3	0.6%
ALS - Abdominal Pain	2	0.4%
Alarm - Carbon Monoxide	2	0.4%
BLS - Back Pain	2	0.4%
ALS - Burns - Misc	1	0.2%
ALS - Maternity/Labor Pains	1	0.2%
Accident - ALS	1	0.2%
Accident - Entrapment	1	0.2%
Accident - Involving Fire	1	0.2%
BLS - DOA	1	0.2%
BLS - Exposure to Heat/Cold	1	0.2%
Fire - Hazmat	1	0.2%
Fire - Other Type Rescue	1	0.2%
Total	516	

Memo

To: Board of Supervisors
From: Jon Altshul
Re: November 2019 Financial Report
Date: December 6, 2019

As of November 30th, net of pass throughs, the general fund had revenues of \$9,632,653 and expenses of \$9,804,168 for a year-to-date deficit of \$171,515. Compared to the year-to-date budget, revenues were \$156,452 over budget, and expenses were \$190,404 under budget for a positive budget variance of \$346,856. As of November 30th, the general fund balance was \$5,242,515.

On the expense side, all operating departments were under-budget, except for Parks and Recreation (+\$26,497), which has been impacted by the Marydell and now Bow Tree Pond projects. On the revenue side, Earned Income Tax revenues had a lackluster month and are now \$238,530 underbudget. However, Real Estate Transfer Tax (+\$223,077) and Other Income (+\$49,811), which includes interest, have offset the EIT shortfall.

Other funds

- The **State Liquid Fuels Fund** had \$575,898 in revenues and \$0 in expenses. The fund balance is \$577,669.
- The **Capital Reserve Fund** had \$119,264 in revenues and \$1,085,345 in expenses. The fund balance was \$4,993,777.
- The **Transportation Fund** had \$9,467 in revenues and \$186,374 in expenses. The fund balance was \$911,538.
- The **Sewer Operating Fund** had \$3,373,051 in revenues and \$3,102,869 in expenses. The fund balance was \$1,219,126.
- The **Refuse Fund** had \$1,035,903 in revenues and \$999,248 in expenses. The fund balance was \$703,805.
- The **Bond Fund** had \$118,515 in revenues and \$1,088,528 in expenses. The fund balance was \$5,398,295.
- The **Sewer Capital Reserve Fund** had \$157,530 in revenues and \$228,828 in expenses. The fund balance is \$2,182,294.
- The **Operating Reserve Fund** had \$13,995 in revenues and no expenses. The fund balance is \$2,559,399.

Year End Projections

I have updated the General Fund year-end projections and am now forecasting that the General Fund end the year with a deficit of \$198,295, which is nominally higher than what I reported last month (-\$191,284). Projections for other funds remain unchanged.

**EAST GOSHEN TOWNSHIP
GENERAL FUND SUMMARY
As of November 30, 2019**

Account Title	2019 Annual Budget	2019 YTD Budget	2019 YTD Actual	\$ Variance	% Variance
EMERGENCY SERVICES EXPENSES	4,290,164	4,161,510	4,100,489	(61,021)	-1.5%
PUBLIC WORKS EXPENSES	2,633,542	2,176,018	2,104,247	(71,771)	-3.3%
ADMINISTRATION EXPENSES	1,834,626	1,591,118	1,574,431	(16,687)	-1.0%
CODES EXPENSES	584,909	538,841	473,022	(65,819)	-12.2%
PARK AND RECREATION EXPENSES	782,875	731,936	756,832	24,896	3.4%
TOTAL CORE FUNCTION EXPENSES	10,126,116	9,199,423	9,009,022	(190,401)	-2.1%
EMERGENCY SERVICES REVENUES	81,901	75,319	62,163	(13,156)	-17.5%
PUBLIC WORKS REVENUES	1,003,167	314,231	353,429	39,198	12.5%
ADMINISTRATION REVENUES	314,323	297,880	363,020	65,140	21.9%
CODES REVENUES	258,770	239,370	277,480	38,110	15.9%
PARK AND RECREATION REVENUES	134,735	126,747	125,146	(1,601)	-1.3%
TOTAL CORE FUNCTION REVENUES	1,792,896	1,053,547	1,181,238	127,691	12.1%
NET EMERGENCY SERVICES	4,208,263	4,086,191	4,038,327	(47,864)	-1.2%
NET PUBLIC WORKS	1,630,375	1,861,787	1,750,818	(110,969)	-6.0%
NET ADMINISTRATION	1,520,303	1,293,238	1,211,412	(81,826)	-6.3%
NET CODES	326,139	299,471	195,542	(103,929)	-34.7%
NET PARK AND RECREATION	648,140	605,189	631,686	26,497	4.4%
CORE FUNCTION NET SUBTOTAL	8,333,220	8,145,876	7,827,784	(318,092)	-3.9%
DEBT - PRINCIPAL	574,000	574,000	574,000	0	0.0%
DEBT - INTEREST	226,399	221,149	221,146	(3)	0.0%
TOTAL DEBT	800,399	795,149	795,146	(3)	0.0%
TOTAL CORE FUNCTION NET	9,133,619	8,941,025	8,622,930	(318,095)	-3.6%
NON-CORE FUNCTION REVENUE					
EARNED INCOME TAX	5,191,400	4,978,384	4,739,854	(238,530)	-4.8%
REAL ESTATE PROPERTY TAX	2,039,429	2,032,318	2,037,310	4,992	0.2%
REAL ESTATE TRANSFER TAX	585,000	536,250	759,327	223,077	41.6%
CABLE TELEVIS.FRANCHISE	450,000	450,000	447,511	(2,489)	-0.6%
LOCAL SERVICES TAX	348,000	338,490	330,390	(8,100)	-2.4%
OTHER INCOME	519,790	87,212	137,023	49,811	57.1%
TOTAL NON CORE FUNCTION REVENUE	9,133,619	8,422,654	8,451,415	28,761	0.3%
NET RESULT	0	(518,371)	(171,515)	346,856	

SUMMARY OF FUNDS REPORT (AKA "JOE REPORT")
 ALL FUNDS NOVEMBER 30, 2019
 * NOTE: GENERAL FUND INCLUDES PASS-THROUGH ACCOUNTS

	GENERAL FUND*	LIQUID FUELS STATE FUND	CAP RESV FUND	TRANSPORT FUND	SEWER OP. FUND	REFUSE FUND	SEWER CAP RESV FUND	OPERATING RESERVE	TOWNSHIP FUNDS	MUNICIPAL AUTHORITY	BOND FUND
01/01/19 BEGINNING BALANCE	\$5,689,163	\$1,771	\$5,959,859	\$1,088,446	\$948,943	\$667,149	\$2,253,592	\$2,545,404	\$19,154,328	\$25,923	\$6,368,308
RECEIPTS											
310 TAXES	\$7,937,591	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,937,591	\$0	\$0
320 LICENSES & PERMITS	\$459,155	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$459,155	\$0	\$0
330 FINES & FORFEITS	\$53,057	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$53,057	\$0	\$0
340 INTERESTS & RENTS	\$209,918	\$10,891	\$112,681	\$9,467	\$14,791	\$8,709	\$34,290	\$13,995	\$414,741	(\$156)	\$118,515
350 INTERGOVERNMENTAL	\$360,478	\$565,007	\$0	\$0	\$0	\$0	\$0	\$0	\$925,484	\$29,078	\$0
360 CHARGES FOR SERVICES	\$410,939	\$0	\$0	\$0	\$3,357,149	\$1,018,637	\$0	\$0	\$4,786,725	\$5,248	\$0
380 MISCELLANEOUS REVENUES	\$1,538,794	\$0	\$350	\$0	\$1,111	\$8,557	\$0	\$0	\$1,548,812	\$565	\$0
390 OTHER FINANCING SOURCES	\$312,565	\$0	\$6,233	\$0	\$0	\$0	\$123,240	\$0	\$442,038	\$258,326	\$0
	\$11,282,497	\$575,898	\$119,264	\$9,467	\$3,373,051	\$1,035,903	\$157,530	\$13,995	\$16,567,604	\$293,062	\$118,515
EXPENDITURES											
400 GENERAL GOVERNMENT	\$1,215,709	\$0	\$746,072	\$0	\$0	\$0	\$0	\$0	\$1,961,781	\$0	\$0
410 PUBLIC SAFETY	\$6,105,740	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,105,740	\$0	\$0
420 HEALTH & WELFARE	\$135,356	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$135,356	\$0	\$0
426 SANITATION & REFUSE	\$0	\$0	\$0	\$0	\$1,928,186	\$999,248	\$194,622	\$0	\$3,122,055	\$277,546	\$0
430 HIGHWAYS,ROADS & STREETS	\$1,726,783	\$0	\$121,210	\$186,374	\$0	\$0	\$0	\$0	\$2,034,368	\$0	\$247,702
450 CULTURE-RECREATION	\$676,127	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$676,127	\$0	\$840,826
460 CONSERVATION & DEVELOPMENT	\$4,156	\$0	\$94,823	\$0	\$0	\$0	\$0	\$0	\$98,979	\$0	\$0
470 DEBT SERVICE	\$819,244	\$0	\$0	\$0	\$950,563	\$0	\$0	\$0	\$1,769,807	\$0	\$0
480 MISCELLANEOUS EXPENDITURES	\$1,055,237	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,055,237	\$0	\$0
490 OTHER FINANCING USES	\$0	\$0	\$123,240	\$0	\$224,120	\$0	\$34,206	\$0	\$381,566	\$0	\$0
	\$11,738,351	\$0	\$1,085,345	\$186,374	\$3,102,869	\$999,248	\$228,828	\$0	\$17,341,015	\$277,546	\$1,088,528
2019 SURPLUS/(DEFICIT)*	(\$455,854)	\$575,898	(\$966,082)	(\$176,908)	\$270,182	\$36,655	(\$71,298)	\$13,995	(\$773,412)	\$15,515	(\$970,013)
CLEARING ACCOUNT ADJUSTMENTS	\$9,207										
11/30/2019 ENDING BALANCE	<u>\$5,242,515</u>	<u>\$577,669</u>	<u>\$4,993,777</u>	<u>\$911,538</u>	<u>\$1,219,126</u>	<u>\$703,805</u>	<u>\$2,182,294</u>	<u>\$2,559,399</u>	<u>\$18,390,123</u>	<u>\$41,438</u>	<u>\$5,398,295</u>

2019 General Fund Year-End Projection

Net of Pass Throughs, as of November 30, 2019

Account Title	2019 Budget	2019 Projected	Dollar Variance	Percentage Variance
EMERGENCY SERVICES EXPENSES	4,290,164	4,277,543	(12,621)	-0.3%
PUBLIC WORKS EXPENSES	2,633,542	2,567,992	(65,550)	-2.5%
ADMINISTRATION EXPENSES	1,834,626	1,913,656	79,030	4.3%
ZONING/PERMITS/CODES EXPENSES	584,909	514,256	(70,653)	-12.1%
PARK AND RECREATION EXPENSES	782,875	818,373	35,498	4.5%
TOTAL CORE FUNCTION EXPENSES	10,126,116	10,091,820	(34,296)	-0.3%
EMERGENCY SERVICES REVENUES	81,901	71,905	(9,996)	-12.2%
PUBLIC WORKS REVENUES	1,003,167	1,029,149	25,982	2.6%
ADMINISTRATION REVENUES	314,323	397,140	82,817	26.3%
ZONING/PERMITS/CODES REVENUES	258,770	292,737	33,967	13.1%
PARK AND RECREATION REVENUES	134,735	122,983	(11,752)	-8.7%
TOTAL CORE FUNCTION REVENUES	1,792,896	1,913,915	121,019	6.7%
NET EMERGENCY SERVICES	4,208,263	4,205,638	(2,625)	-0.1%
NET PUBLIC WORKS	1,630,375	1,538,843	(91,532)	-5.6%
NET ADMINISTRATION	1,520,303	1,516,516	(3,787)	-0.2%
NET ZONING/PERMITS/CODES	326,139	221,519	(104,620)	-32.1%
NET PARK AND RECREATION	648,140	695,390	47,250	7.3%
CORE FUNCTION NET SUBTOTAL	8,333,220	8,177,905	(155,315)	-1.9%
DEBT - PRINCIPAL	574,000	574,000	0	0.0%
DEBT - INTEREST	226,399	226,399	0	0.0%
TOTAL DEBT SERVICE	800,399	800,399	(108,064)	-13.5%
TOTAL CORE FUNCTION NET	9,133,619	8,978,304	(263,379)	(0)
NON-CORE FUNCTION REVENUE				
EARNED INCOME TAXES	5,191,400	5,000,000	(191,400)	-3.7%
REAL ESTATE PROPERTY TAX	2,039,429	2,045,604	6,175	0.3%
REAL ESTATE TRANSFER TAX	585,000	800,000	215,000	36.8%
CABLE TV FRANCHISE TAX	450,000	447,511	(2,489)	-0.6%
LOCAL SERVICES TAX	348,000	345,000	(3,000)	-0.9%
OTHER INCOME	519,790	141,894	(377,896)	-72.7%
TOTAL NON CORE FUNCTION REVENUE	9,133,619	8,780,009	(353,610)	-3.9%
NET RESULT	0	(198,295)		

SUMMARY OF FUNDS REPORT (AKA "JOE REPORT")
2019 YEAR-END PROJECTION ALL FUNDS
As of November 30, 2019

	GENERAL FUND	LIQUID FUELS STATE FUND	CAP RESV FUND	TRANSPORT. FUND	SEWER OP. FUND	REFUSE FUND	SEWER CAP RESV FUND	OPERATING RESERVE	TOWNSHIP FUNDS	MUNICIPAL AUTHORITY	BOND FUND
1/1/19 FUND BALANCE	\$5,689,163	\$1,771	\$5,959,859	\$1,088,446	\$948,943	\$667,149	\$2,253,592	\$2,545,404	\$19,154,328	\$25,923	\$6,368,308
310 TAXES	\$8,186,304								8,186,304	\$0	\$0
320 LICENSES & PERMITS	\$459,155								459,155	\$0	\$0
330 FINES & FORFEITS	\$63,000								63,000	\$0	\$0
340 INTERESTS & RENTS	\$222,162	\$10,000	\$105,000	\$9,100	\$16,000	\$9,000	\$40,000	\$45,000	456,262	\$0	\$110,000
350 INTERGOVERNMENTAL	\$360,477	\$564,000	\$253,400	\$257,500					1,435,377	\$32,307	\$0
360 CHARGES FOR SERVICES	\$435,158				\$3,532,857	\$1,029,703	\$272,050		5,269,768	\$3,188	\$0
380 MISCELLANEOUS REVENUES	\$1,963,941				\$492				1,964,433	\$565	\$0
390 OTHER FINANCING SOURCES	\$987,442		\$466,175						1,453,617	\$322,000	\$0
	12,677,639	574,000	824,575	266,600	3,549,349	1,038,703	312,050	45,000	19,287,916	\$358,060	\$110,000
EXPENDITURES											
400 GENERAL GOVERNMENT	\$1,430,734		\$845,802						2,276,536	\$0	\$0
410 PUBLIC SAFETY	\$6,433,480								6,433,480	\$0	\$0
420 HEALTH & WELFARE	\$6,000								6,000	\$0	\$0
426 SANITATION & REFUSE	\$148,142				\$2,182,521	\$1,111,944	\$187,106		3,629,713	\$346,481	\$1,994,718
430 HIGHWAYS,ROADS & STREETS	\$2,156,612	\$574,000	\$163,534	\$672,992					3,567,138	\$0	\$0
450 CULTURE-RECREATION	\$752,120								752,120	\$0	\$1,070,533
460 CONSERVATION & DEVELOPMENT	\$4,508		\$167,960						172,468	\$0	\$0
470 DEBT SERVICE	\$824,659				\$976,756				1,801,415	\$0	\$0
480 MISCELLANEOUS EXPENDITURES	\$1,119,678								1,119,678	\$0	\$0
490 OTHER FINANCING USES			\$108,000		\$415,000		\$67,000		590,000	\$0	\$0
	\$12,875,934	\$574,000	\$1,285,296	\$672,992	\$3,574,277	\$1,111,944	\$254,106	\$0	20,348,549	\$346,481	\$3,065,251
SURPLUS/(DEFICIT)	(\$198,295)	\$0	(\$460,721)	(\$406,392)	(\$24,928)	(\$73,241)	\$57,944	\$45,000	(\$1,060,633)	\$11,579	(\$2,955,251)
PROJECTED YEAR-END FUND BALANCE	\$5,490,868	\$1,771	\$5,499,138	\$682,054	\$924,015	\$593,908	\$2,311,536	\$2,590,404	\$18,093,695	\$37,502	\$3,413,057

**ASSESSMENT OFFICE
CHESTER COUNTY, PENNSYLVANIA**

Statement of real estate subject to taxation in your district for the coming year.

Louis F. Smith, Jr.
1580 Paoli Pk.
West Chester, PA. 19380

2018	1,649,937,856
2019	1,659,847,054

STATEMENT OF VALUATIONS

Real Estate Valuation (Including Mobile Homes)

\$ **1,657,957,694**

(-0.11%)

Public Utilities Valuation

\$ **495,160**

I hereby certify that the foregoing statement is a true and correct summary of all assessments within **East Goshen** for the year ending October 31, 2019.

Jonathan B. Schuck

Director Of Assessment

Date of Notification: **November 14, 2019**

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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, DECEMBER 3, 2019
DRAFT MINUTES**

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

Call to Order & Pledge of Allegiance

Janet called the meeting to order at 7:00 p.m. and asked Amanda 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.

Chairman's Report

Jon introduced Amanda Ball, the Township's new Receptionist.

Janet made the following announcements:

- The Board met in Executive Session for a personnel matter (ABC interviews) on November 26.
- The Board will conduct a public hearing on December 17, 2019, to consider the TND Ordinances. The ordinances are posted on the website.
- The Board will hold their Re-organization meeting on Monday, January 6, 2020, at 6pm
- The Chester County Water Resources Authority will be holding a public input meeting at the East Goshen Township Building on Thursday, December 12, 2019 at 7pm.
- Chris Zupano has accepted the Township's conditions in the Board's November 12, 2019 order on the CZ Woodworking Conditional Use Application.

Public Comment

None

Approval of Minutes and Treasurer's Report

Carmen made a motion to approve the minutes of November 19, 2019, as amended. David seconded. The motion passed 5-0.

1 Jon explained that the December 2019 payment to the Westtown East Goshen Police
2 Department would be net of a \$151,278.54 transfer from the East Goshen Police Pension
3 Trust to the WEGO Pension Plan. Carmen made a motion to approve the Treasurer's
4 Report of November 26, 2019. Mike seconded. The motion passed 5-0.

5
6 **Consider Adoption of 2020 Township Budget, 2020 WEGO Budget and 2020 Staff**
7 **Salaries**

8 Jon provided a summary of the two minor adjustments to the 2020 budget since it was
9 originally proposed on November 12 and advertised on November 13:

- 10
11 • The insurance line item was increased by \$2,040 to reflect firm costs for
12 premiums
13 • The cert fee line items in the sewer and refuse funds were doubled to reflect
14 higher proposed cert fees to better reflect the cost to the Township of this service.
15

16 David made the following motion: I move that we adopt the 2020 Proposed Budget in the
17 following amounts:

- 18
19 • General Fund expenses and revenues, net of pass throughs, of \$10,997,838,
20 including a \$461,561 transfer from fund balance to balance the budget.
21 • General Fund pass-through expenses and revenues of \$2,106,900.
22 • State Liquid Fuel Fund expenses and revenues of \$551,604.
23 • Capital Reserve Fund expenses of \$3,636,672 and revenues of \$2,208,654.
24 • Transportation Fund expenses of \$185,000 and revenues of \$4,000.
25 • Sewer Operating Fund expenses and revenues of \$3,735,274.
26 • Refuse Fund expenses of \$1,136,729 and revenues of \$1,058,998.
27 • Bond Fund expenses of \$2,374,901 and revenues of \$50,000.
28 • Sewer Capital Reserve Fund expenses of \$277,000 and revenues of \$195,000.
29 • Operating Reserve Fund expenses of \$0 and revenues of \$40,000.
30

31 I further move that we approve the 2020 staff salaries as proposed and the Westtown-East
32 Goshen Police Budget, version 4.

33
34 Mike seconded. The motion passed 5-0.
35

36 **Consider Financial Policies**

37 Jon provided a brief background on the need to revise the financial policies. He stressed
38 that under the current depreciation formula, which treats assets purchased before January
39 1, 2014 differently than those purchased after that date, we may not be transferring
40 sufficient funds to ensure that we can continue to replace current assets without the need
41 to borrow money in the future.
42

43 Carmen made a motion to adopt Resolution 2019-74 establishing financial policies.
44 David seconded. Mike noted that the adopted 2020 budget shows the importance of
45 maintaining a sensible reserve policy.
46

1 The motion passed 5-0.

2
3 **Consider Group Bids**

4 Group bids were received in the following amounts:

5 Fuel 89 Octane Gas & Diesel Fuel

6 Reilly & Sons Inc. \$22,044.00

7
8 Soda Ash Soda Ash Alum. Total

9 Main Pool and Chemical \$9,120.00 20,720.00 \$29,840.00

10 Coyne Chemical \$9,758.40 28,928.20 \$38,686.60

11
12 Rental Equip. without Operators Weekly Monthly

13 Foley Inc \$17,125.00 \$46,456.00

14
15 Signs and Posts Total Bid

16 Garden State Highway Products Inc. \$10,151.00

17
18 Milling Machine Rental Daily Rental 10 Day Rental

19 Groff Tractor (CC&T) 51" wide \$7,000 \$14,400.00

20 86" wide \$10,000.00 \$20,000.00

21
22 Tri-Axle Dump Truck Rental Per Hour

23 R.W. Fetters, Inc \$95.00 per hour

24 Ethan Patton Transport, LLC \$100.00 per hour

25
26 Roadside Litter Collection 1 Collection 12 Collections

27 A.J. Blosenski, Inc. \$ 960.00 \$11,520.00

28
29 Carmen made a motion to award the contract for fuel to Reilly & Sons Inc; for Soda Ash
30 to Main Pool and Chemical; for Rental Equipment without Operators to Foley Inc; for
31 signs and posts to Garden State Highway Products Inc; for Milling Machine Rental to
32 Groff Tractor/CC&T; for Tri-Axle Dump Truck Rental to R.W. Fetters Inc; and for
33 Roadside Litter Collection to AJ Blosenski Inc. Mike seconded.

34
35 Marty asked why we didn't receive more bids and whether we should consider rebidding
36 some of the contracts. Rick explained that the bonding and insurance requirements are so
37 onerous that they discourage many firms from bidding. Mike asked how the fuel bid
38 works. Rick explained that it represents the delivery fee on a specific date.

39
40 The motion passed 5-0.

41
42 **Consider 2020 Shredding Event**

43 Jon explained that Wiggins can provide a shredding truck that holds 4 tons of paper at the
44 park for \$550 for a 3-hour period. Carmen indicated that a shredding event is likely to be
45 very popular and suggested adding an extra hour to the event. Marty made a motion to

1 hold a shredding event in the Township Park in 2020, and authorize additional time for
2 the event, as needed. Mike seconded the motion. The motion passed 5-0.

3
4 **Consider Storm Water Operation and Maintenance Agreement for 204 Line Road**

5 Mike made a motion to authorize the Chair to execute the storm water operation and
6 maintenance agreement for 204 Line Road. David seconded. The motion passed 5-0.

7
8 **Adjournment**

9 David made a motion to adjourn at 7:35pm. Mike seconded. The motion passed 5-0.

10
11
12 Respectfully submitted,
13 *Jon Altshul*
14 *Recording Secretary*

15
16 *Attached: Treasurer's Report of November 26, 2019*
17

TREASURER'S REPORT
 RECEIPTS AND BILLS

November 16 - November 26, 2019

GENERAL FUND

Real Estate Tax	\$3,964.18
Earned Income Tax	\$134,400.00
Local Service Tax	\$18,700.00
Transfer Tax	\$63,438.50
General Fund Interest Earned	\$0.00
Total Other Revenue	\$97,038.51

Total General Fund Receipts: \$317,541.19

Accounts Payable	\$117,768.42
Electronic Pmts:	
Credit Card	\$9,358.71
Postage	\$0.00
Debt Service	\$338,606.38
Payroll	\$61,580.90

Total Expenditures: \$527,314.41

STATE LIQUID FUELS FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total State Liquid Fuels Receipts:	<u>\$0.00</u>

Accounts Payable \$0.00

Total Expenditures: \$0.00

CAPITAL RESERVE FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Capital Reserve Fund Receipts:	<u>\$0.00</u>

Accounts Payable \$18,558.72

Credit Card \$0.00

Total Expenditures: \$18,558.72

TRANSPORTATION FUND

Receipts	\$0.00
Interest Earned	-\$50.00
Total Transportation Fund Receipts:	<u>-\$50.00</u>

Accounts Payable \$3,050.00

Total Expenditures: \$3,050.00

SEWER OPERATING FUND

Receipts	\$178,019.35
Interest Earned	\$0.00
Total Sewer Operating Fund Receipts:	<u>\$178,019.35</u>

Accounts Payable \$166,793.67

Credit Card \$0.00

Debt Service \$25,377.21

Total Expenditures: \$192,170.88

REFUSE FUND

Receipts	\$58,038.36
Interest Earned	\$0.00
Total Refuse Fund Receipts:	<u>\$58,038.36</u>

Accounts Payable \$16,378.88

Credit Card \$0.00

Total Expenditures: \$16,378.88

BOND FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Bond Fund Receipts:	<u>\$0.00</u>

Accounts Payable \$5,221.29

Total Expenditures: \$5,221.29

SEWER CAPITAL RESERVE FUND

Receipts	\$8,392.04
Interest Earned	\$0.00
Total Sewer Capital Reserve Fund Receipts:	<u>\$8,392.04</u>

Accounts Payable \$0.00

Total Expenditures: \$0.00

OPERATING RESERVE FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Operating Reserve Fund Receipts:	<u>\$0.00</u>

Accounts Payable \$0.00

Total Expenditures: \$0.00

1

**TREASURER'S REPORT
RECEIPTS AND BILLS**

November 26 - December 13, 2019

GENERAL FUND

Real Estate Tax	\$4,277.06
Earned Income Tax	\$272,545.97
Local Service Tax	\$6,925.07
Transfer Tax	\$0.00
General Fund Interest Earned	\$5,823.95
Total Other Revenue	\$30,100.42

Total General Fund Receipts: \$319,672.47

Accounts Payable	\$329,515.61
Electronic Pmts:	
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$196,636.91

Total Expenditures: \$526,152.52

STATE LIQUID FUELS FUND

Receipts	\$0.00
Interest Earned	\$10,205.33
Total State Liquid Fuels Receipts:	<u>\$10,205.33</u>

Accounts Payable \$0.00
Total Expenditures: \$0.00

CAPITAL RESERVE FUND

Receipts	\$142.58
Interest Earned	\$4,187.32
Total Capital Reserve Fund Receipts:	<u>\$4,329.90</u>

Accounts Payable \$43,721.78
Credit Card \$0.00
Total Expenditures: \$43,721.78

TRANSPORTATION FUND

Receipts	\$0.00
Interest Earned	\$718.40
Total Transportation Fund Receipts:	<u>\$718.40</u>

Accounts Payable \$530.11
Total Expenditures: \$530.11

SEWER OPERATING FUND

Receipts	\$167,840.31
Interest Earned	\$1,054.28
Total Sewer Operating Fund Receipts:	<u>\$168,894.59</u>

Accounts Payable \$23,476.75
Credit Card \$0.00
Debt Service \$0.00
Total Expenditures: \$23,476.75

REFUSE FUND

Receipts	\$53,909.83
Interest Earned	\$520.79
Total Refuse Fund Receipts:	<u>\$54,430.62</u>

Accounts Payable \$79,814.03
Credit Card \$0.00
Total Expenditures: \$79,814.03

BOND FUND

Receipts	\$0.00
Interest Earned	\$7,435.76
Total Bond Fund Receipts:	<u>\$7,435.76</u>

Accounts Payable \$34,486.74
Total Expenditures: \$34,486.74

SEWER CAPITAL RESERVE FUND

Receipts	\$188.98
Interest Earned	\$1,150.78
Total Sewer Capital Reserve Fund Receipts:	<u>\$1,339.76</u>

Accounts Payable \$0.00
Total Expenditures: \$0.00

OPERATING RESERVE FUND

Receipts	\$0.00
Interest Earned	\$36,753.59
Total Operating Reserve Fund Receipts:	<u>\$36,753.59</u>

Accounts Payable \$0.00
Total Expenditures: \$0.00

**EAST GOSHEN TOWNSHIP
MEMORANDUM**

TO: BOARD OF SUPERVISORS
FROM: JON ALTSHUL
SUBJECT: PROPOSED PAYMENTS OF BILLS
DATE: DECEMBER 13, 2019

Attached please find the Treasurer's Report for the week of November 26, 2019 – December 13, 2019.

Recommended motion: Mr. Chairman, I move that we graciously accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the Treasurer's Report.

Report Date 12/04/19

Expenditures Register
GL-1912-71471

ARPO5 run by BARBARA 10 : 30 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
1471	60516	1	01410 5300	WESTTOWN-EAST GOSHEN POLICE POLICE GEN. EXPENSE DECEMBER 2019 CONTRIBUTION	120119	12/04/19	12/01/19	12/04/19	18570 p	115,507.92
										115,507.92

NET OF TRANSFER FROM EST POLICE PENSION TRUST

1 Prepays, totaling 115,507.92
0 Printed, totaling 0.00

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	115,507.92	GENERAL FUND
		115,507.92	

PERIOD SUMMARY

Period	Amount
1912	115,507.92
	115,507.92

Report Date 12/06/19

Expenditures Register
GL-1912-71497

ARPO5 run by BARBARA 9 : 02 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
4161	60518	1	01401 3420	ASAP MAILING & MARKETING NEWSLETTERS ADDRESS, SORT & MAIL WINTER NEWSLETTER	12069	12/06/19		12/06/19		2,255.10
										2,255.10
										2,255.10
0 Printed, totaling										2,255.10

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	2,255.10	GENERAL FUND
		2,255.10	

PERIOD SUMMARY

Period	Amount
1912	2,255.10
	2,255.10

Report Date 12/09/19

Expenditures Register
GL-1912-71526

MRP05 run by BARBARA 1 : 27 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01	GENERAL FUND									
1941	60519	1	01430	2330	AG-INDUSTRIAL INC VEHICLE MAINT AND REPAIR ANTENNA	IN51105	12/09/19	12/09/19		21.00
										21.00
68	60520	1	01401	3120	AMS APPLIED MICRO SYSTEMS LTD. CONSULTING SERVICES NOVEMBER 2019	66220	12/09/19	12/09/19		1,097.00
68	60520	2	01414	5001	ZONING IT CONSULTING NOVEMBER 2019 - GEO PLAN	66220	12/09/19	12/09/19		28.00
										1,125.00
1657	60521	1	01409	3600	AQUA PA TWP. BLDG. - FUEL, LIGHT, WATER 000309820 0309820 10/22-11/20/19 FR	112219 FR	12/09/19	12/09/19		206.40
68	60522	1	01409	3605	PW BLDG - FUEL, LIGHT, SEWER & WATER 000496917 0309798 10/22-11/20/19 PW	112219 PW	12/09/19	12/09/19		220.10
68	60523	1	01409	3600	TWP. BLDG. - FUEL, LIGHT, WATER 000309828 0309828 10/22-11/20/19 TB	112219 TB	12/09/19	12/09/19		154.65
68	60524	1	01409	3600	TWP. BLDG. - FUEL, LIGHT, WATER 000309801 0309801 10/25-11/25/19 BS	112719 BS	12/09/19	12/09/19		18.00
										599.15
2690	60530	1	01413	3000	ASFPM GENERAL EXPENSE CERTIFICATION RENEWAL - M.GORDON	120519	12/09/19	12/09/19		80.00
										80.00
102	60531	1	01401	3120	B&D COMPUTER SOLUTIONS CONSULTING SERVICES NOVEMBER 2019	00003276	12/09/19	12/09/19		2,000.00
										2,000.00
139	60532	1	01403	2200	BFMC INC. R.E. TAX COLLECT - MISC EXPENSE 2020 TAX BILL FORMS	20985	12/09/19	12/09/19		594.60
										594.60

Report Date 12/09/19

Expenditures Register
GL-1912-71526

ARPO5 run by BARBARA 1 : 27 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
1198	60534	1	01410 5400	BRANDYWINE VALLEY SPCA S.P.C.A. CONTRACT STRAY PK/UP & EMERG. FEE NOV.2019	3371	12/09/19		12/09/19		382.44
										382.44
3488	60535	1	01409 3740	CINTAS CORPORATION #287 TWP. BLDG. - MAINT & REPAIRS WEEK END 12/4/19 CLEAN MATS	4036592348	12/09/19		12/09/19		70.92
	60535	2	01487 1910	UNIFORMS WEEK END 12/4/19 CLEAN UNIFORMS	4036592348	12/09/19		12/09/19		574.88
	60536	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS WEEK END 11/27/19 CLEAN MATS	4036187568	12/09/19		12/09/19		70.92
	60536	2	01487 1910	UNIFORMS WEEK END 11/27/19 CLEAN UNIFORMS	4036187568	12/09/19		12/09/19		574.88
										1,291.60
296	60537	1	01401 3210	COMCAST 8499-10-109-0028306 COMMUNICATION EXPENSE 0028306 - DECEMBER 2019	112219	12/09/19		12/09/19		126.90
										126.90
317	60538	1	01438 2450	CONTRACTOR'S CHOICE MATERIALS & SUPPLIES-HIGHWAYS LATHING WASHERS & TRAK-IT PINS	00242737	12/09/19		12/09/19		193.39
										193.39
320	60539	1	01430 2330	CONWAY POWER EQUIPMENT VEHICLE MAINT AND REPAIR GEAR CASE ASSEMBLY & 200'12 STRAND	68043	12/09/19		12/09/19		191.16
										191.16
3977	60540	1	01430 2330	CRAWFORD'S AUTO CENTER INC. VEHICLE MAINT AND REPAIR REPAIR -COLOR, SAND & BUFF TRUCK #1	6665	12/09/19		12/09/19		823.69
										823.69
3613	60541	1	01486 1560	DELAWARE VALLEY HEALTH TRUST HEALTH, ACCID. & LIFE DECEMBER 2019 PREMIUM - MED.&RX	17606	12/09/19		12/09/19		52,147.40
	60541	2	01213 1000	DENTAL INSURANCE W/H DECEMBER 2019 PREMIUM - DENTAL	17606	12/09/19		12/09/19		1,806.39
										53,953.79

Report Date 12/09/19

Expenditures Register
GL-1912-71526

ARP05 run by BARBARA 1 : 27 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
679	60542	1	01432 2500	INTERCON TRUCK EQUIPMENT SNOW - MAINTENANCE & REPAIRS	1075520-IN	12/09/19		12/09/19		209.34
	60543	1	01430 2330	INSTA CHAIN MOUNTING PLATE & TRUCK- LITE LED & DOCUMENT HOLDER VEHICLE MAINT AND REPAIR SHURCO - ASPHALT LUMITE	1075587-IN	12/09/19		12/09/19		182.00
										391.34
3718	60544	1	01462 2485	KERSCHNER, GARY BLACKSMITH SUPPLIES REIMBURSEMENT - BLACKSMITH SUPPLIES	120519	12/09/19		12/09/19		90.85
										90.85
2813	60545	1	01452 3711	LAYFIELD, RUBY PILATES PILATE INSTRUCTION 10/23-11/20/19	112519	12/09/19		12/09/19		233.75
										233.75
2861	60546	1	01430 2330	LITTLE INC., ROBERT E. VEHICLE MAINT AND REPAIR SB-ROPE FOR MOWERS	03-693640	12/09/19		12/09/19		24.80
										24.80
1817	60547	1	01433 2450	LOWES BUSINESS ACCOUNT/GECF MATERIALS & SUPPLIES - SIGNS TREATED LUMBER	111719	12/09/19		12/09/19		256.80
	60547	2	01437 2460	GENERAL EXPENSE - SHOP RED PAINT, NOZZLE, NUTS & BOLTS	111719	12/09/19		12/09/19		92.25
										349.05
813	60548	1	01438 2450	MAIN LINE CONCRETE MATERIALS & SUPPLIES-HIGHWAYS 5 TONS SAND BAR (YELLOW)	454461	12/09/19		12/09/19		217.50
	60549	1	01438 2450	MATERIALS & SUPPLIES-HIGHWAYS 6 75LB CONTAINER MASON TYPE S, 4 CONTAINERS PORTLAND TYPE 1 & 10FT. RODS	454453	12/09/19		12/09/19		130.90
	60550	1	01438 2450	MATERIALS & SUPPLIES-HIGHWAYS STUCCO, MASON TYPE S KEYSTONE, PORT LAND TYPE 1 & SPIDER LIFT TRK. - FORREST LANE BRIDGE	454454	12/09/19		12/09/19		1,506.75
										1,855.15

Report Date 12/09/19

Expenditures Register
GL-1912-71526

MRP05 run by BARBARA 1 : 27 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
2352				PECO - 99193-01400						
	60565	1	01434 3610	STREET LIGHTING	112719	12/09/19		12/09/19		703.17
				99193-01400 10/23-11/21/19						
	60565	2	01433 2470	UTILITIES - TRAFFIC LIGHTS	112719	12/09/19		12/09/19		597.93
				99193-01400 10/23-11/21/19						
										1,301.10
3153				PECO - 01360-05046						
	60564	1	01409 7505	BOOT & PAOLI LED SIGN	112619	12/09/19		12/09/19		44.02
				050 10/25-11/25/19 BOOT RD.LED						
										44.02
2591				PECO - 59500-35010						
	60563	1	01454 3600	UTILITIES	112119	12/09/19		12/09/19		33.91
				59500-35010 10/22-11/20/19 PND PUMP						
										33.91
3181				ROTHWELL DOCUMENT SOLUTIONS						
	60566	1	01401 2100	MATERIALS & SUPPLIES	143969	12/09/19		12/09/19		48.50
				STANDARD STAPLES FOR COPIER						
										48.50
4212				SANDU, CHRISTINA						
	60567	1	01367 3020	TRIPS	824395	12/09/19		12/09/19		45.00
				REFUND - UNABLE TO ATTEND NYC TRIP						
										45.00
4172				SERVICEMASTER SERVICES						
	60568	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS	2117	12/09/19		12/09/19		1,039.50
				JANITORIAL SERVICE - DECEMBER 2019						
	60568	2	01409 3840	DISTRICT COURT EXPENSES	2117	12/09/19		12/09/19		310.50
				JANITORIAL SERVICE - DECEMBER 2019						
										1,350.00
3120				STTC SERVICE TIRE TRUCK CTRS INC.						
	60569	1	01430 2330	VEHICLE MAINT AND REPAIR	491136-17	12/09/19		12/09/19		775.12
				4 GOODYEAR TIRES - TRK.#1						
	60570	1	01430 2330	VEHICLE MAINT AND REPAIR	491432-17	12/09/19		12/09/19		885.36
				4 GOODYEAR TIRES - TRK.#9						
	60571	1	01430 2330	VEHICLE MAINT AND REPAIR	492621-17	12/09/19		12/09/19		885.36
				4 GOODYEAR TIRES - TRK.#2						
										2,545.84

Report Date 12/09/19

Expenditures Register
GL-1912-71526

MRP05 run by BARBARA 1 : 27 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
05				SEWER OPERATING						
.658				AQUA PA						
60525	1	05420	3602	C.C. COLLECTION -UTILITIES	120219 WW	12/09/19		12/09/19		30.90
				000305003 0305003 10/28-11/26/19 WW						
60526	1	05420	3602	C.C. COLLECTION -UTILITIES	112719 TH	12/09/19		12/09/19		38.23
				000309826 0309826 10/25-11/25/19 TH						
60527	1	05422	3601	R.C. COLLEC.-UTILITIES	112719 TWN	12/09/19		12/09/19		62.02
				01533998 1087842 10/25-11/25/19 TWN						
60528	1	05420	3602	C.C. COLLECTION -UTILITIES	112219 GH	12/09/19		12/09/19		18.00
				000300141 0300141 10/22-11/20/19 GH						
60529	1	05420	3604	MILL VAL./BARKWAY UTILITIES	112219 BK	12/09/19		12/09/19		18.00
				111363541 0357724 10/22-11/20/19 BK						
										167.15
151				BLOENSKI DISPOSAL CO, CHARLES						
60533	1	05422	4502	R.C. SLUDGE-LAND CHESTER	180020	12/09/19		12/09/19		181.00
				SWITCH 20 YDS WITH LINER 11/18/19						
										181.00
3043				MAIN POOL & CHEMICAL COMP. INC.						
60551	1	05422	2440	R.C. STP- CHEMICALS	1979933	12/09/19		12/09/19		2,880.00
				2000 GALS.ALUMINUM SULFATE SOLUTION						
60551	2	05422	2440	R.C. STP- CHEMICALS	1979933	12/09/19		12/09/19		3,650.40
				216 50LB BAGS SODIUM CARBONATE						
										6,530.40
3529				VERIZON - 442069312 MODEMS						
60574	1	05420	3601	C.C. INTERCEPTOR-UTILITIES	9842933044	12/09/19		12/09/19		100.84
				10/26 - 11/25/19 MODEMS						
										100.84
										158,470.14
										0 Printed, totaling 158,470.14

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	151,490.75	GENERAL FUND
05	05	6,979.39	SEWER OPERATING
		158,470.14	

PERIOD SUMMARY

Period	Amount
1912	158,470.14

Report Date 12/09/19

Procurement Card Entries

PAGE 1

RP17 run by BARBARA

2 : 28 PM

Line	Budget #	Sub#	Description	Vendr	Vendor Name	Invoice #	Inv Date	Credit	Srcs	Trx #	#	U
112			CREDIT CARD PAYMENT									
	01401	3400	NOTICE - E.G.PROPOSED BUDGET	2226	21ST CENT.MEDIA NEWS #884433	1902854	11/13/19	81.44	PC	71528	1	
	06427	4500	RESIDENTIAL PICK-UP - DECEMBER 2019	2762	AJB A.J. BLOSENSKI INC.	9C113901	12/01/19	57,910.03	PC	71528	2	
	01401	3000	CREDIT - DUP.LITTER COLLECT.PYMT.	2762	AJB A.J. BLOSENSKI INC.	9C113901-2	12/01/19	-1,920.00	PC	71528	3	
	05422	4500	LAB TESTING RCSTP - 11/12-11/19/19	2918	ALS ENVIRONMENTAL	40-2373683	11/30/19	309.00	PC	71528	4	
	05422	4500	LAB TESTING RCSTP - 10/29-11/05/19	2918	ALS ENVIRONMENTAL	40-2371758	11/25/19	144.00	PC	71528	5	
	06427	4502	WEEK 11/18/19 - 11/22/19	241	C.C. SOLID WASTE AUTHORITY	55593-R	11/22/19	5,371.25	PC	71528	6	
	05422	4502	WEEK 11/18/19 - 11/22/19	241	C.C. SOLID WASTE AUTHORITY	55593-S	11/22/19	451.26	PC	71528	7	
	06427	4502	WEEK 11/25/19 - 11/29/19	241	C.C. SOLID WASTE AUTHORITY	55660-R	11/30/19	5,781.47	PC	71528	8	
	05422	4502	WEEK 11/25/19 - 11/29/19	241	C.C. SOLID WASTE AUTHORITY	55660-S	11/30/19	602.37	PC	71528	9	
	01401	2100	CREAMER & COFFEE	1990	CRYSTAL SPRINGS	3154612 112219	11/22/19	262.32	PC	71528	10	
	01430	2320	170.000 GALS. GASOLINE	1161	REILLY & SONS INC	174561-530	11/20/19	345.10	PC	71528	11	
	01430	2320	804.8 GALS. DIESEL	1161	REILLY & SONS INC	174562-531	11/20/19	1,740.78	PC	71528	12	
								71,079.02				
								71,079.02				

GENERAL LEDGER SUMMARY

Account #	Debit	Credit	Description
014XX-XXXX	509.64		GENERAL FUND Expense Account
01107-1010		509.64	GENERAL FUND Bank Account
054XX-XXXX	1,506.63		SEWER OPERATING Expense Account
05100-1005		1,506.63	SEWER OPERATING Bank Account
064XX-XXXX	69,062.75		REFUSE Expense Account
06100-1005		69,062.75	REFUSE Bank Account

Report Date 12/12/19

Expenditures Register
GL-1912-71588

ARPO5 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
04				ROAD IMPROVEMENTS						
3551				MCMANON ASSOCIATES INC.						
	60586	1	04439 6040	TRAFFIC STUDY	168513	12/12/19	12/12/19	12/12/19	1034 p	530.11
				RT.352 & KING TRAFFIC STUDY						
										530.11
										530.11
										1 Prepaids, totaling 530.11
										0 Printed, totaling 0.00

FUND SUMMARY

Fund	Bank Account	Amount	Description
04	04	530.11	ROAD IMPROVEMENTS
		530.11	

PERIOD SUMMARY

Period	Amount
1912	530.11
	530.11

Report Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recept Dte	Check#	Amount
01 GENERAL FUND										
6	60587	1	01409 3740	ABC PAPER & CHEMICAL INC TWP. BLDG. - MAINT & REPAIRS CLOROX WIPES & TOILET TISSUE	102457	12/12/19		12/12/19		92.38
										92.38
657	60588	1	01411 3630	AQUA PA HYDRANT & WATER SERVICE	120219 HY6	12/12/19		12/12/19		155.16
	60589	1	01411 3630	00309987 0309987 10/31-11/27/19 HY6 HYDRANT & WATER SERVICE	120219 279	12/12/19		12/12/19		4,809.96
	60589	2	01411 3631	00310033 0310033 10/31-11/27/19 186 HYDRANTS - RECHARGE EXPENSE	120219 279	12/12/19		12/12/19		2,404.98
										7,370.10
197	60592	1	01404 3140	BUCKLEY BRION MCGUIRE & MORRIS LEGAL - ADMIN	21124	12/12/19		12/12/19		129.25
	60592	2	01413 3140	LEGAL SERVICE 11/1/19 - 11/27/19 LEGAL - TWP CODE	21124	12/12/19		12/12/19		2,733.95
	60592	3	01414 3142	LEGAL SERVICE 11/1/19 - 11/27/19 LEGAL - CONDITIONAL USE	21124	12/12/19		12/12/19		3,741.25
										6,604.45
293	60593	1	01454 3740	COLONIAL ELECTRIC SUPPLY EQUIPMENT MAINT. & REPAIR	13166350	12/12/19		12/12/19		90.80
	60594	1	01409 3740	KT-LED BULBS TWP. BLDG. - MAINT & REPAIRS RDC BUSHINGS	13181778	12/12/19		12/12/19		34.62
										125.42
3752	60595	1	01432 2460	EASTERN SALT COMPANY INC. SNOW - MATERIALS & SUPPLIES 189.33 TONS ROCK SALT	INV091866	12/12/19		12/12/19		11,740.34
										11,740.34
4136	60598	1	01401 3210	FIRSTNET - #287290606505 COMMUNICATION EXPENSE NOVEMBER 2019	505X12082019	12/12/19		12/12/19		1,320.08
										1,320.08

Report Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
975	60597	1	01430 2330	FUTURELINE VEHICLE MAINT AND REPAIR REPLACE SEAT INSERTS & PAD TRK.#9	7076	12/12/19		12/12/19		440.00
										440.00
525	60599	1	01433 2450	GARDEN STATE HWY. PRODUCT MATERIALS & SUPPLIES - SIGNS STREET NAME, SPEED LIMIT, "ONE LANE BRIDGE", "NARROW BRIDGE", "YIELD" & "PARK ENTRANCE AHEAD".	PSIN010577	12/12/19		12/12/19		1,448.30
										1,448.30
717	60601	1	01433 2500	HIGGINS & SONS INC., CHARLES A. MAINT. REPAIRS.TRAFF.SIG. TRAF.LIGHT REPAIR WESTTWN WAY & RT3 & NORTH CHESTER & PAOLI PK.	50814	12/12/19		12/12/19		288.80
										288.80
627	60602	1	01438 2450	HIGHWAY MATERIALS INC. MATERIALS & SUPPLIES-HIGHWAYS 10.01 TONS 9.5mm 0.3<3,H	148820	12/12/19		12/12/19		502.00
627	60603	1	01436 2450	STORMWATER MATERIALS & SUPPLIES 8.01 TONS 9.5mm 0.3<3,H THORNCRFT	149054	12/12/19		12/12/19		401.70
										903.70
1636	60607	1	01413 3000	ICC - MEMBERSHIPS GENERAL EXPENSE GOVERNMENTAL MEMBERSHIP 2020	3249043	12/12/19		12/12/19		135.00
										135.00
739	60608	1	01438 3840	KNOX EQUIPMENT RENTALS INC. EQUIPMENT RENTAL WHEEL LOADER RENTAL 11/18-11/22/19	48578.1.2	12/12/19		12/12/19		841.50
										841.50
765	60610	1	01454 3740	LEC - LENNI ELECTRIC CORPORATION EQUIPMENT MAINT. & REPAIR REPAIR STRUCK LINE AT CHAMBER BLDG.	191125	12/12/19		12/12/19		507.53
765	60611	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS REPAIR LIGHT IN WOODSHOP GARAGE	191152	12/12/19		12/12/19		237.00
765	60612	1	01409 3745	PW BUILDING - MAINT REPAIRS ADD A QUAD OUTLET IN PW ANNEX	191151	12/12/19		12/12/19		458.38
										1,202.91

PATCH. NG

port Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01	GENERAL FUND									
813	60613	1	01438 2450	MAIN LINE CONCRETE MATERIALS & SUPPLIES-HIGHWAYS 15 75LB CONTAINERS OF MASON TYPE S KEYSTONE, RODS & ACRYL 60	454455	12/12/19		12/12/19		379.05
	60614	1	01438 2450	MATERIALS & SUPPLIES-HIGHWAYS WINTERADD MIX, CAPS & CORNERS	454984	12/12/19		12/12/19		536.15
										915.20
551	60616	1	01414 3050	MCMAHON ASSOCIATES INC. ZONING CONSULTANTS PROF.SERVICE 9/28-11/1/19 GRANT ASSISTANCE PAOLI PIKE TRAIL	168458	12/12/19		12/12/19		325.00
										325.00
679	60624	1	01401 3210	NETCARRIER TELECOM INC. 67846 COMMUNICATION EXPENSE 12/1/19 - 12/31/19	622641	12/12/19		12/12/19		451.11
										451.11
680	60619	1	01401 3210	NETCARRIER TELECOM INC. 67891 COMMUNICATION EXPENSE 12/1/19 - 12/31/19	622648	12/12/19		12/12/19		136.68
										136.68
759	60625	1	01430 2330	NEW HOLLAND GROUP VEHICLE MAINT AND REPAIR WEATHERSTRIP	1430389	12/12/19		12/12/19		19.58
										19.58
593	60627	1	01454 3600	PECO - 18510-39089 UTILITIES 18510-39089 10/30-12/2/19 BOW TREE PUMP	120419	12/12/19		12/12/19		76.39
										76.39
.032	60629	1	01409 3600	PECO - 99193-01302 TWP. BLDG. - FUEL, LIGHT, WATER 99193-01302 10/23-11/21/19	120519	12/12/19		12/12/19		5,931.08
	60629	2	01454 3600	UTILITIES 99193-01302 10/23-11/21/19	120519	12/12/19		12/12/19		299.85
										6,230.93

Report Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01	GENERAL FUND									
1091	60628	1	01454 3717	PECO 02280-03067 MARYDELL POND REHAB 02280-03067 10/29-11/27/19 MARYDEL	120519	12/12/19		12/12/19		53.49
										53.49
1052	60631	1	01454 3717	PENNONI ASSOCIATES INC. MARYDELL POND REHAB	1003698	12/12/19		12/12/19		254.00
60633	1	01454 7301		SERVICES THRU 10/20/19 GEN. CONSULT HERSHEY MILL DAM - GENERAL	1003701	12/12/19		12/12/19		3,500.00
60634	1	01454 3717		SERV. THRU 10/20/19 ANNUAL PaDEP DAM MARYDELL POND REHAB	1003704	12/12/19		12/12/19		858.75
60635	1	01408 3130		SERV. THRU 10/20/19 MARY DELL BASIN ENGINEERING SERVICES	1003706	12/12/19		12/12/19		95.25
60636	1	01408 3131		SERV. THRU 10/20/19 HANKIN - 1351 PAOLI PIKE ENGINEER. & MISC. RECHARGES	1003700	12/12/19		12/12/19		63.50
60637	1	01408 3131		SERV. THRU 10/20/19 BRANDOLINI ENGINEER. & MISC. RECHARGES	1003702	12/12/19		12/12/19		31.75
60638	1	01408 3131		SERV. THRU 10/20/19 SUNOCO PIPELINE ENGINEER. & MISC. RECHARGES	1003705	12/12/19		12/12/19		443.25
60639	1	01408 3131		SERV. THRU 10/20/19 DUCKLINGS ENGINEER. & MISC. RECHARGES	1003709	12/12/19		12/12/19		1,059.00
										6,305.50
1005	60640	1	01438 2450	PENNSYLVANIA ONE CALL SYSTEM MATERIALS & SUPPLIES-HIGHWAYS MONTHLY ACTIVITY - NOVEMBER 2019	0000838445	12/12/19		12/12/19		34.15
										34.15
1082	60641	1	01436 2450	PIPE DATA VIEW STORMWATER MATERIALS & SUPPLIES CLEAN/VACUUM STORM LINES - MISAK DR , GATEWOOD DR. & GENERAL'S WAY	18663	12/12/19		12/12/19		970.00
										970.00
1203	60642	1	01430 2330	SAFETY-KLEEN CORPORATION VEHICLE MAINT AND REPAIR PARTS WASHER SOLVENT	81396042	12/12/19		12/12/19		424.00
										424.00

Report Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
1258				SENN REPAIRS						
	60643	1	01430 2330	VEHICLE MAINT AND REPAIR	4825	12/12/19		12/12/19		103.00
				STATE INSPECT.-EAGER BEAVER TRAILER						
	60644	1	01430 2330	VEHICLE MAINT AND REPAIR	4815	12/12/19		12/12/19		103.00
				STATE INSPECT.- APPALACHIAN TRAILER						
										206.00
1108				SIDELINES SPORTSWEAR & PROMOTIONS						
	60646	1	01487 1910	UNIFORMS	7008	12/12/19		12/12/19		110.90
				V-NECK SWEATERS - BOS						
										110.90
1783				STATE WORKERS INSURANCE FUND						
	60647	1	01411 6000	VOLUNTEER FIREFIGHTER WORKERS COMP	112719	12/12/19		12/12/19		10,277.00
				2020 DOWNPAYMENT RENEWAL CHARGE						
										10,277.00
2231				ULINE						
	60649	1	01437 2460	GENERAL EXPENSE - SHOP	114373753	12/12/19		12/12/19		343.53
				HANDI MOVERS & ROLLING TOOL SEAT						
										343.53

Report Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
03		SINKING FUND								
598		HANSON AGGREGATES PENNSYLVANIA LLC								
60600	1	03460	7406	PAOLI PK. TRAIL - SEGMENT.F 100.14 TONS 114358 STONE	3648474	12/12/19		12/12/19		1,842.49
60600	2	03460	7407	PAOLI PK. TRAIL - SEGMENT.G 100.14 TONS 114358 STONE	3648474	12/12/19		12/12/19		1,842.49
										3,684.98
1707		HOSKIN'S FORD, BRIAN								
60606	1	03430	7400	CAPITAL REPLACEMENT - HWY EQUIP 2020 FORD ESCAPE	62754	12/12/19		12/12/19		29,750.00
										29,750.00
3551		MCMAHON ASSOCIATES INC.								
60615	1	03460	7406	PAOLI PK. TRAIL - SEGMENT.F PROF.SERV. 9/28-11/1/19 PAOLI PK.-F	168466	12/12/19		12/12/19		3,530.40
60615	2	03460	7407	PAOLI PK. TRAIL - SEGMENT.G PROF.SERV. 9/28-11/1/19 PAOLI PK.-G	168466	12/12/19		12/12/19		3,530.40
										7,060.80
1052		PENNONI ASSOCIATES INC.								
60632	1	03409	7400	CAPITAL REPLACEMENT-TWP BLDG SERV. THRU 10/20/19 TWP. BLDG. ROOF REPLACEMENT	1003699	12/12/19		12/12/19		3,226.00
										3,226.00

Report Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
05	SEWER OPERATING									
151	60590	1	05422 4502	BLOSENSKI DISPOSAL CO, CHARLES R.C. SLUDGE-LAND CHESTER SWITCH 20 YDS WITH LINER 11/25/19	180041	12/12/19		12/12/19		181.00
	60590	2	05422 4502	R.C. SLUDGE-LAND CHESTER SWITCH 20 YDS WITH LINER 12/02/19	180041	12/12/19		12/12/19		181.00
										362.00
197	60591	1	05429 3140	BUCKLEY BRION MCGUIRE & MORRIS ADMIN - LEGAL LEGAL SERVICE 11/12/19 - 11/20/19	21125	12/12/19		12/12/19		324.93
										324.93
.668	60596	1	05420 3702	EXETER SUPPLY COMPANY INC C.C. COLLEC.-MAINT.& REPR. SANITARY TEES, SEWER/DRAINAGE COUPLINGS, PRIMER & CEMENT	314577	12/12/19		12/12/19		743.38
	60596	2	05422 3701	R.C. COLLEC.-MAINT.& REPR SANITARY TEES, SEWER/DRAINAGE COUPLINGS, PRIMER & CEMENT	314577	12/12/19		12/12/19		743.38
										1,486.76
627	60604	1	05420 3702	HIGHWAY MATERIALS INC. C.C. COLLEC.-MAINT.& REPR. 6.07 TONS 9.5mm 0.3<3,H HEATHER LN. LATERAL REPAIR	149895	12/12/19		12/12/19		304.41
										304.41
642	60605	1	05422 3701	HORN PLUMBING & HEATING INC R.C. COLLEC.-MAINT.& REPR INSTALL NEW LAUNDRY PUMP - VISTA DR	1427728	12/12/19		12/12/19		1,170.01
										1,170.01
765	60609	1	05422 3700	LEC - LENNI ELECTRIC CORPORATION R.C. STP-MAINT.& REPAIRS RCSTP -REINSTALL HEATERS IN SCREEN ROOM	191129	12/12/19		12/12/19		404.50
										404.50

port Date 12/12/19

Expenditures Register
GL-1912-71604

RP05 run by BARBARA 12 : 11 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
08		BOND FUNDS (CAPITAL PROJECTS)								
551	60617	1	08459	6001	MCMAHON ASSOCIATES INC. SEGMENTS A&B ENGINEERING PROF.SERVICE 9/28-11/1/19 PAOLI PK TRAIL A&B	168470	12/12/19	12/12/19		34,486.74
										34,486.74
										155,078.29
0 Printed, totaling										155,078.29

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	59,392.44	GENERAL FUND
03	03	43,721.78	SINKING FUND
05	05	14,006.68	SEWER OPERATING
06	06	3,470.65	REFUSE
08	08	34,486.74	BOND FUNDS (CAPITAL PROJECTS)
		155,078.29	

PERIOD SUMMARY

Period	Amount
1912	155,078.29
	155,078.29

Report Date 12/12/19

Procurement Card Entries

PAGE 1

ARP17 run by BARBARA

2 : 38 PM

Dr	Budget #	Sub#	Description	Vendr	Vendor Name	Invoice #	Inv Date	Credit	Src	Trx #	#	U
			CREDIT CARD PAYMENT									
	01401	3400	NOTICE - EGT PIPELINE TASKFORCE	2226	21ST CENT.MEDIA NEWS #884433	1913479	11/21/19	65.90	PC	71623	1	
	05422	4500	LAB TESTING RCSTP 12/3/19	2918	ALS ENVIRONMENTAL	40-2374828	12/09/19	18.00	PC	71623	2	
	06427	4502	WEEK 12/2/19 - 12/6/19	241	C.C. SOLID WASTE AUTHORITY	55722-R	12/07/19	7,143.14	PC	71623	3	
	05422	4502	WEEK 12/2/19 - 12/6/19	241	C.C. SOLID WASTE AUTHORITY	55722-S	12/07/19	295.32	PC	71623	4	
	05422	3700	STAINLESS STEEL WASHERS & HEX NUTS	2442	KENT AUTOMOTIVE	9307192851	11/22/19	421.24	PC	71623	5	
	01430	2330	COTTER PINS & STORAGE CABINET	2442	KENT AUTOMOTIVE	9307178316	11/18/19	183.87	PC	71623	6	
	01401	3210	11/28/19 - 12/27/19	2829	VERIZON - TWP.FIOS 0001-74	5527634-112719	11/27/19	109.99	PC	71623	7	
	05422	3601	11/28/19 - 12/27/19	2773	VERIZON - PW FIOS 0001-15	7528031-112719	11/27/19	111.99	PC	71623	8	
								8,349.45				
								8,349.45				

GENERAL LEDGER SUMMARY

Account #	Debit	Credit	Description
014XX-XXXX	359.76		GENERAL FUND Expense Account
01107-1010		359.76	GENERAL FUND Bank Account
054XX-XXXX	846.55		SEWER OPERATING Expense Account
05100-1005		846.55	SEWER OPERATING Bank Account
064XX-XXXX	7,143.14		REFUSE Expense Account
06100-1005		7,143.14	REFUSE Bank Account

NOTICE IS GIVEN that the Board of Supervisors of East Goshen Township will conduct a public hearing on **Tuesday, December 17, 2019** as part of the regularly scheduled public meeting which begins at 7:00 p.m., prevailing time at the Township municipal building located at 1580 Paoli Pike, West Chester, Pennsylvania 19380 to consider and possibly adopt an Ordinance with the following title and summary:

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 240 OF THE EAST GOSHEN TOWNSHIP CODE TO AMEND SECTION 240-5 TO CREATE THE TND-1 TRADITIONAL NEIGHBORHOOD DEVELOPMENT- 1 OVERLAY DISTRICT AND THE TND-2 TRADITIONAL NEIGHBORHOOD DEVELOPMENT- 2 OVERLAY DISTRICT; TO AMEND THE EAST GOSHEN TOWNSHIP ZONING MAP WHICH IS ADOPTED IN SECTION 240-5.E TO INCLUDE CERTAIN PARCELS ALONG PAOLI PIKE IN THE TND-1 TRADITIONAL NEIGHBORHOOD DEVELOPMENT- 1 OVERLAY DISTRICT AND THE TND-2 TRADITIONAL NEIGHBORHOOD DEVELOPMENT- 2 OVERLAY DISTRICT; SECTION 240-6 TO ADD CERTAIN DEFINITIONS AND TO ADD A NEW ARTICLE X TITLED, "TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICTS".

The Ordinance is summarized as follows: Section 1 amends Section 240-5.A to include the new zoning districts entitled TND-1 Traditional Neighborhood Development-1 Overlay District and TND-2 Traditional Neighborhood Development-2 Overlay District. Sections 2 and 3 amend Section 240-5.E to rezone and include certain designated parcels in the newly designated TND-1 Traditional Neighborhood Development-1 Overlay District and TND-2 Traditional Neighborhood Development-2 Overlay District. Section 4 and 5 amends Section 240-6 to add certain definitions found in the Ordinance. Section 6 adds a new Article X titled, "Traditional Neighborhood Development Overlay Districts. The new Article X explains when the TND Overlay District regulations are applicable, identifies the purpose for creation of the TND Districts, identifies uses allowed in the TND Districts, area and bulk requirements and design standards and adopts appendices which include certain design standards. Section 7, 8 and 9 set forth severability, repealer and effective date provisions.

The complete verbatim text of the proposed Ordinance is available for public inspection and may be examined without charge or obtained for a charge not greater than the cost thereof at the Township's administrative offices at the above address during the normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, and is also on file for public inspection at the offices of the *Daily Local News* by calling 215-648-1066 and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 W. Market Street, West Chester, PA 19380, where the same may be examined without charge. If any person requires an accommodation to participate in the hearing, please contact the Township building at least 24 hours in advance of the hearing at (610) 692-7171.

Kristin S. Camp, Esquire
East Goshen Township Solicitor

PLEASE PUBLISH ON NOVEMBER 25, 2019 and DECEMBER 2, 2019

NOTICE IS GIVEN that the Board of Supervisors of East Goshen Township will conduct a public hearing on **Tuesday, December 17, 2019** as part of the regularly scheduled public meeting which begins at 7:00 p.m., prevailing time at the Township municipal building located at 1580 Paoli Pike, West Chester, Pennsylvania 19380 to consider and possibly adopt an Ordinance with the following title and summary:

AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 205 OF THE EAST GOSHEN TOWNSHIP CODE SECTION 205-7 TITLED, 'DEFINITIONS' TO ADD DEFINITIONS RELATED TO THE TND OVERLAY DISTRICTS AND TO ADOPT A NEW SECTION 205-71.1 TITLED, "TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICTS".

The Ordinance adds new definitions to Section 205-7 relating to the TND Overlay Districts and adopts a new Section 205-71.1 which will apply to subdivisions and land development within the TND-1 and TND-2 Overlay Districts. It also adopts a new Appendix A which include design and development standards for development in these new Overlay Districts.

The complete verbatim text of the proposed Ordinance is available for public inspection and may be examined without charge or obtained for a charge not greater than the cost thereof at the Township's administrative offices at the above address during the normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, and is also on file for public inspection at the offices of the *Daily Local News* by calling 215-648-1066 and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 W. Market Street, West Chester, PA 19380, where the same may be examined without charge. If any person requires an accommodation to participate in the hearing, please contact the Township building at least 24 hours in advance of the hearing at (610) 692-7171.

Kristin S. Camp, Esquire
East Goshen Township Solicitor

PLEASE PUBLISH ON NOVEMBER 25, 2019 and DECEMBER 2, 2019

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

December 6, 2019

East Goshen Township
Board of Supervisors
1580 Paoli Pike
West Chester, Pa. 19380

Re: Paoli Pike / Traditional Neighborhood Development Overlay (TND)

Dear Board Members:

At their meeting on December 4, 2019 the Planning Commission reviewed the TND Ordinance revision dated 11-21-2019 and voted unanimously in favor of the following motion:

“Mr. Chairman, I move that the Planning Commission recommend the Board of Supervisors adopt the proposed draft ordinance amendments and design standards for the Traditional Neighborhood Development 1 and 2, as outlined in the final draft.

Sincerely,



Mark A. Gordon
Township Zoning Officer

[Click here to read the TND Documents](#)



THE COUNTY OF CHESTER



COMMISSIONERS

Michelle Kichline
Kathi Cozzone
Terence Farrell

Brian N. O'Leary, AICP
Executive Director

PLANNING COMMISSION

Government Services Center, Suite 270
601 Westtown Road
P. O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax (610) 344-6515

December 13, 2019

Louis F. Smith, Jr., Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Re: Zoning Ordinance Amendment and Subdivision and Land Development Ordinance Amendment –
TND-1 and TND-2 Traditional Neighborhood Development Overlay Districts
East Goshen Township – ZA-11-19-16154 and SA-11-19-16155

Dear Mr. Smith:

The Chester County Planning Commission has reviewed the proposed Zoning Ordinance Amendment and Subdivision and Land Development Ordinance (SLDO) Amendment submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Sections 609(e) and 505(a), respectively. The referral for review was received by this office on November 15, 2019. We offer the following comments to assist in your review of the proposed amendments.

DESCRIPTION:

1. The Township proposes the addition of the Traditional Neighborhood Development: TND-1 Overlay District (proposed Section 240-61), and the Traditional Neighborhood Development: TND-2 Overlay District (proposed Section 240-62) to the Township Zoning Ordinance. Applicability and conditions of eligibility, intent, use regulations, area and bulk requirements, procedural requirements, streetscape plan/public realm plan requirements, and special design and development standards are provided for each overlay district. We also note that, while the TND-1 Overlay District will promote a mix of non-residential and residential uses, the TND-2 Overlay District will generally be limited to residential uses.

Additionally, a General Manual of Written and Graphic Design Standards is provided for the TND-1 and TND-2 Overlay Districts (Appendix A and Appendix B, respectively). Furthermore, definitions for the following terms will be added to Section 240-6: Artisan Shop, Outdoor Dining, Pedestrian Gathering Area, Pop-Up Use, Revitalization, Streetscape, and TND Open Space.

2. The mapped TND-1 and TND-2 Overlay Districts would specifically apply to the list of parcels provided in Section 2 and Section 3 of the draft Ordinance, respectively.
3. The Township also proposes the following amendments to its SLDO:
 - A. Add definitions for the following terms to Section 205-7: Manual of Written and Graphic Design Guidelines, Pedestrian Gathering Area, Service Lane, Shared Parking, Streetscape, Street Wall, TND Open Space, and Traditional Neighborhood Development (TND);
 - B. Add Section 205-71.1 pertaining to design and development standards for the TND-1 and TND-2 Overlay Districts; and

Page: 2

Re: Zoning Ordinance Amendment and Subdivision and Land Development Ordinance Amendment – TND-1 and TND-2 Traditional Neighborhood Development Overlay Districts
East Goshen Township – ZA-11-19-16154 and SA-11-19-16155

- C. Add Appendix A – General Manual of Written and Graphic Design Standards for the TND-1 and TND-2 Overlay Districts.

BACKGROUND:

4. The County Planning Commission reviewed an earlier version of these amendments on September 18, 2019 (CCPC# ZA-08-19-16030 and SA-08-19-16031). We note that the proposed revisions in the latest version of these amendments include the following: deleting apartments from the list of uses permitted by conditional use in the TND-1 Overlay District; adding a requirement that each dwelling unit above first floor commercial uses in the TND-1 Overlay District shall have a minimum 1,000 square feet of gross floor area; deleting townhouse units from the list of uses permitted by-right in the TND-2 Overlay District; increasing the minimum lot area requirement for single-family detached dwellings in the TND-2 Overlay District from 8,500 to 18,000 square feet; and increasing the minimum lot area requirement for single-family semi-detached dwellings in the TND-2 Overlay District from 4,500 to 12,000 square feet.

AREA EVALUATION:

5. Existing Zoning: The proposed TND-1 Overlay District would apply to parcels situated in the Township's C-2 Local Convenience Commercial; C-5 Government, Finance and Office; BP Business Park; and R-2 Low Density Residential zoning districts. The TND-2 Overlay District would apply to parcels situated in the R-2 Low Density Residential and R-3 Medium Density Residential zoning districts.
6. Water and Sewer Facilities: According to County mapping records, this area of the Township is served by public water and public sewer facilities.
7. Municipal Comprehensive Plan: The Future Land Use Plan (page 6-1) in the Township's 2015 Comprehensive Plan indicates that the TND-1 Overlay District is situated in the Commercial and Town Center designations. The eastern TND-2 Overlay District, generally located on the east side of North Chester Road and the north and south side of Paoli Pike, is situated in the Low Density Residential and Medium Density Residential designations. The western TND-2 Overlay District, located on the south side of Paoli Pike west of Boot Road, is situated in a Low Density Residential designation. Additionally, the Overlay Districts are located within the Paoli Pike Corridor overlay area.

LANDSCAPES:

8. The proposed TND-1 and TND-2 Overlay Districts are located within the **Suburban Landscape** designation of *Landscapes3*, the 2018 County Comprehensive Plan. Additionally, a portion of the TND-1 Overlay District, situated along an unnamed tributary to Ridley Creek, is located in a **Natural Landscape** Overlay designation. The vision for the **Suburban Landscape** is predominantly residential communities with locally-oriented commercial uses and facilities, accommodating growth at a medium density that retains a focus on residential neighborhoods, with enhancements in housing diversity and affordability. Additionally, roads, sidewalks and paths with convenient access to parks and community facilities should be provided. As an overlay of all other landscapes, the county's **Natural Landscapes** consist of a network of streams, wetlands, floodplains, and forests that are protected by regulations or should be subject to limited disturbance. Conservation practices should protect and restore these natural resources.

Page: 3

Re: Zoning Ordinance Amendment and Subdivision and Land Development Ordinance Amendment – TND-1 and TND-2 Traditional Neighborhood Development Overlay Districts
East Goshen Township – ZA-11-19-16154 and SA-11-19-16155

The proposed zoning ordinance and SLDO amendments are consistent with the objectives of the **Suburban Landscape**. We acknowledge and endorse that the intent of the Overlay Districts, as specified in proposed Sections 240-61.B and 240-62.B of the Zoning Ordinance, includes the implementation the Township’s 2015 Comprehensive Plan, the implementation of the Paoli Pike Corridor Master Plan (adopted December 19, 2017), and to promote walkability. The proposed standards appear to be consistent with the Township’s Comprehensive Plan.

Additionally, we acknowledge the Township’s ongoing efforts in the preservation of the historic resources in Goshenville. *Landscapes3* recognizes these significant historical landscapes as an overlay area on the Landscapes Map. Overlay areas do not replace the underlying landscape categories, but they identify areas where continued preservation of these resources is a high priority. Development within or adjacent to historic resources should apply context-sensitive design to integrate with distinctive cultural features.

COMMENTS:

Zoning Amendment Comments:

9. In its review of the proposed design standards, the Township should avoid the use of language which may be difficult to enforce. For example, the Design Standards for temporary uses in Sections 240-61.F.(1)(c)[4] through 240-61.F.(1)(c)[6] state that such uses “shall minimize impacts on surrounding and nearby properties,” “shall not cause vehicular traffic/parking problems, or put pedestrian safety at risk,” and “shall be located in an area with sufficient open space available to conduct the proposed use.” We suggest that some design standards be moved into the Legislative Intent Category, be provided with a measure of specificity to allow application or enforceability, or be removed to reduce the number of subjective design standards.
10. The Township should identify their rationale for deleting Section 240-61.A(5), which stated that all development and revitalization in the TND-1 Overlay District shall be served by centralized water and centralized sewer.
11. While Section 240-61.C(1)(t) identifies a single “Dwelling Unit above First Floor Commercial Uses” as a by-right use in the TND-1 Overlay District, Section 240-61.D(1) and Section 240-61.F(3)(b) both contain a reference to “Dwelling Units above first Floor Commercial.” This should be clarified by the Township.
12. As noted in our previous review, the Township should consider their rationale for requiring conditional use approval for a lot or building containing more than one commercial or office establishment in the TND-1 Overlay District (Section 240-61.C(2)(a)). We suggest that the Township, in order to encourage development in the TND-1 Overlay District, consider allowing a lot or building with two or more commercial or office establishments as a by-right use. Alternatively, the Township could provide a higher upper limit for the number of commercial or office establishments permitted by-right, above which conditional use approval would be required (for example, permitting up to three establishments by-right, while requiring conditional use approval for four or more establishments).

Page: 4

Re: Zoning Ordinance Amendment and Subdivision and Land Development Ordinance Amendment – TND-1 and TND-2 Traditional Neighborhood Development Overlay Districts
East Goshen Township – ZA-11-19-16154 and SA-11-19-16155

13. The Township should consider the impact of the 1,000 square foot minimum gross floor area for each dwelling unit above first floor commercial uses in the TND-1 Overlay District set forth in Section 240-61.D(1) of the draft Ordinance. This requirement, if adopted, could limit the development of affordably priced housing options in the Township. This requirement should also be checked against the Township Building Code to ensure that there is no conflict with existing Building Code requirements.

The Township's 2015 Comprehensive Plan (page 5-1) indicates that one housing challenge in the Township is to have housing that is affordable to seniors, empty nesters, millennials, and young families as first time homebuyers. Additionally, "Live" Objectives A and B of *Landscapes3*, the 2018 County Comprehensive Plan, support the provision of diverse and affordable housing to meet the needs of all residents. Additional information on this issue is available online at: <http://www.chescoplanning.org/Landscapes3/3d2-LiveRec.cfm>.

14. As an incentive for historic preservation, we recommend that the Township allow the development of semidetached dwellings in accordance with the development standards in the TND-2 Overlay District, only when the historic resources on the project site are preserved. We note that the Historic Resources Map (page 13-1) in the Township's Comprehensive Plan indicates that all four parcels within the eastern TND-2 Overlay District contain Class 1 or Class 2 historic resources.
15. It appears that the proposed lot area and yard requirements for single-family detached dwellings and single-family semi-detached dwellings in the TND-2 Overlay District are based upon the existing requirements for these uses in the R-3 Medium Density Residential zoning district. While these proposed standards do provide incentives for development activity for parcels currently located in the R-2 Low Density Residential district (for example, the proposed 18,000 square foot minimum lot size for single-family detached dwellings in the TND-2 Overlay is smaller than the one acre minimum lot size in the R-2 District), there does not appear to be any incentive for development activity in accordance with the TND-2 Overlay District standards for any parcel currently zoned R-3. In its evaluation of the proposed ordinance language, the Township should ensure that incentives for development are provided for all parcels that will be located within the TND-2 Overlay District.
16. In our previous review, we recommended that the Township provide a list of parcels to be located in the TND-1 and TND-2 Overlay districts, due to the small size of the map inset in the draft Township Zoning Map. We acknowledge and endorse that that information is provided in Section 2 and Section 3 of the latest amendment submission. The Township should verify that that TND-1 District depicted in the draft Township Zoning Map accurately depicts the list of parcels provided in Section 2 of the current amendment submission (an updated copy of the Township Zoning Map was not included with the latest submission). For instance, while UPI# 53-4-6.2 is included in the list of parcels in the TND-1 Overlay District, it did not appear to be included in the proposed TND-1 Overlay District in the draft Township Zoning Map. Additionally, while the draft Zoning Map appears to include UPI # 53-4-255.1 (1580 Paoli Pike) as part of the TND-1 Overlay District, it is not included in the list provided in Section 2.
17. Prior to taking action on this amendment, the Township should ensure that they have met the posting and notification requirements for zoning map amendments as set forth in Section 609 of the PA Municipalities Planning Code (PA MPC).

Page: 5

Re: Zoning Ordinance Amendment and Subdivision and Land Development Ordinance Amendment –
TND-1 and TND-2 Traditional Neighborhood Development Overlay Districts
East Goshen Township – ZA-11-19-16154 and SA-11-19-16155

SLDO Amendment Comments:

18. While the protection of historic resources is identified within the legislative intent statements, we suggest that the Township include a specific set of historic preservation design guidelines that addresses issues such as massing, scale and materials that is not already addressed in these amendments or in Article VI-Historic Preservation of the Township Zoning Ordinance.

While we acknowledge, as identified in comment #4, that the Township has revised the proposed TND-2 Overlay District standards, we note that the Historic Resources Map (page 13-1) in the Township's Comprehensive Plan indicates that all four parcels within the eastern TND-2 Overlay District contain Class 1 or Class 2 historic resources, and Action Item 13.2.1.1 on page A-9-1 of the Comprehensive Plan Appendix recommends that the Township create graphic design guidelines to illustrate appropriate techniques for building protection and rehabilitation of historic resources. "Appreciate" Objective A of *Landscapes3*, the 2018 County Comprehensive Plan, is to preserve historic resources in their context while supporting appropriate reuse as a vital part of our community infrastructure and character. Additional information on this issue is available online at: www.chescoplanning.org/Landscapes3/1c-Appreciate.cfm.

RECOMMENDATION: The County Planning Commission commends East Goshen Township's efforts in preparing these amendments. The Township should consider the comments in this letter before acting on the proposed zoning ordinance and subdivision and land development ordinance amendments.

We request an official copy of the decision made by the Township Supervisors, as required by Section 609(g) and Section 505(b) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Paul Farkas
Senior Review Planner

MALVERN INSTITUTE,
Appellant,

v.

ZONING HEARING BOARD OF EAST
GOSHEN TOWNSHIP,
Appellee

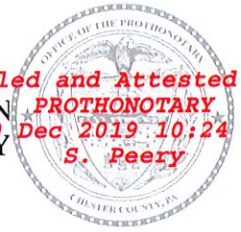
and

GREG AND LISA O'NEILL and SCOTT
AND TERRI RELICK,
Intervenors.

IN THE COURT OF COMMON
CHESTER COUNTY, PENNSY

NO. 2019-03106-ZB

Filed and Attested by
PROTHONOTARY
10 Dec 2019 10:24 AM
S. Peery



ORDER

AND NOW, this 10th day of December, 2019, for the reasons set forth in the foregoing Decision of the court, the Record shall be remanded to the Zoning Hearing Board of East Goshen Township for hearing, findings and issuance of a decision consistent herewith.

BY THE COURT:

Mark L. Tunnell,

J.



Type: ORDER
Case Number: 2019-03106-ZB
Case Title: MALVERN INSTITUTE VS. ZONING HEARING BOARD OF EAST GOSHEN TOWNSHIP

So Ordered

A handwritten signature in blue ink that reads "M. Tunnell".

/s/ Mark Tunnell

Electronically signed on 2019-12-10 10:24:23 page 2 of 2

2019-03106-ZB

MALVERN INSTITUTE,
Appellant,

v.

ZONING HEARING BOARD OF EAST
GOSHEN TOWNSHIP,
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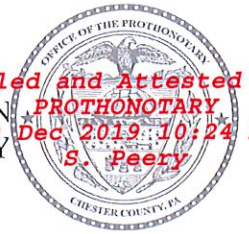
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DECISION SUR APPEAL

I. Introduction

Malvern Institute for Psychiatric and Alcoholic Studies, Inc. ("Malvern Institute" or "Applicant") is the legal owner of certain real estate located at 940 W. King Road, East Goshen Township, Chester County, known as Chester County UPI No. 53-2-18 (the "Property"). The Property is improved with, *inter alia*, a two and a half (2 1/2) story masonry structure (the "Main Building") and a two (2) story barn (the "Barn"). The Property constitutes of approximately eight (8) acres in the Township's R-2 Low Density Residential District. Applicant uses the Property as a treatment center, as that term is defined in the Township's Zoning Ordinance (the "Ordinance"). The treatment center is a legal non-conforming use, as that term is defined in the Ordinance. An Existing Conditions Plan was made a part of the Application. Through the treatment center, Malvern Institute has, for over seventy (70) years, provided critical services to residents in need in Chester County and nearby, offering a continuum of care for those affected by

the pandemic of drug and alcohol addiction. All services are inpatient services and Malvern Institute's success is achieved through dedication to clinical care and innovative treatment solutions.

Applicant sought to expand the second floor of the Main Building on the Property by 6,200 square feet and to construct a loft in the Barn which would increase the floor area of that structure by 2,320 square feet (the "Original Proposal"). The Original Proposal would not increase the footprint of the Barn, with the exception of an eighty (80) square feet code required elevator and would only increase the footprint of the Main Building by 200 square feet via a small cantilever. The Original Proposal also included the permanent relocation of the smoking area from the rear of the facility to the front of the facility at a new smoking pavilion that would be farther away from residential neighbors as compared to the prior location. The prior smoking area would be converted to a quiet greenhouse space.

In the alternative, and at the recommendation of the Township's Planning Commission, Applicant also proposed a one-story addition to the Main Building which would increase the footprint of the Main Building by 6,980 square feet, and a loft in the Barn which would increase the floor area of that structure by 2,320 square feet (the "Alternative Proposal"). The Alternative Proposal would include a basement area beneath the one-story addition, and would be comprised of a total increase in floor area of approximately 13,180 square feet to the Main Building.

The proposed expansion in floor area of the Main Building and Barn are asserted to be necessary to accommodate the natural expansion of the Applicant's pre-existing legal nonconforming use, to enable Applicant to modernize its facility in accordance with

industry standards, to remain competitive in its marketplace, and to more effectively serve and treat its patients and the residents of Chester County.

II. Project Background

In order to expand the floor area of the Main Building serving its legal nonconforming use, Applicant sought a special exception under Ordinance Chapter 240, Section 40.C(2)(e). Applicant also sought a dimensional variance from Ordinance Chapter 240, Section 40.C(2)(c) in order to permit an expansion of floor area serving a nonconforming use by 36% pursuant to the Original Proposal, or by 59.45% pursuant to the Alternative Proposal under the doctrine of natural expansion. The maximum expansion of floor area serving a nonconforming use permitted by the Ordinance is 25%.

Ordinance Chapter 240, Section 32.E(1) requires that fences erected in the side or rear yards shall not exceed six (6) feet in height on a residential lot and eight (8) feet on any other lot. The Applicant contended that the subject lot is a commercial lot. Applicant requested a variance to permit an eight (8) foot sound fence. The sound fence is designed to improve existing conditions relative to the historical use of the outdoor portions of the Property for patient activities. Section 32.E(2) states that fences which are erected within the required front yard shall not exceed four (4) feet in height. The Applicant proposed a six (6) foot tall estate fence in the front yard, and requested a variance to allow same.

Applicant also proposed a twenty-two (22) foot wide one-way section for a portion of the driveway to accommodate additional parking adjacent to that section of the driveway and to avoid additional parking in the front yard setback. However, at night, the driveway will operate as a two-way driveway so that vehicle egress can be observed.

During that time period, a variance of two (2) feet in driveway width was sought from Section 33.C(10).

Ordinance Chapter 240, Section 31C(3)(mm) requires a setback of a minimum of 250 feet from any lot line of an existing dwelling that has a different owner from the owner of a treatment center lot. A variance from that section was requested to permit that proposed setback of the first floor addition.

Finally, Applicant requested a variance from Chapter 240, Section 58D to allow the variances to remain in place and to allow the improvements to occur no later than twelve (12) years from approval of the variances.

There would be no increase in the number of residents' beds (80). Additionally, neither proposal would necessitate an increase in staff.

Malvern Institute sent a letter to neighboring property owners inviting them to visit and tour the facility and to review the plan. Numerous neighbors attended one of several meetings and provided insight and feedback to the Applicant. Changes were made to the plan as a result of those meetings, resulting in the Original Proposal which, with the exception of a proposed greenhouse at the former rear smoking area, the 200 square foot second floor cantilever, the proposed new smoking pavilion, and the small elevator shaft area, included no increase of the footprint of the structures on the Property.

At the behest of the Township's Planning Commission, Applicant devised the Alternative Proposal which, while adding to the footprint of the Main Building, further addressed certain concerns regarding privacy and screening for the Property's residential neighbors. Applicant stated in its application that the Alternative Proposal would further enhance the quality of life both for Applicant's patients and neighbors by providing space

for recreation in the basement area, which would decrease the amount of outdoor recreation on the Property.

Hearings were held before the Township's Planning Commission and thereafter before the Zoning Hearing Board on February 13, 2018, March 19, 2018, April 25, 2018, May 4, 2018, June 25, 2018 and September 6, 2018.

Malvern Institute appeals from the Decision and Order of the East Goshen Zoning Hearing Board dated February 28, 2019 denying both the Original and Alternative Proposals.

III. The Zoning Hearing Board's February 28, 2019 Decision

The Zoning Hearing Board found that the evidence presented by the Malvern Institute was insufficient for the Zoning Hearing Board to conclude that the specific expansion shown in either the Original or the Alternative Proposal was required in order to meet the Applicant's programmatic needs. It found no evidence in the record establishing what additional floor area, either individually or in the aggregate, was required in order to maintain the economic viability of the treatment center use. (F.F. Nos. 51, 53). Moreover, the Zoning Hearing Board found that there was no evidence in the record related to the specific programmatic needs of Applicant to the size of the proposal for expansion (F.F. No. 56). Finally, the Zoning Hearing Board found that the Original Proposal, comprising a 34.04% expansion, rendered it impossible to find that the Alternative Proposal constituting a 52.92% expansion was the minimum expansion that would afford relief under Section 910.2(5) of the Municipal Planning Code (F.F. No. 59).

In its application of the law the Zoning Hearing Board held the case of *Jenkintown Towing Serv. v. Zoning Hearing Bd.*, 67 Pa. Commw. 183, 446 A.2d 716

(1982) as controlling concerning how to analyze whether the Malvern Institute had met its burden under MPC Sections 910(a)(1)-(3) to show that denial of the requested relief would result in the demise of the enterprise, as distinguished from merely taking advantage of a normal increase in business. (Decision, at pp. 22-23). Furthermore, under *Jenkintown Towing Serv.*, the Zoning Hearing Board found that the criteria for the grant of a variance under MPC Sections 910(a)(4) and (5) applied to the Malvern Institute's application. Concerning MPC Section 910(a)(4), the Zoning Hearing Board found that the Malvern Institute's proposal would alter the character of the adjacent residential neighborhood "substantially and permanently impairing the appropriate use or development of adjacent property, thereby causing detriment to the public welfare." (Decision, at p. 26).

In respect to MPC Section 910(a)(5), the Zoning Hearing Board found that the Malvern Institute failed "to connect its programmatic needs to evidence that it is proposing the minimum expansion shown to be necessary to meet the proven need and to maintain the viability of the facility." (Decision, at p. 30). Given the two Proposals by the Malvern Institute, one being significantly smaller in size than the other, the Zoning Hearing Board found that there was no basis for determining that the proposed expansion was the minimum required to meet the Malvern Institute's essential needs. In addition to the expansion of the use beyond the 25% permitted by the Ordinance, the Zoning Hearing Board found that there was no evidence in the record to support Malvern Institute's request that the minimum deviation in the required buffer setback of 250' be reduced to 45', a reduction of 82%.

IV. Review of appeal to Common Pleas

In evaluating a local agency decision, where a complete record is made before the agency and the court takes no evidence, the scope of review is limited to determining whether the agency committed an error of law or a manifest abuse of its discretion. *Valley View Civic Assoc. v. Zoning Hearing Bd. of Adjustment*, 501 Pa. 550, 555, 462 A.2d 637, 640 (1983); *Herr v. Lancaster County Planning Comm'n*, 155 Pa. Commw. 379, 387, 625 A.2d 164, 167 (1993); *Allegheny West Civic Council v. Zoning Bd. of Adjustment of the City of Pittsburgh*, 547 Pa. 163, 167, 689 A.2d 225, 227 (1997); *41 Valley Assocs. v. Bd. of Supervisors of London Grove Twp.*, 882 A.2d 5, 13 (Pa. Commw. 2005); *Piatek v. Pulaski Twp.*, 828 A.2d 1164 (Pa. Commw. 2003). If the record of proceedings of the local agency demonstrates the existence of substantial evidence, a reviewing court is bound by the local agency's findings. *In re Nevling*, 907 A.2d 672 (Pa. Commw. 2006). Substantial evidence is defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Valley View Civic Assoc.*, 501 Pa. at 555, 462 A.2d at 640; *Herr*, 155 Pa. Commw. at 387, 625 A.2d at 167.

In considering appeals from decisions of local agencies, a reviewing court is not to substitute its judgment on the merits for that of the municipal body. *In re Thompson*, 896 A.2d 659, 667 (Pa. Commw. 2006). Furthermore, a reviewing court must accept the credibility determinations made by the municipal body which hears the testimony, evaluates the credibility of the witnesses and serves as fact finder. *Id.* In determining whether the Zoning Hearing Board committed an error of law or an abuse of discretion, this court must give great weight and deference to the Zoning Hearing Board's

determination. *Snyder v. Zoning Hearing Bd. of Warminster Twp.*, 782 A.2d 1088, 1089 (Pa. Commw. 2001). "[A]n abuse of discretion may not be found merely because the appellate court might have reached a different conclusion, but requires a showing of manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support to be clearly erroneous." *Paden v. Baker Concrete Constr., Inc.*, 658 A.2d 341, 343 (Pa. 1995). This court will adhere to these principles of law.

The addiction treatment center at Malvern Institute has been in operation since 1948, over seventy (70) years. As a result of the Township's zoning regulations being implemented in 1953, it is categorized for zoning purposes as a lawful, nonconforming use.

"The continuance of nonconforming uses and structures is permitted notwithstanding the obstruction thereby of a public purpose in order to preserve the validity of zoning regulations which otherwise would be vulnerable to attack as working an uncompensated deprivation of these property interests." *Nettleton v. Zoning Bd. of Adjustment of the City of Pittsburgh*, 574 Pa. 45, 828 A.2d 1033 (2003).

On the other hand, the protected status of nonconforming uses is not without limits and is in tension with an equally well-established preference for lawful land development. As the Supreme Court has also noted, "nonconforming uses, inconsistent with a basic purpose of zoning, represent conditions which should be reduced to conformity as speedily as is compatible with the law and the Constitution." *Hanna v. Bd. of Adjustment of Borough of Forest Hills*, 408 Pa. 306, 312-13, 183 A.2d 539, 543 (1962); see also *Pa. Northwestern Distribs., Inc. v. Zoning Hearing Bd. of the Township of Moon*, 526 Pa. 186, 584 A.2d 1372 (1991).

V. Doctrine of Natural Expansion

Malvern Institute seeks to expand its nonconforming use. Under the doctrine of natural expansion, "the right to expand as required to maintain economic viability or to take advantage of increases in trade, is also constitutionally protected." *Nettleton*, 574 Pa. at 51, 828 A.2d at 1037, n. 3. "[A] nonconforming use cannot be limited by a zoning ordinance to the precise magnitude thereof which existed at the date of the ordinance; it may be increased in extent by natural expansion and growth of trade, neither is it essential that its exercise at the time the ordinance was enacted should have utilized the entire tract upon which the business was being conducted." *Humphreys v. Stuart Realty*, 364 Pa. 616, 73 A.2d 407, 409 (1950); *see also Silver v. Zoning Bd. of Adjustment*, 435 Pa. 99, 255 A.2d 506, 507-508 (1969).

The right to expand a nonconforming use to provide for the natural expansion and accommodation of increased trade "is a constitutional right protected by the due process clause." *Jenkintown Towing*, 67 Pa. Commw. at 186, 446 A.2d at 718, citing *Silver v. Zoning Bd. of Adjustment*, 435 Pa. 99, 102, 255 A.2d 506-07 (1969). Accordingly, a municipality cannot prohibit, *per se*, the natural expansion of a nonconforming use. *Silver*, 435 Pa. at 103, 255 A.2d at 506.

If an applicant's proposed expansion would violate ordinance requirements such as a front setback or other dimensional regulations the applicant must obtain a variance. *Jenkintown Towing*, 67 Pa. Commw. at 190, 446 A.2d at 720.

As the Supreme Court said in *Silver*, "[t]he rationale behind the [nonconforming use expansion] doctrine can be traced to the due process requirements protecting private property. If a person owns property which constitutes a valid nonconforming use, it is

inequitable to prevent him from expanding the property *as the dictates of business or modernization require.*" 435 Pa. at 102, 255 A.2d at 507. The *Jenkintown* court went on to quote Ryan, *Pennsylvania Zoning Law & Practice*, Section 7.4.5 (1981) as follows:

[A]ny protection of the expansion right must relate to a protection of the preexisting use itself. Certain types of modernization or expansion are necessary to the survival of a commercial or industrial enterprise. Where the permission which the owner seeks falls in this category, protection of the nonconforming use itself requires that the right of expansion be recognized in the absence of evidence of a compelling injury to the public interest [citing *Silver*].

VI. Argument

At this juncture, the court adopts the following argument from the Brief of Appellant, Malvern Institute, starting at page 23:

Louis W. Merlini, the Institute's Vice President of Operations at both its Malvern and Willow Grove facilities, focused his attention on the necessity for the proposed expansion in addressing the Original Expansion Proposal for the second-story addition to the Main Building. N.T. 5/14/18, pp. 240-246.

"...I have three counselors sharing an office, another three counselors sharing an office. The amount of scheduling that has to go on so a counselor can get one-on-one time with their patient load is enormous. These are the leads. They don't have a proper room to spend time with a patient... the second story addition...I think was just a response that we had a structure, build on top of it. It was kind of a simple approach. Wasn't going to give us all we needed or wanted. Let's do that. If we can get another story on the barn we can get some treatment space, get some of these offices spread out.... If we can get – nobody wants more beds. People want to provide the kind of resources that patients we have on-site can get better care, better outcomes. This [the expansion] does not drive any new revenue or more revenue..." N.T. 5/14/18, p. 243.

"If we can really come up with some real activity space, a learning center – we don't have space to put any computer training for life skills. We just can't do it. We can't have other things we talked about. Women's Empowerment Program which is a huge success at Willow Grove. We have been [un]able to

[en]gender separate [space] to have these kinds of programs that empower women in their march to recovery. We have nowhere to do it. We can't do it." N.T. 5/14/18, p. 246-247.

"Malvern has a reputation started here on King Road seventy years ago. We need to continue to add to the modalities and treatment capabilities that we have. We want to provide a better environment to have better outcomes." N.T. 5/14/18, p. 248.

On cross examination, Mr. Merlini was asked whether it is true that the Institute could reduce its number of patients at the Malvern facility and still provide the level of patient care he addressed in his testimony. He responded in the negative, and explained:

"...the fixed costs – just the fixed costs alone of the medical staff across the board starting with psychiatrists and nursing, three shifts seven days a week, you start with Master's degree clinicians, just take that. That's before you get to my support staff. Running a full dietary staff seven days a week... To keep the best therapists...find out who has the most educated, best trained, most experienced drug and alcohol therapists in the region. You're going to come out with Malvern. We have to pay those clinicians to stay with us." N.T. 5/14/18, p. 249.

On further cross examination, Mr. Merlini was asked if the Institute could gain extra space for new treatment modalities by converting patient rooms to those uses. He responded in the negative, and explained:

"No. You need eighty beds... You have to have people come through detox, you have to have rehab beds. When they are done several days of detox they have to have beds. The likelihood that you will fill all eighty beds every day is extremely slim, but we run into those peak periods. We, as a business model, need eighty beds." N.T. 5/14/18, p. 252.

As respects the Alternate Expansion Proposal prompted by the Township's Planning Commission and Supervisors, Mr. Merlini testified:

"I will give you insight. I was against the barn because I didn't want patients going back and forth between the barn and the main building... When the Township came back to us and said what would you think of a single story addition, first thing I said, okay, we have to start all over again with the architect and engineer. Then upon fifteen minutes of reflection it was very simple. Guess

we can dig a basement. We can really start to get maybe a gym, exercise room, music room, group rooms, spread out our counselors in a more effective way, keep patients inside... We didn't come up with the one story... It was my understanding it would create this courtyard effect to really help with neighbor's concerns with seeing patients outside. Hopefully reduce that significantly... Putting up acoustic fence with a lot of shrubbing." N.T. 5/14/18, pp. 245-246.

As Mr. Merlini concluded "This [the expansion] is not driving profit. This is driving [patient] outcomes" at 244, Lines 20-22: Exhibits A-3(a)-(d), A-3(g)-(h)(2)-(4), A-3(e) & (f). (emphasis added)

Jason Birl, AIA was qualified as a registered architect, and testified on the Institute's behalf to his design plans for the expansion of the Main Building's second floor and barn renovation under both the Institute's Original Expansion Proposal and the Institute's alternate plan for the one-story addition. All counsel stipulated at the outset of his testimony that he is familiar with the Property, which he has repeatedly visited in conjunction with his assignment and is conversant with the particulars of the Institute's zoning application. N.T. 4/25/18, p. 146; Exhibit A-12, Birl C.V. His testimony makes clear that in his design of both the proposed second story addition, the barn renovation and the alternate one-story addition, he was fully conversant with the space requirements for the various program needs and the uses to which all of the new building areas would be put. N.T. 4/25/18, pp. 150-160.

"Yes. These are spaces that [they] have been continually said (sic) that they need for operation of the facility here at Malvern. N.T. 4/25/18, pp.158, L. 24.

In response to the question whether the areas he was describing were indicated by his client as necessary for the Institute's operation, Architect Birl responded:

So taking the bedrooms or taking patient beds ...there is instead of three beds in a room there is two beds in a room. Also creating more space for counselors so counselors have their own dedicated space where they can work with a patient singularly or in group. Right now counselors are two or three to a room....So this would break out spaces for each individual counselor... group meeting spaces and...clinical space. N.T. 4/25/18, pp.158-159; Exhibits A-14 & A-15.

Birl's testimony and architectural drawings described with particularity the various uses to which each room and area would be devoted, relating them to the Institute's program needs. Exhibits A-14 and A-15. As designed, the 6,212 square feet second-story addition would provide needed areas for patient rooms, counselor offices and group meeting rooms, without any increase of impervious building coverage. The barn's loft conversion would provide much needed office space and an admission's office area. Three patients are now forced to share one undersized bedroom, whereas the added bedrooms would be restricted to not more than two patients per room. As previously noted, the one-story addition would also provide adequate office space for patient counseling and psychiatric care. Conversion of the loft of the barn would add 2,142 square feet of needed office and operational space, without any increase of impervious coverage, except 200 square feet to accommodate a Township building code-required elevator. There would be no increase in the height of the Barn and no alteration in the exterior appearance of the Barn other than the addition of windows in the existing exterior barn walls. N.T. 4/25/18, pp.150-152; Ex. A-14. Mr. Merlini testified these two additions, while not programmatically ideal, represent the bare minimum increase in floor area necessary to address operational and programing needs. N.T. 4/25/18, pp.146-153 and 166-167; Exhibit A-14. Birl echoed this observation in his testimony. N.T. 4/25/18, pp. 158-159.

Following the Commission's evaluation of the Institute's Original Expansion Application and plans, the Township authorities asked the Institute to change its original plans in favor of a one-story addition, the 6,975 square feet footprint of which is comparable in size to the second story addition originally proposed. Because this stand-alone addition would be constructed with a useable sub-grade basement area of 6,799 square feet, the need for the conversion of the barn loft to floor space was eliminated, and would also allow unanticipated space for a small work-out room, combined theatre/community room, lifestyles classroom, admissions/orientation office and staff office. 4/25/18, J. Birl, pp.157-167; Exhibit A-14. Architect Birl explained the considerations that prompted the location of the one-story addition were preservation of the existing outdoor recreational areas and providing added buffering for the neighbors from sound and visual incursions. Exhibit T-1, para. 13.

Birl prepared a floor area chart comparing the second-story addition and the one-story addition, that included the square footage of all buildings on the Property, existing and proposed, and testified extensively about each. Exhibit A-16. It is from this chart that the Board derived its determination of the percentage increases in floor area in the alternate proposals. Each plan was consistent in including the addition of a smoking pavilion, 800 square feet in area, and small greenhouse, 480 square feet in area, located to the side and rear of the existing Main Building. The roofed smoking pavilion (closed on all sides with three openings) is proposed to be located to the front of the Main Building and is intended to create a restricted smoking area that is equipped with a “Smoke Eater”, to eliminate cigarette smoke, a condition sought by the Township. If the one-story addition were constructed, the pavilion would be completely shielded from neighbors to the west. Exhibit T-1, para. 15 & 16.

We respectfully argue that the Board’s finding No. 56, that “No evidence of record related the specific programmatic needs of the Applicant to the size of either proposal for expansion” is erroneous. * * * As well, the Board credited the Institute’s testimony that additional and improved program space was needed, but reasoned that its evidence fell short of proving that either proposed expansion was the minimum required “to meet Applicant’s intake, detox, rehabilitation, programmatic, supervisory, counseling, recreational and other essential needs”. Decision, p. 30, penultimate paragraph. Presumably, its conclusion is premised on its finding that “...no evidence of record establishes the additional floor area required for these proposed programs either individually or in the aggregate...”. Board Finding #53. These findings ignore the testimony of Architect Jason Birl, recounted above, who expressly testified that his architectural renderings of the proposed second-floor addition in the Original Expansion Proposal, both in size and in designation of the purpose served by each room, had been explained to him in terms of programmatic needs by its Vice-President, Louis Merlini, and was the basis upon which he designed and presented the addition in his architectural drawings. In proving minimum relief necessary, the Board’s insistence on a precise calculus correlating each program need to measurable space for each component program part was an unnecessary component of the Institute’s required proofs. See Exhibits A-14 and A-16. Based on the genesis of the Alternate Proposal for a one-story building addition, the comparable sizes of

each one-story addition, the Board's Finding No. 56 was unwarranted. Equally, the Board's findings Nos. 18, 20, 21 and 53 do not support the Board's legal conclusions that the Institute failed to prove its legal right to the special exception pursuant to its Original Expansion Proposal.

The Board abused its discretion and committed error of law in finding that the Institute did not carry its burden of proof and burden of persuasion warranting a variance from the 25% nonconforming use expansion limitation imposed by Section 240-40.C(2)(c) of the Township's Zoning Ordinance to permit its Original Expansion Proposal. See, Board's Findings of Fact, Nos. 53 through 60; Institute's Notice of Land Use Appeal, Ascribed Erroneous Findings, paragraphs No. 39, 50-53, 56-60.

The Board found that the Institute's "offer into evidence" of its Original Expansion Proposal, in the absence of evidence that the original proposal was inadequate to provide it with the minimum relief necessary to meet its needs, made it impossible for the Board to find that the greater relief needed for the Township-sponsored alternate plan met the minimum relief standard of Section 910.2(a)(5). Conversely, it found that the submission of the alternate proposal negated the Institute's proofs that its original proposal was the minimum necessary to afford relief. In other words, the submission of the suggested alternate plan cancelled out the Institute's proofs that demonstrated its original plan's compliance with the required minimum relief standard. On its face, this logic is reminiscent of the paradoxical Air Force rule created by Joseph Heller in his novel, "Catch 22". Heller posed the plight of Captain John Yossarian, a World War II bombardier, stationed on the island of Pianosa. He is an individualist who wants to be relieved of flying in combat as a means to protect his own life by pretending to be crazy, but first has to be certified as such by a doctor after asking to be relieved of duty. Except, there's an Air Force rule known as the "catch-22", whereby any pilot who wants to get out of combat duty isn't really crazy. Thus, a "catch-22" is a paradoxical situation from which an individual cannot escape because of contradictory rules or limitations. That's the logic the Board used in canceling out both the Institute's Original Expansion Plan and its Alternate Expansion Plan.

Two considerations prompted the Township's alternate plan, the Township's recognition of the Institute's demonstrable need and long-standing

presence in the community and its desire to reduce any perceived impacts on the later-occurring residential neighborhood. The Board's opinion recognized both motivations as "laudable but unrelated to the issues before this Board", opining that the Alternate Proposal did not represent the minimum relief necessary, and that its mere inclusion as a proposal eliminated the Board's ability to consider the merits of the Institute's Original Expansion Proposal. Decision, pp. 31-35, quote at p. 31, 2nd paragraph. The Board found "No evidence was adduced by Applicant indicating the inadequacy of the Original Proposal". Finding #57. However, that was not the basis for its submission of an alternate proposal in the first place. The fact that the Institute agreed the one-story building provided more amenable space and made sense was not an abandonment of its original plan. Recall Township Manager Smith's testimony cited above and Township-imposed condition No. 4 requiring the one-story addition, and that only. Exhibit T-1. Except for elimination of the proposed second-floor addition, the Institute's original plan remained essentially unchanged.

Indeed, the Board's entire discussion at the foregoing pages of its Decision is perplexing and contradictory. Decision, pp. 31-35. For example, on one hand, the Board states, "The motivation Applicant's witnesses repeatedly described had nothing to do with survival and everything to do with the adoption of a more profitable business model". This conclusion is dead wrong. The Institute's desire to foster and continue its historic business model can in no wise be logically construed to be "the adoption of a more profitable business model". The Institute's testimony clearly and unequivocally proved the proposed expansion supported its existing business model. Conversely, the Board opines that "There can be no doubt that Malvern Institute requires additional space to remain viable in the pursuit of its business model", an obvious contradiction. Decision, p. 35, 1st and 2nd paragraphs. As well, the Board's use of the term, "survival" skews its intended meaning as used by Judge Craig in *Jenkintown* and its progeny. The right to a variance for expansion beyond the ordinance percentage limitation requires a showing that "modernization or other revision [is] essential to the continued viability of the business", *Jenkintown*, 446 A.2d at 722; *Hamilton Township*, 84 A.3d at 803. This concept has been described as the expression of a concomitant right "to develop and to continue its business by adapting to changing market conditions...". *Domeisen*, 814 A.2d at 857, which is

exactly the rationale behind the Institute's need to expand its physical facility. The Board's discussion of this issue ascribed a pejorative connotation to the term, "business model", equating it with "profit", in finding that the Institute's motivation in seeking relief was solely and simply to make more money. That was not at all the thrust of the Institute's evidence, as is evident from the testimony of its witnesses quoted earlier in this brief. How could the Institute increase its profit by incurring substantial debt to expand its facilities and allow and agree, as it has, to no increase in its current patient population?

In formulating its rationale to deny the application, the Board seized on testimony of the Institute's expert, Joseph Curran, who was asked the hypothetical question what might happen if the Institute were unable to provide its traditional drug and alcohol treatment model without the expansion. The Board quotes his equally hypothetical response at page 36 of its Decision, opining that the Institute would either shut down or accept "public funded" patients. Exercising an expertise it does not possess, the Board then reasoned that this brief segment of his testimony trumped any need for the Institute to expand, erroneously finding that "A shift in patient population would not require physical changes to the property". Board Finding #21. To the contrary, however, the Institute's unrebutted testimony proved the relief it sought was essential to the continued viability of its competitive business in the 21st century marketplace.

* * * The Board's rationale for its Decision, and findings and conclusions on which it is premised, discussed in this section of the Institute's brief, represent a capricious disregard of the totality of the evidence in this Record and a manifest abuse of discretion. In a zoning appeal, the Court's consideration of the appeal allows review for an agency's capricious disregard of the evidence. *Wintermyer*, 571 Pa. at 197-98, 812 A.2d at 483-84. "Since an adjudication cannot be in accordance with law if it is not decided on the basis of law and facts properly adduced, we hold that review for capricious disregard of material, competent evidence is an appropriate component of appellate consideration in every case in which such question is properly brought before the court". *Accord*, *Gaudenzia v. Zoning Bd. of Adjustment of the City of Phila.*, 4 Pa.Cmwlth. 355, 287 A.2d 698 (1972); *Zoning Hearing Bd. of Sadsbury Township v. Bd. of Supervisors of Township*, 804 A.2d 1274 (Pa.Cmwlth. 2002). A capricious disregard occurs

when the fact-finder ignores relevant, competent evidence. *Capasso v. Workers' Comp. Appeal Bd. (RACS Assocs., Inc.)*, 851 A.2d 997 (Pa.Cmwlth. 2004).
Section III. Alleged Detriment to Neighbors.

The Board abused its discretion and committed error of law in finding and concluding that the Institute's use and expansion of its property is detrimental to its neighbors. See, Board's Findings of Fact, Nos. 47 & 48; Institute's Notice of Land Use Appeal, Ascribed Erroneous Findings, paragraphs No. 47& 48.

The Board made only two findings of fact about neighbor annoyances, including alleged "noise" from outdoor patient activities, occasional incidents of patient trespasses, an increase in patient numbers over the years, and visual impacts of existing Institute structures; and, general complaints about wandering patients and police responses to neighbor complaints about same, allegedly due to staff dereliction in assuring adequate patient oversight. Finding #47 & 48. These "findings" can best be described as conclusory in nature, though buttressed in three and one-half pages of Board discussion of perceived detriment to a few neighbors, enumerating therein various examples from neighbor accounts about which no explicit findings of fact were made. These included the following neighbor witnesses.

Intervenor, Teri Relick testified in objection to the Institute's application. N.T. 6/25/2018, pp. 295 et seq. She is not an abutting neighbor of the Institute's campus but resides a street away. Exhibit A-18. Nonetheless, she complained of noise that originates from outdoor patient recreational activities. She described the campus as "blended in with the neighborhood" and the Main Building as "kind of consistent with the look of the neighborhood". (at p. 308). Her objections were primarily the visual effects of both proposals as inconsistent with a residential neighborhood, although she admitted the existing facilities predate her 25-year residency. (at p. 309). She described the proposed fence as "this foul wall", even though the Institute's plans and the testimony show that it will be shielded from neighbors by a landscape buffer of thickly planted trees. (at p. 308). She admitted that she did not attend meetings to which she was invited by the Institute intended to acquaint neighbors with the details of its proposed expansion plans. (at pp. 301 & 313).

Joseph Fenimore's property at 3 Treemont Drive does not abut the Institute's campus but sits at a higher elevation. N.T. 6/25/2018, pp. 316 et seq. He testified to an incident in 2006 when he called police after he saw presumably a patient climb a neighbor's fence to retrieve an unknown item. (at pp. 319-20). He complained of noise he heard in 2017 originating from outdoor campus activities. (at p. 324); and, he objected to the expansion proposal because he can look into the campus from his back patio and observe people "sitting on the bench". (at p.324).

Deborah Marovick resides at 8 Brookmont Drive. N.T. 6/25/2018, pp. 325 et seq. Her property abuts both the southwest corner of the Institute's campus and a contiguous empty lot. Exhibit A-18. On an undetermined date while having dinner on her patio, she testified she observed a patient run across the empty lot and be restrained by police, called, she was sure, by Institute staff. (at pp. 327-28). In 2015 her husband had a confrontation on their property with a patient and called police. He declined to pursue disorderly conduct charges against the patient. The Institute staff called and apologized to the Marovicks for this disturbance. (at p. 328). She complained to police in 2015 about abusive language emanating from the campus. Staff at the Institute called and apologized. (at p. 328 et seq.). She was prompted by these incidents to keep a log of similar undetermined incidents. She has observed suspicious activity on the adjacent empty lot and has removed discarded liquor bottles and drug paraphernalia from it. (at pp. 330-332). However, she offered no testimony and no proof, aside from inference and speculation, that such suspicious activity, discarded liquor bottles or drug paraphernalia bore any relationship to the Institute or its patients.

Rebuttal was heard from Dennis A. Deal, Malvern Institute's Chief Clinical Officer, who testified that following various neighbor complaints, he has become very familiar with the issues raised by the neighbors, has increased supervision of patient outdoor activities on campus, has himself stopped five patient volleyball games due to raucous conduct and language, and seen to the imposition of more individualized patient restrictions and tighter staff control of patient activities and the interdiction of bad patient behavior. Surveillance of nighttime patient activities has also been increased, with electronic monitors and cameras at each door. N.T. 6/25/2018, pp. 360 et seq.

There is significant testimony elsewhere in the Record that supports the Institute's position that expansion of its facility under either of the proffered plans would significantly address virtually all the issues the neighbors testified about, providing significant improvement and protection. This evidence includes the testimony of Jack Zybura, Acoustical Engineer, who conducted sound studies and spoke at length about the benefits of the solid wall proposed to shield neighbors from both sights and sounds emanating from patient out-door activities, minimizing both. N.T. 9/6/2018, pp. 375-384. Robert Plucienik, P.E., who testified from several perspectives. He described how both plans would improve buffering and screening of the Institute's property from neighbors. N.T. 3/19/2018, pp. 114-116; N.T. 4/25/2018, pp. 127-132; and the ways in which either the original two-story plan or the alternate one-story plan would further improve security, including their integration with the security measures specified by the Supervisors. N.T. 3/19/2018, pp. 88-89 & 105-110; N.T. 6/25/2018, p. 283.

From this testimony, the Board drew the legal conclusion that allowance of the variance to expand the Institute's nonconforming use would constitute a detriment to the adjoining neighborhood and thus was contrary to the public interest. While the number of cases addressing this leg of the variance standards are numerous, few, if any, clearly define the quantum and quality of evidence necessary to support such a conclusion. *Goldstein v. Zoning Hearing Bd. of Twp. of Lower Merion*, 19 A.3d 565, 569 (Pa.Cmwlth. 2011). Section 910.2(a)(4) of the MPC characterizes the standard as an alteration of the essential character of the neighborhood, or a substantial and permanent impairment of use or development of adjacent property, or a detriment to public welfare. Case law dictates that the evidence presented by objectors to a special exception must show, to a high degree of probability, that the proposed use will generate adverse impacts not normally generated by this type of use, and these impacts must be shown to pose a substantial threat to the health and safety of the community. *Siya Real Estate LLC v. Allentown City Zoning Hearing Board*, 2019 WL 2306303, Cmwlth. Ct., filed 5/31/19. So, in judging both special exception and detriment, consideration of the quality and quantum of substantive proof necessary to sustain the Board's adverse conclusions is critical and controlling. In this case, Malvern Institute's presence on King Road preceded its residential neighbors,

whose properties have been fully developed. Logically, therefore, it is impossible for the proposed expansion to impair the development of the land adjacent to it. Neither is it possible for the proposed expansion to alter the neighborhood's essential character by the construction of a one-story building that will house no additional patients, require no additional staff or otherwise alter the character and intensity of the existing nonconforming use, save the existence of the building itself. Indeed, were the one-story addition approved, it would shield neighbors from the alleged annoyances described by the objectors, as would the proposed fencing, landscaping, other improvements and required patient monitoring that would be added as a condition of the construction under either proposal. Public welfare is an amorphous term historically employed in zoning law to measure the extent of government regulation of private property. See *Village of Euclid v. Ambler Realty Co.*, 272 US 365 (1926). Given the instant facts, it cannot be logically argued and should not be concluded that adding a building or second floor addition to a government licensed health care facility that has existed in the same place for over 70 years is a detriment to public welfare.

Instantly, the record demonstrates that the Institute's neighbors are many times greater in number than the three objectors who testified in opposition to its application. Yet, none but those three neighbors appeared and voiced opposition to the proposed expansion, and only two neighbors sought and were granted party status. The evidence is simply inadequate to support the Board's findings and conclusions that granting of the requested relief would be detrimental to the neighbors, much less detrimental to public welfare."

(Brief of Appellant, Malvern Institute, pp. 23-39).

The court finds no little irony in the thought that this dedicated treatment facility is detrimental to the public welfare.

VII. Conclusion

After careful review, this court concludes that the Decision of the Zoning Hearing Board of February 28, 2019 represents a capricious disregard of the material and

competent evidence in the record and a manifest abuse of discretion.

An appropriate order follows.

BY THE COURT:

Date: _____

Mark L. Tunnell, J.



Type: DECISION BY THE HONORABLE
Case Number: 2019-03106-ZB
Case Title: MALVERN INSTITUTE VS. ZONING HEARING BOARD OF
EAST GOSHEN TOWNSHIP

So Ordered

/s/ Mark Tunnell

Electronically signed on 2019-12-10 10:24:20 page 23 of 23

2019-03106-ZB

Memo

To: Board of Supervisors
From: Jon Altshul
Re: Ice Skating on Township Ponds
Date: December 6, 2019

While the Township's long-standing policy has been to not allow ice skating on Township ponds, anecdotally we know that several ponds have been used over the years for ice skating during the winter months.

However, now that the Marydell Pond has been dredged, it has an average depth of 8 feet, compared to only a foot or two in most places previously. The Township has also installed an aerator to protect water quality, which will also inhibit the freezing process. Therefore, an accident due to partially frozen ice collapsing could be catastrophic. The Township has ordered signs for Marydell Pond stating that ice skating, as well as swimming and boating, are expressly forbidden.

Despite the Township's policy, the Township Code does not explicitly prohibit ice skating on Township ponds, although arguably it's covered under "similar activities". Currently, Section 163-3-V of the Township Code reads:

Water facility restrictions/no swimming. No basin, pool, lake or fountain in any park shall be fouled by stone, wood or any other substance or waste materials nor shall any such waters or facilities be used for swimming, bathing, wading, boating or other similar activity, provided that nothing herein shall preclude the township from designating any body of water as suitable for swimming or unmotorized boating, subject to its being posted by the township as approved for such use.

However, 163-3-V provides the Park and Recreation Commission with "the authority to establish such additional rules and regulations, from time to time, as approved by the Supervisors, necessary in its opinion for the proper governance of the parks. Such regulations shall become effective when approved by resolution duly adopted by the Supervisors, without the necessity of inclusion in this chapter."

At its December 5, 2019, meeting, the Park & Recreation commission passed a motion to establish a rule expressly prohibiting ice skating or similar activities on Township-owned ponds and, further, that we recommend the Board of Supervisors adopt a resolution affirming this new rule.

I have attached a draft resolution for the Board's consideration.

If the Resolution is adopted, staff intends to send a letter to Marydell residents about the rule.

Recommended motion: I move that we adopt Resolution 2019-57 prohibiting ice skating and similar activities on Township-owned ponds.

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 2019-57

**A RESOLUTION PROHIBITING ICE SKATING AND
SIMILAR ACTIVITIES ON TOWNSHIP-OWNED PONDS**

WHEREAS, East Goshen Township (the Township) owns six ponds, including three in the Bow Tree Development, one in the Pin Oaks Development, one in the Marydell Development and one in the Hershey's Mill Estates Development;

WHEREAS, the recent dredging project at the Marydell Pond resulted in a pond with an average depth of eight feet, as well as the installation of an aerator that will inhibit the freezing process;

WHEREAS, the Township intends to continue to dredge and rehabilitate the remaining five Township-owned ponds over the next several years;

WHEREAS, the risk of catastrophic accidents for ice skaters and others walking on not fully frozen ponds is substantially greater in ponds that have recently been dredged and/or have had an aerator installed;

WHEREAS, Section 163-3-O of the Township Code does not explicitly prohibit ice skating or walking on frozen ponds, although it does prohibit swimming and boating, among other activities;

WHEREAS, pursuant to Section 163-3-V of the Township Code, the Township's Park and Recreation Commission (the Commission) has "the authority to establish such additional rules and regulations, from time to time, as approved by the Supervisors, necessary in its opinion for the proper governance of the parks. Such regulations shall become effective when approved by resolution duly adopted by the Supervisors, without the necessity of inclusion in this chapter."

WHEREAS, the Commission approved a rule expressly prohibiting ice skating and similar activities on Township-owned ponds at its meeting on Thursday, December 5, 2019;

BE IT RESOLVED THAT, ice skating and similar activities are prohibited on Township-owned ponds.

RESOLVED AND ADOPTED, this 17th day of December 2019.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

Memo

East Goshen Township

Date: December 10, 2019
To: Board of Supervisors
From: Caroline Hughes, Pipeline Task Force Chairperson
Re: Sunoco Notice of Violation dated November 7, 2019

Background:

On November 7, 2019, the DEP issued a three-page Notice of Violation (NOV) related to Sunoco/Energy Transfer's unauthorized action of combining drill sites HDD 520 and HDD 530 into a single site, now referred to by Sunoco as HDD521. This action and failure to notify DEP of substantial changes to installation plans resulted in a finding that the operator is noncompliant with the permits issued by the PADEP. Operator was given 10 days from receipt of NOV to submit information to DEP as remedy.

Pipeline Task Force Recommendations:

At their meeting on December 5, 2019, the Pipeline Task Force unanimously motioned to urge the Board to request confirmation from Sunoco showing they are now compliant. The Task Force recommends the Board require Sunoco to submit to East Goshen Township a letter from the DEP stating clearly that all terms and conditions set forth in the November 7th NOV have been fulfilled and that Sunoco is in compliance with all conditions. The Township should also request a copy of all information submitted in response to the NOV.

Suggested Action

The Pipeline TF requests that the Board authorize the staff draft a letter and send to Sunoco and copy DEP.



NOV 12 2019

November 7, 2019

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 0640 0002 3146 0614
RETURN RECEIPT NO. 9590 9402 1222 5246 4954 86

Mr. Matthew L. Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 19608

CERTIFIED MAIL NO. 7015 1520 0002 1486 3405
RETURN RECEIPT NO. 9590 9402 1222 5246 4958 06

Mr. Jayme Fye
Michels Corporation
817 Main Street
Brownsville, WI 53006

Re: Violations of the Clean Streams Law, Dam Safety and
Encroachments Act, and the Oil and Gas Act of 2012
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
East Goshen and Westtown Townships
Chester County

Dear Mr. Gordon and Mr. Fye:

The Department of Environmental Protection (“DEP”) issues you the following Notice of Violation (“NOV”) for violations of various statutes and regulations administered by DEP, as well as permits authorizing Sunoco Pipeline, L.P. (“SPLP”), to conduct earth disturbance and water obstruction and encroachment activities in installing the Mariner East 2 hazardous liquids pipeline in Chester County. The violations are detailed below.

On September 24, 2019, DEP received information that SPLP combined two separate horizontal directional drills (“HDD”) 520 and 530 into one longer HDD. This information was presented at an earlier East Goshen Township meeting and then subsequently brought to

DEP's attention by a citizen. On October 3, 2019, SPLP's consultant sent revised drawings to the Chester County Conservation District also indicating that the two HDDs had been combined into one long HDD. In addition, DEP learned that SPLP had increased the diameter of that combined HDD to accommodate a dual pipe pull. DEP was notified of these changes in an e-mail dated October 4, 2019, which included a short description and Plan and Profile drawing of the as-built status. Also included was a Fracture Trace map of the combined drill area.

Pursuant to the Corrected Stipulated Order entered by the Environmental Hearing Board on August 10, 2017, SPLP committed to reevaluating the HDD proposed for HDD 520. On January 23, 2018, SPLP submitted its reevaluation of HDD 520 to DEP. The reevaluation did not indicate that HDD 520 would be combined with HDD 530 or that the diameter of the HDD would accommodate a dual pipe pull. Likewise, none of SPLP's subsequent submissions for HDD 520 indicated that HDD 520 would be combined with HDD 530 or accommodate a dual pipe pull. As such, the reevaluation did not examine HDD 520 with these changes as part of the analysis.

The expansion of construction activities beyond the HDD 520 profile up to, through and including the HDD 530 profile is a violation of the reevaluation approval DEP issued for HDD 520 on December 5, 2018. SPLP failed to notify DEP prior to commencing the current construction activities at these identified locations. The parameters of the HDD activity currently underway at the location of HDD 520 are substantially different than the parameters of the HDD activity originally proposed for HDD 520. When DEP approved the reevaluation on December 5, 2018, DEP granted SPLP approval to "proceed with the permitted HDD activity in the manner proposed in your reevaluation and in accordance with all applicable permit terms and conditions." SPLP's current HDD activity is not in compliance with that approval.

The unauthorized connection of two drills, HDD 520 to HDD 530, into one drill now referred to by SPLP as HDD 521, required a complete geologic reevaluation of the entire bore path. This was not provided to DEP. In order to remedy this, DEP requests that the following information from SPLP be provided **within 10 business days of receipt of this NOV:**

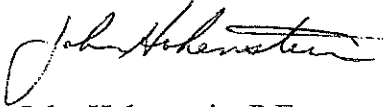
- A justification now needs to be provided which demonstrates how the connecting of these two HDDs will not increase the risk of subsidence, inadvertent returns, well contamination, surface water seeps, and any other impacts to human health and environment. The justification needs to be signed and sealed by a Pennsylvania licensed Professional Geologist (P.G.).
- Prepare and submit a list of revised procedures, signed by SPLP senior management, that SPLP will follow for all future HDD activity to ensure that DEP receives timely and accurate notice from SPLP prior to any changes in drilling activities, including combining drills, dual pipe pulls, expansion of the radius of a drill, or other changes in

drill activity. This will allow DEP to properly respond to incidents that may pose a danger of pollution or impact to public health as necessary.

This NOV is neither an order nor any other final action of DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

I look forward to your cooperation in this matter. If you have any questions, please call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



John Hohenstein, P.E.
Regional Manager
Waterways and Wetlands

cc: Mr. Gremminger – Sunoco Pipeline
Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Mr. Sofranko – Chester County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
East Goshen Township
Westtown Township
Re 30 (GJS19WAW)311

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

November 20, 2019

(via email only)

Mr. John Hohenstein, P.E.
Regional Manager
PA Department of Environmental Protection
2 East Main Street
Norristown, PA 19380

Re: Violations of the Clean Stream Law, Dam Safety and
Encroachments Act, and the Oil and Gas Act of 2012
Permit Nos. E15-862 and ESG 01 000 15 001
East Goshen and Westtown Townships
Chester County

Dear John:

At their meeting on November 19, 2019 the East Goshen Township Board of Supervisors acknowledged receipt of the November 7, 2019 Notice of Violation that was issued to Sunoco Pipeline.

At this same meeting the Board voted unanimously to request that the Department direct Sunoco Pipeline to immediately cease operations on drill site HDD 521 until such time as Sunoco Pipeline has complied with the conditions set forth on pages 2 and 3 of the Notice of Violation.

Thank you for consideration of the Board's request.

Sincerely,



Louis F. Smith Jr.
Township Manager

Cc: Rob Pingar, Westtown Township *(via email)*
Patrick McDonnell, PA DEP
Michael Bomstein, Esquire
Matt Gordon, Sunoco
Jayme Fye, Michels Corporation

Note sent with 4Q2019 Utility payment:

11/27/19 -

HAPPY THANKSGIVING TO
YOU ALL ON THE EAST COSSON
TOWNSHIP STAFF -

WE ARE THANKFUL FOR YOUR
GOOD WORK AND ATTENTIVE
SERVICE -

CHUCK & RUTHIE FLORIAN - 700 SYCAMORE DR
GRAND OAK