

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
MONDAY, JANUARY 6, 2020
FINAL APPROVED MINUTES**

Present: Chairman Marty Shane; Vice-Chairman David Shuey; Members Michele Truitt, John Hertzog and Mike Lynch; Township Manager Rick Smith; Assistant Township Manager and Finance Director Jon Altshul; Township Zoning Officer Mark Gordon; Erich Meyer (Conservancy Board); Judi DiFonzo, Bill Wegemann and Christina Morley (Pipeline Task Force)

Call to Order & Pledge of Allegiance

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

Moment of Silence

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

Swearing In

District Justice Tom Tartaglio swore in Michele Truitt and John Hertzog to the East Goshen Township Board of Supervisors.

Re-Organization Actions:

- a. **Elect Chairman (Resolution 2020-1):** Mike motioned to appoint Marty Shane as Chairman of the Board. David seconded. The motion passed 5-0.
- b. **Elect Vice Chairman (Resolution 2020-2):** Marty motioned to appoint David Shuey as Vice Chairman of the Board. Mike seconded. The motion passed 5-0.
- c. **Appoint Police Commissioner (Resolution 2020-3):** Michele motioned to appoint John Hertzog as Police Commissioner. John seconded. The motion passed 4-1, with David opposed.
- d. **Appoint Representative to Pension Committee (Resolution 2020-3A):** Michele made a motion to appoint David Shuey to the Pension Committee. John seconded. The motion passed 5-0.
- e. **Appoint Representative to West Chester Area Council of Governments (Resolution 2020-3B):** John made a motion to appoint Michele Truitt to the West Chester Area Council of Governments, but she declined. Michele made a motion to appoint Mike Lynch to the West Chester Area Council of Governments. John seconded. The motion passed 5-0.
- f. **Appoint Township Officials (Resolution 2020-4):** Leo Sinclair, 217 Lochwood Lane, asked if the Fire Marshal position was unpaid. He was told that it is unpaid. Dan Truitt, 1430 Grand Oak Lane, asked for clarification about whether the officials needed to be appointed one at a time or could be appointed all at once. David made a motion to appoint the Township Officials in Resolution 2020-4, as summarized below:

- Township Manager/Secretary/Assistant Zoning Officer– Louis F. (Rick) Smith, Jr.
- Assistant Township Manager/Director of Finance/Treasurer/Right-to-Know Officer – Jon Altshul
- Director of Public Works – Mark Miller
- Director of Code Enforcement/Zoning Officer/Building Code Official/Noise Control Officer – Mark Gordon
- Building Inspectors – Gary Althouse and Vincent DiMartini
- Fire Marshal – Carmen R. Battavio
- Assistant Fire Marshals – Michael Holmes, Gary Althouse and Vincent DiMartini
- Township Solicitor – Buckley, Brion, McGuire, & Morris
- Township Engineer – Pennoni Associates
- Emergency Management Coordinator – Kevin Miller
- Assistant Emergency Management Coordinator – Vincent D’Amico
- Delegate to the Chester County Tax Collection Committee – Jon Altshul
- Alternate Delegate to the Chester County Tax Collection Committee –Chris Boylan
- Malvern Library Board of Trustees – Patrick Hutchison

Michele seconded. The motion passed 5-0.

- g. **Re-appoint Township Employees (Resolution 2020-5):** David made a motion to reappoint the Township employees. Michele seconded. The motion passed 5-0.
- h. **Appoint Depositories of Township Funds (Resolution 2020-6):** Marty made a motion to appoint the following financial institutions as depositories of Township funds:
 - DNB First or its successor, S&T Bancorp
 - Citadel Bank
 - WSFS Bank
 - PLGIT-PA Local Government Investment Trust (Custodian - Wells Fargo NA)
 - M&T Bank
 - Meridian Bank
 - TD Bank

Mike seconded. The motion passed 5-0.

- i. **Certify Delegates to the PSATS Convention (Resolution 2020-7)**
David made a motion to certify the five Supervisors, the Township Manager and the Director of Finance/Treasurer as delegates to the 2020 PSATS Convention, with Rick Smith as the Voting Delegate and Jon Altshul as the Alternate Voting Delegate. John seconded. The motion passed 5-0.
- j. **Confirm 2020 Holiday Schedule (Resolution 2020-8)**

Marty made a motion to confirm the 2020 Holiday Schedule. Mike seconded. The motion passed 5-0.

k. Confirm 2020 Meeting Schedule (Resolution 2020-9)

Mike made a motion to confirm the 2020 meeting schedule. John seconded. The motion passed 5-0.

l. Confirm Keystone Collection Agency is the Earned Income and Local Services Tax Collector for the Township (Resolution 2020-10)

Mike made a motion to appoint the Keystone Collections Group as the Earned Income and Local Services Tax Collector. David seconded. Dan Truitt raised concerns about how Keystone treats employers who withhold tax and recounted a story about his frustration with dealing with Keystone. Mike observed that there was a recent effort by the state to collect EIT at the state level, which he opposed. The motion passed 4-1, with Michele opposed.

m. Appoint Maillie, LLP, as independent auditor for the Township (Resolution 2020-11)

Michele made a motion to appoint Maillie LLP as the independent auditor of the Township. David seconded. Leo Sinclair asked whether Maillie had been the auditor for Kennett Township, which was recently embezzled of over \$3 million. After quickly checking, Jon confirmed that Kennett had used a different auditing firm. Mr. Sinclair also asked if Maillie would conduct a forensic audit, to which Jon responded that it would be a standard municipal audit pursuant to GASB rules. The motion passed 5-0.

n. Adopt Public Safety Boundaries (Resolution 2020-12)

David made a motion to adopt the Public Safety Boundaries an, pursuant to Resolution 2020-12. Michele seconded. The motion passed 5-0.

o. Establish the 2020 Fee Schedule (Resolution 2020-34)

Jon provided background on the proposed fee increases, including the refuse rate, which needs to reflect the higher cost of processing recyclables, as well as cert fees and miscellaneous permit fees, for which the Township is not currently recovering its costs. David made a motion to adopt the fee schedule as out lined in Resolution 2020-34. Michele seconded. Mike asked why we weren't proposing higher increases to the cert fees. Jon noted that the information in certs is subject to the Right-to-Know Law and therefore if you raise the fees too high, title companies may instead file right-to-know requests. John Pizzo, Larch Lane, asked whether meter reading fees would be increasing, to which Jon responded that they would not be. Michele asked how often the Township needs to do multiple final inspections. Mark Gordon responded that this occurs very infrequently, and if contractors repeatedly cancel inspections, there is a provision that allows the Township to charge for that. The motion passed 5-0.

p. Authorize participation in the Municipal Risk Management Workers' Compensation Pooled Trust (Resolution 2017-65)

David made a motion to authorize participation in the Municipal Risk Management Workers' Compensation Pooled Trust. Mike seconded. The motion passed 5-0.

q. Announce the Continuance of all other Applicable Resolutions that were previously adopted

Marty announced the continuance of all other applicable resolutions that were previously adopted.

At 7pm, Marty announced that the Board would take a 10-minute recess.

The meeting reconvened at 7:10pm.

Consider Request for "No Parking" Restriction on Larch Lane

Rick explained that the Township had received a request to prohibit non-resident overnight parking on Larch Lane, but that the Township cannot allow parking only for residents. Michele noted that she and John had visited Larch Lane and suggested that parking only be allowed on one side of the street. Christina Morley raised concerns about the impact of restricting on-street parking for future homeowners on Larch Lane. Marty suggested that the residents of Larch Lane meet with Township staff and develop a recommendation for the BOS. Valerie Clemens, 1401 Larch Lane, noted that Larch Lane can be very dark at night, which raises the potential for accidents when cars are parked on the street. David observed that from the Board's perspective, the most important considerations need to be visibility on the roadway and the ability of emergency vehicles to access the road. It was agreed that Rick would reach out to the Larch Lane residents to schedule a meeting.

Chairman's Report

Marty made the following announcements:

1. The Board met in Executive Session prior to tonight's meeting to discuss a personnel matter.
2. The Annual Planning Session will be held on Tuesday, January 28, 2020 at 6:00PM
3. The Tax Collector position is vacant. Please contact the Township Manager if interested by January 16, 2020.
4. The Board will hold a meeting on Tuesday, January 14, 2020 to discuss the Bow Tree I Pond.
5. East Whiteland Township has decided not to proceed with the King Road & Sproul/North Chester Road Project.

Public Comment on Non-Agenda Items

Frank Morgan, 1704 Clocktower Drive, asked whether the Township collects EIT from pipeline workers. Jon explained that Sunoco does not have situs in East Goshen Township, and therefore no EIT could be collected from workers working in East Goshen.

Lauren Stoltzfus, 435 Gateswood Drive, recounted her experience on Saturday in response to the very loud air pressure testing near Marydell. She noted that the event sounded like a plane landing on her house and that her daughter is still traumatized by the sound. She explained that she called 911 and was told to shelter in place in her basement, but that she was never notified that she could come out. David thanked Ms. Stoltzfus for her comments and assured her that the Township will contact Sunoco to get a full explanation and apology for what occurred. Mike suggested that the DEP be copied on any correspondence with Sunoco about the matter. Ms. Stoltzfus also expressed concern about the information that she received from the 911 dispatcher; specifically, that she should have been told to evacuate in the opposite direction from the wind, but was instead told to stay put. John encouraged Ms. Stoltzfus to attend the next Pipeline Task Force meeting on Thursday evening. Michele raised concerns about the impact of these types of events on young children and asked whether the 911 dispatchers had access to the pipeline maps on their computers, to which Rick responded that they did. Ms. Stoltzfus also asked that noise curtains be installed on the Marydell side of North Chester Road. Michele stated the Township needs to investigate why Ms. Stoltzfus was never cleared by emergency responders to leave her basement. Christina Morley asked for clarification about whether it was air pressure testing or hydrostatic testing, to which Rick responded that it was air pressure testing. She added that she saw no emergency vehicles respond to the incident and suggested that the Department of Emergency Services do a post-incident analysis of the event. Mr. Sinclair noted that he was on his roof during the event and that it sounded like a tractor trailer drag race that lasted for three minutes. Mr. Truitt asked for clarification about whether propane in the Sunoco lines would be odorized, to which Marty responded that it would not be.

Judi DiFonzo raised concerns about the proliferation of strobe lights in the Township, including on Aqua, pipeline and emergency vehicles. She noted that strobe lights trigger migraines for her and seizures for others. She suggested that the Township take up this matter with PSATS.

Emergency Services Report

Marty reported that the Emergency Services Reports can be found on the website.

Financial Report

Jon noted that his team is finishing up the unaudited 2019 financial reports and that he expects that the General Fund will finish the year with a deficit of about \$55,000.

Approval of Minutes and Treasurer's Report

Mike made a motion to approve the minutes of December 3, 2019 and December 17, 2019. David seconded. The motion passed 5-0.

Mike made a motion to approve the Treasurer's Reports of December 12, 2019 and January 2, 2020. Mike seconded. The motion passed 5-0.

Acknowledge Receipt of Court of Common Pleas Decision regarding the Malvern Institute ZHB Decision

Marty acknowledged receipt of the Court of Common Pleas Decision regarding the Malvern Institute ZHB Decision.

Consider Recommendation Regarding Ice Skating on Township-owned Ponds

Jon explained that the Park and Recreation Commission had recommended that the Board of Supervisors amend the Park rules by resolution to expressly prohibit ice skating on township-owned ponds. He noted that Marydell pond is now substantially deeper than it was a year ago, that the installation of an aerator would inhibit freezing and therefore that the risk of a catastrophic accident had increased considerably. Michele asked if our EMT personnel were trained in water rescue, to which Rick explained that they are. She also asked about our insurance coverage, to which Jon responded that our policy has no exclusion for ice skating. Marty made a motion to adopt Resolution 2019-57 prohibiting ice skating and similar activities on Township-owned ponds. John seconded. The motion passed 5-0.

Consider Recommendation regarding Notice of Violation issued to Sunoco and response from PA DEP

Rick explained that the Pipeline Task Force had recommended that the Board authorize staff to send a letter to Sunoco and copy DEP asking it to submit the letter from the DEP stating clearly that all the terms and conditions set forth in the November 7th Notice of Violation have been fulfilled. And to provide us with a copy of the information submitted to DEP. Mike made a motion to direct staff to send such a letter. Michele seconded. The motion passed 5-0.

Consider ABC Appointments

Mr. Truitt asked whether the Board has any indication about the candidate for the Planning Commission's position on growth. David responded that the Board does not ask those types of questions in its interviews and therefore would have no way of knowing. Mr. Truitt stated that the view of new Planning Commission members should reflect the views of other Township residents about growth. Mr. Sinclair asked whether Planning Commission members need to complete an Ethics Form. Rick did not believe that they do. He also asked how many members the Futurist Committee has. Mike indicated that one or two younger residents should be recruited to the Futurists Committee.

Mike made a motion to appoint Daniel Flynn to the Conservancy Board. David seconded. The motion passed 5-0.

Mike made a motion to appoint Michael Pagnanelli to the Planning Commission. David seconded. The motion passed 4-1, with Michele opposed.

David made a motion to appoint Jim Ruggiero as the Alternate to the Zoning Hearing Board. Michele seconded. The motion passed 4-1, with Marty opposed.

John made a motion to appoint Brian Sweet to the Futurist Committee. Michele seconded. The motion passed 5-0.

Mr. Truitt expressed concern about reappointing two members of the Planning Commission. He noted the large turnout at last month's meeting regarding the TND Ordinance and encouraged the Board to appoint new members so that there's more diversity of thought on the Commission. David stated that he disagreed with Mr. Truitt's premise. Marty made a motion to reappoint the following ABC members:

- Erich Meyer, Conservancy Board
- Phil Mayer, Municipal Authority
- Daniel Liecht, Park and Recreation Commission
- Joe Zulli, Park and Recreation Commission
- Bill Wegemann, Pipeline Task Force
- Mark Levy, Planning Commission
- Dan Daley, Planning Commission
- Kipp Happ, Sustainability Advisory Committee
- Jeff O'Donnell, Sustainability Advisory Committee
- Thom Clapper, Vacancy Board

John seconded. The motion passed 3-2, with Michele and John opposed because of concerns about the reappointment of Planning Commission members.

Mike stated that he wants to slow down the process of adopting the TND Ordinance and would like to see the Township conduct a series of Open Houses over the next couple of months at which the argument for the TND can be more clearly laid out. He stated that he sees value in the TND's design standards and moving parking to the back of parcels.

Consider Appointment of Jim Benoit as the Member at Large to the Westtown East Goshen Regional Police Commission

Mike made a motion to appoint Thornbury Supervisor Jim Benoit as the Member at Large to the Westtown East Goshen Regional Police Commission. Michele seconded. The motion passed 5-0.

Consider Recommendation regarding Paoli Pike Trail Segments C-E Bid

David made a motion to concur with PennDOT's decision to award the bid for Paoli Pike Trail Segments C, D & E in the amount of \$2,412,777 to Allen Myers LP. Mike seconded. The motion passed 3-2, with Michele and John opposed.

Consider Stormwater Operations and Maintenance Agreement for 145 Dutton Mill Road

Mike made a motion to authorize the Chairman to execute the stormwater operations and maintenance agreement for 145 Dutton Mill Road. Michele seconded. The motion passed 5-0.

Any Other Matter

Michele made a motion to reopen the 2020 budget to consider lowering the mill rate by .25 mills. John seconded. Jon read from the Second Class Township Code about reopening budgets after the beginning of a calendar year, and noted that there is a 10-day advertising requirement and that an amended budget must be adopted by February 15. He added that this timeline will complicate getting real estate tax bills out on February 1st, as planned. Michele agreed to withdraw the motion for now, although there was agreement that John and Michele would meet with Jon and Rick as soon as possible to determine whether the mill rate could be reduced in 2020 and that a recommendation would be forthcoming at the next meeting.

Correspondence, Reports of Interest

The Board acknowledged receipt of the 4th Quarter Right-to-Know Report.

Adjournment

Mike made a motion to adjourn at 9:15. David seconded. The motion passed 5-0.

Respectfully submitted,

Jon Altshul

Recording Secretary

Attached: January 2, 2020 Treasurer's Report

TREASURER'S REPORT		December 14, 2019 - January 2, 2020	
RECEIPTS AND BILLS			
GENERAL FUND			
		Accounts Payable (2019)	\$528,363.76
Real Estate Tax (2019)	\$6,582.66	Accounts Payable (2020)	\$0.00
Earned Income Tax (2019)	\$25,900.00	<u>Electronic Pmts:</u>	
Local Service Tax (2019)	\$0.00	Credit Card	\$3,591.50
Transfer Tax (2019)	\$38,344.46	Postage	\$1,000.00
<i>General Fund Interest Earned (2019)</i>	\$5,442.23	Debt Service	\$5,413.95
Total Other Revenue (2019)	\$1,177,633.52	Payroll	\$123,515.70
Total General Fund Receipts:	\$1,253,902.87	Total Expenditures:	\$661,884.91
STATE LIQUID FUELS FUND			
Receipts (2019)	\$0.00	Accounts Payable (2019)	\$577,483.59
<i>Interest Earned (2019)</i>	\$963.07	Accounts Payable (2020)	\$0.00
Total State Liquid Fuels Receipts:	\$963.07	Total Expenditures:	\$577,483.59
CAPITAL RESERVE FUND			
Receipts (2019)	\$454,205.72	Accounts Payable (2019)	\$1,212.05
<i>Interest Earned (2019)</i>	\$4,057.86	Accounts Payable (2020)	\$0.00
Total Capital Reserve Fund Receipts:	\$458,263.58	Credit Card	\$1,212.05
Total Expenditures:		Total Expenditures:	
TRANSPORTATION FUND			
Receipts (2019)	\$0.00	Accounts Payable (2019)	\$0.00
<i>Interest Earned (2019)</i>	\$715.92	Accounts Payable (2020)	\$0.00
Total Transportation Fund Receipts:	\$715.92	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts (2019)	\$46,727.80	Accounts Payable (2019)	\$271,492.39
<i>Interest Earned (2019)</i>	\$1,148.37	Accounts Payable (2020)	\$0.00
		<u>Electronic Pmts:</u>	
		Credit Card	\$450.08
		Debt Service	\$25,377.21
Total Sewer Operating Fund Receipts:	\$47,876.17	Total Expenditures:	\$297,319.68
REFUSE FUND			
Receipts (2019)	\$16,499.87	Accounts Payable (2019)	\$18,339.12
<i>Interest Earned (2019)</i>	\$502.59	Accounts Payable (2020)	\$0.00
Total Refuse Fund Receipts:	\$17,002.46	Total Expenditures:	\$18,339.12
BOND FUND			
Receipts (2019)	\$0.00	Accounts Payable (2019)	\$1,655,575.32
<i>Interest Earned (2019)</i>	\$7,407.28	Accounts Payable (2020)	\$0.00
Total Bond Fund Receipts:	\$7,407.28	Total Expenditures:	\$1,655,575.32
SEWER CAPITAL RESERVE FUND			
Receipts (2019)	\$160,000.00	Accounts Payable (2019)	\$0.00
<i>Interest Earned (2019)</i>	\$1,154.82	Accounts Payable (2020)	\$0.00
Total Sewer Capital Reserve Fund Receipts:	\$161,154.82	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts (2019)	\$0.00	Accounts Payable (2019)	\$0.00
<i>Interest Earned (2019)</i>	\$399.99	Accounts Payable (2020)	\$0.00
Total Operating Reserve Fund Receipts:	\$399.99	Total Expenditures:	\$0.00