

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, JANUARY 21, 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; Erich Meyer (Conservancy Board); Fire Marshal Carmen Battavio; Police Chief Brenda Bernot

**Call to Order & Pledge of Allegiance**

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

**Recording**

Marty reported that the meeting was being livestreamed on the Township's YouTube channel.

**Chairman's Report**

Marty reported that the Township is in receipt of the Geophysical Survey for Boot Road; that the Board met in Executive Session prior to tonight's meeting for a personnel matter; and that the West Chester Area Council of Governments is meeting on January 29, 2020 at West Whiteland Township at 6pm and that at 7pm there will be a presentation by Cadmus on the Clean Energy Transition Plan. He also noted that due to a recent federal court ruling, the Board would table any discussion on Executive Order 13888.

**Emergency Services Report**

Carmen reported that in December 2019 in East Goshen, the Goshen Fire Company responded to 26 fire calls, 12 fire police calls, and 213 BLS calls; the Malvern Fire Company responded to 41 EMS calls, of which 9 were BLS and 32 were ALS. Donna Faunce, 1261 Oakmont Circle, asked about insurance reimbursement for ambulance calls and lift assists at assisted living facilities.

Chief Bernot reported on a number of initiatives her officers have undertaken, including Toys for Tots and Beards for Charity. She stated that WEGO is attempting to sign more homeowners up for its citizen camera registry, whereby residents with home security cameras notify WEGO of possible footage of crimes committed in their neighborhood. She also reminded residents to be vigilant about scams. Joanne Yurchak, 1397 Springton Lane, recounted a scam that she recently fell for.

**Consider Revised Noise Ordinance**

Marty stated that the Board would not be taking any action on the revised Noise Ordinance and that staff would be making further revisions to it in response to public feedback.

Jack Rickenbach, 1558 Tanglewood, stated that the outdoor folk concerts he hosts at his house probably instigated this issue. He provided some background on the concerts and his difficult history with his neighbor regarding noise. He stated that the current noise permit process is too onerous on the Township and that one person complaining should not ruin the fun, social atmosphere for an entire neighborhood.

David raised concerns about the proposed noise ordinance as drafted and stated that he is opposed to draconian ordinances. Michele asked about the ending time of Mr. Rickenbach's concerts, to which Mr. Rickenbach replied that they general end around 7pm, and about whether there were any shrub or tree buffers at his property line, to which he responded that there are. Mike noted that the intent of any noise ordinance should be to mitigate construction noise, not noise from social gatherings.

Wayne Hall, 1523 Tanglewood, stated that these sort of issues need to be resolved amicably between neighbors and not based on precise numbers and measurements. He also noted that citations for noise offenses can be as high as \$1,000 and that the Hershey's Mills Estates pool frequently hosts weekend parties that exceed the noise ordinance threshold, but that these types of events are fun for everyone involved. He added that the complaints of one person can create problems for many other people.

Ms. Yurchack provided the Board with a statement about refugee resettlement.

Dave Van Dyke, 1556 Tanglewood Drive, stated that his neighborhood is a special place and that Mr. Rickenbach's parties are a source of great enjoyment for his family and the broader neighborhood.

Bob Murray, 1529 Tanglewood Drive, stated that there is only one person in his neighborhood who is complaining about the concerts.

Lisa Schaeffer, 1563 Millrace, stated that residents of her neighborhood actively try to mitigate noise levels when hosting parties.

Rick provided an update on the Hershey's Mill Dam, noting that construction is likely to begin later in 2020.

### **December 2020 Financial Report**

Jon reported that the General Fund finished the year with a deficit of \$57,487, and that lower than projected EIT and higher than expected expenses for pond repairs and the building vestibule project contributed to the deficit. He also noted that the 2020 Pass Through accounts were not in balance on a cash basis due to not billing Hershey's Mill for higher hydrant fees. He added that yields on Township funds had fallen to an average of 1.71% and that utility accounts receivables were near historic lows. He also noted that he is projecting a surplus in the Bond Fund of approximately \$280,000, once the trail and dam projects are completed.

**Consider Recommendations regarding 2020 Community Day and beer and wine sales at the Food Truck Festival**

David made a motion to schedule the 2020 events at the Park pursuant to the recommendations in Jason Lang's January 2, 2020, memo. Mike seconded. The motion passed 5-0.

Jason stated that in response to concerns about long lines and not enough food, he was proposing to add more food vendors, one additional beer vendor and a cider/seltzer vendor at the 2020 Food Truck Festival. David made a motion to allow for beer and/or wine sales and consumption at the 2020 Food Truck and Music Festival on August 29, 2020, with a rain date of August 30, 2020. John seconded. Michele worried that the event might get too big and raised concerns that adding alcohol vendors would shorten the wait time for alcohol, which could result in more alcohol consumption, thereby making the event less seamless. Mike acknowledged Michele's concerns, but suggested that we see how it goes with more vendors and expressed optimism that one or two attendees would not ruin the event for others. Jason explained that last year's event was very orderly and that the police officers on duty threw footballs with some attendees. He noted that this event is unique in that it targets a young adult and middle-aged crowd that does not otherwise spend a lot of time at the park. John suggested raising the price of beer or reducing the size of cups to curtail excessive drinking. Jason noted that while the event lasts from 4pm-8pm, no alcohol sales are permitted after 7pm. The motion passed 5-0.

**Approval of Minutes and Treasurer's Report**

John made a motion to approve the minutes of January 6, 2020 and January 14, 2020, and the Treasurer's Report of January 16, 2020. Mike seconded. The motion passed 5-0.

**Consider Report on the January 4, 2020 Sunoco Incident**

Rick summarized his memo on the hydrostatic testing incident near Marydell that precipitated a number of 911 calls on the afternoon of January 4. He noted that WEGO has implemented a protocol for pipeline incidents that should eliminate future miscommunication. Marty asked Rick to follow up with Ms. Stoltzfus.

**Consider Appointing Tax Collector**

Rick noted that Giulio Perillo, a former member of the Pension Committee and a resident of Applebrook Drive, had volunteered to fill the vacant Tax Collector position. Marty made a motion to appoint Giulio Perillo as the Tax Collector. Michele seconded. The motion passed 5-0.

**Consider Recommendation to Purchase a Skid Steer and Mill Head**

Mike made a motion to purchase a Foley Cat Model 272D3-XE skid steer from Foley Cat in the amount of \$69,000, net of trade in of the 2009 Case 450 skid steer. Michele seconded. The motion passed 5-0.

**Consider Recommendation to Amend the Personnel Manual**

Jon outlined two recommended changes to the personnel manual: 1) to provide for a donation leave policy and 2) to eliminate the Perfect Attendance incentive for exempt

employees. John raised concerns about eliminating the Perfect Attendance incentive for exempt employees, and the rest of the Board agreed with John. David made a motion to add §4-8-D(4) to the East Goshen Township Personnel Manual authorizing the Township Manager to permit employees to donate unused vacation and personal leave to employees eligible for Family and Medical Leave. Michele seconded. The motion passed 5-0.

**Consider East Goshen Code of Ethics**

Jon summarized his memo, explaining that East Bradford requires all staff, Supervisors and ABC members to annual sign a similar Code of Ethics. Michele observed that read literally the Code of Ethics would prohibit staff and Supervisors from going to dinner with our solicitor or engineer at the PSATS Conference. Jon suggested that he, Mike and Rick review the draft code of ethics and present a new version at a future meeting.

**Consider Recommendation for Funding of the Police Building Roof**

Jon explained that the Police Commission had awarded the bid for a metal roof at the Police Building to Detweiler Roofing for \$453,500 and that East Goshen is responsible for half of that, plus associated engineering and inspection costs. He recommended borrowing the funds from the Township's Capital Reserve Fund and then repaying that from the General Fund over 10 years at no interest beginning in 2021. Mike made a motion to adopt a Resolution authorizing payment of approximately \$238,000 for half of the contract cost and associated engineering and inspections fees of the metal roof at the Westtown East Goshen Police Building and repay the Capital Reserve Fund annually from the General Fund over ten years as part of the year-end transfers, beginning in 2021. David seconded. The motion passed 5-0.

**Consider Request from PennDOT regarding Great Oak Circle**

Rick explained that when the Township accepted the deed of dedication for Great Oak Circle in 1998, the information was never communicated to PennDOT. Mike made a motion to execute the certification requested by PennDOT for Great Oak Circle. John seconded. The motion passed 5-0.

**Consider Recommendation to Purchase Trench Shoring Struts**

Michele made a motion to purchase trench shoring struts, net of trade in, from Continental Fire and Safety Supply for \$25,726.30, with \$3,000 treated as a replacement asset and the remaining \$22,736.30 as a new asset. David seconded. The motion passed 5-0.

**Consider Recommendation for Hershey's Mill Dam Construction Services Proposal**

Rick explained that he had received a construction services proposal from Gannett Fleming for Hershey's Mill Dam. Mike and Michele raised concerns about the lack of other price quotes. Rick noted that because Gannett Fleming was the industry leader in dam work and because they have done all the engineering work in the past, he did not request other proposals, which, as a professional service, is permitted by state law. Marty made a motion to accept the January 16, 2020 proposal for Construction Services related to the Hershey's Mill Dam Project from Gannett Fleming with the condition that the fee shall not exceed \$187,040 without the prior approval of the Board. David seconded. The motion passed 4-1, with Michele opposed because of the lack of other price quotes.

**Consider Recommendation for Milltown Dam Floodplain Proposal**

John made a motion to accept the January 16, 2020 proposal from Gannet Fleming to prepare the FEMA Conditional Letter of Map Revision with the condition that the fee shall not exceed \$47,100 without the prior approval of the Township. Mike seconded. The motion passed 4-1, with Michele opposed because of the lack of other price quotes.

**Correspondence, Reports of Interest**

The Board acknowledged the following correspondence and report of interest:

- Department of Parks and Recreation 2019 End of Year Report
- December 31, 2019 Letter from Penn Medicine
- PA DEP Chapter 102 Notice for Bow Tree I Pond Project
- PA DEP Chapter 105 Notice for a PECO Gas Line Installation on Wilson Drive
- PA DEP Chapter 102 & 105 Notice for the Milltown Dam Project
- PA DEP Chapter 102 Completeness Notification Letter for Adelphia Gateway

**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 16, 2020 Treasurer's Report

TREASURER'S REPORT		January 2, 2020 - January 16, 2020	
<b>RECEIPTS AND BILLS</b>			
<b>GENERAL FUND</b>			
Real Estate Tax	\$35.00	Accounts Payable	\$754,434.42
Earned Income Tax	\$73,730.40	<u>Electronic Pmts:</u>	
Local Service Tax	\$698.00	Credit Card	\$1,211.45
Transfer Tax	\$35,819.98	Postage	\$22.00
<i>General Fund Interest Earned</i>	\$5,602.52	Debt Service	\$0.00
Total Other Revenue	\$43,625.51	Payroll	\$174,521.22
<b>Total General Fund Receipts:</b>	<b>\$159,511.41</b>	<b>Total Expenditures:</b>	<b>\$930,189.09</b>
<b>STATE LIQUID FUELS FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
<b>Total State Liquid Fuels Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>CAPITAL RESERVE FUND</b>			
Receipts	\$56.00	Accounts Payable	\$2,516.92
<i>Interest Earned</i>	-\$40.00		
<b>Total Capital Reserve Fund Receipts:</b>	<b>\$16.00</b>	<b>Total Expenditures:</b>	<b>\$2,516.92</b>
<b>TRANSPORTATION FUND</b>			
Receipts	\$0.00	Accounts Payable	\$300,599.32
<i>Interest Earned</i>	\$0.00		
<b>Total Transportation Fund Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$300,599.32</b>
<b>SEWER OPERATING FUND</b>			
Receipts	\$38,925.93	Accounts Payable	\$83,313.84
<i>Interest Earned</i>	-\$32.75	<u>Electronic Pmts:</u>	
		Credit Card	\$601.54
		Debt Service	\$0.00
<b>Total Sewer Operating Fund Receipts:</b>	<b>\$38,893.18</b>	<b>Total Expenditures:</b>	<b>\$83,915.38</b>
<b>REFUSE FUND</b>			
Receipts	\$441.12	Accounts Payable	\$88,019.29
<i>Interest Earned</i>	-\$7.75		
<b>Total Refuse Fund Receipts:</b>	<b>\$433.37</b>	<b>Total Expenditures:</b>	<b>\$88,019.29</b>
<b>BOND FUND</b>			
Receipts	\$0.00	Accounts Payable	\$23,968.94
<i>Interest Earned</i>	\$0.00		
<b>Total Bond Fund Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$23,968.94</b>
<b>SEWER CAPITAL RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$10,984.60
<i>Interest Earned</i>	-\$15.00		
<b>Total Sewer Capital Reserve Fund Receipts:</b>	<b>-\$15.00</b>	<b>Total Expenditures:</b>	<b>\$10,984.60</b>
<b>OPERATING RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$6,883.98		
<b>Total Operating Reserve Fund Receipts:</b>	<b>\$6,883.98</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>