

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, AUGUST 18, 2020
FINAL MINUTES**

Note: In light of the Coronavirus pandemic, this was a virtual video-conference meeting conducted via the Zoom platform. In response to media reports about the vulnerability of the Zoom platform, public participation was limited to telephone.

Present: Chairman Marty Shane; Vice-Chairman David Shuey; Members Michele Truitt, Mike Lynch and John Hertzog; Township Manager Rick Smith; Assistant Township Manager and Finance Director Jon Altshul; Zoning Officer Mark Gordon; Public Works Director Mark Miller; Police Chief Brenda Bernot; Caroline Hughes and Christina Morley (Pipeline Task Force); Ernie Harkness (Planning Commission); Fire Marshal Carmen Battavio

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. and led the pledge of allegiance. David called for a moment of silence in honor of our troops, public health workers and first responders.

Chairman's Report

Marty announced that the meeting was being livestreamed on YouTube. He added that the Board met in Executive Session on August 13 to discuss a pending legal matter. He also announced that the 2021 Minimum Municipal Obligations (MMO) for the Township sponsored pension plans were as follows:

- Firefighter's Defined Benefit Pension Plan: \$152,611
- Frozen Non-Uniformed Defined Benefit Plan: \$0
- Non-uniformed Defined Contribution Plan: \$110,300
- Police Commission Non-Uniformed Defined Contribution Plan: \$13,088

Marty announced that as part of the Executive Session on August 13, the BOS decided not to pursue a nuisance complaint against Sunoco/Energy Transfer at either the PUC or Court of Common Pleas levels, but instead to provide support for expert testimony in the Safety Seven case. To that end, David made a motion to reimburse up to \$2,500 of the Safety Seven's legal expenses. Michele seconded.

Ms. Morley applauded the Board for its contribution, but stated that she believes the Safety Seven issues are distinct from the proposed public nuisance complaint. Ms. Hughes thanked the Board for its contribution and noted that the Safety Seven plaintiffs have worked hard on their case for over two years.

The motion passed 5-0.

Emergency Services Reports

Chief Bernot noted that while the COVID pandemic has caused the number of calls for service to decline by 19.5% over the past 12 months, a handful of UCC categories have experienced sharp increases, including assaults (+120%), criminal mischief (+30%) and noise complaints (+60%). She also noted that there were two road rage incidents last month, one of which involved a racial slur and one scam that resulted in a resident losing \$40,000.

Mr. Battavio summarized the fire and EMS calls in East Goshen over the past month, as outlined in the Fire Company reports. He also noted that there was a drowning in Franklin Village.

Approval of Minutes of August 11, 2020

David made a motion to approve the minutes of August 11, 2020 as corrected. Michele seconded. The motion passed 5-0.

Approval of Treasurer's Reports of August 13, 2020

David made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the August 13, 2020, Treasurer's Reports. Mike seconded. The motion passed 5-0.

Update from U.S. Representative Chrissy Houlihan's Office

John Kern, an aide to Representative Houlihan, provided the Board with an overview of the services the Congresswoman's office provides to Township residents. Michele asked about recent legislation about scam phone calls, to which Mr. Kern agreed to follow up later. Mike asked which committees Rep. Houlihan serves on, to which Mr. Kern responded that she serves on Armed Services, Foreign Affairs, and Small Business.

Consider Recommendation on Synthes USA Land Development Application

Mark Gordon provided an overview of Synthes's land development application for a 1,900 square foot addition to a finishing plant. He noted that the Planning Commission had unanimously supported the application. Brendan Burke, an attorney representing Synthes, added that it is a straight-forward project with little impact on other projects.

Mike asked about three items highlighted in the materials, including the pipe size for the stormwater system, the removal of a light in the parking lot, and permission from CTDI for the removal of an outfall structure. Dave Citro, the project engineer, addressed Mike's concerns.

Marty asked Ernie if he had any concerns about the application, to which Ernie responded that he did not. Marty also asked whether this application was materially different than Synthes's 2017 land development application, to which Dave stated that less impervious coverage is proposed now.

Michele raised concerns about stormwater, which Mark Gordon addressed. She also asked about debris and dust from the construction site, to which Dave responded that there will

be dust controls pursuant to the NPDES permit and that the farm house is located relatively far away from the proposed addition and therefore should not be impacted.

David made a motion to approve the Land Development application for the Synthes / Jabil Finishing Plant Expansion project dated March 31, 2020 last revised August 14, 2020; and grant the waivers requested with the following conditions:

1. The plan is approved as a Preliminary /Final Land Development Plan.
2. The Applicant agrees to design and construct the roof top structures in accordance with the Township Zoning Ordinance requirement, §240-19.F(2).
3. The Applicant shall address all remaining comments outlined in the Township Engineer's review letter dated 8/4/2020 prior to releasing the final plans for recording
4. The applicant will follow all applicable federal, State and Local laws and secure all proper permits prior to construction of the improvements depicted on the plans.

Mike seconded. The motion passed 5-0.

Consider Recommendation on Variance for 1137 N. Chester Road

Mark Gordon explained that William and Jessica Boyle, 1137 N. Chester Road, would like to build a second story addition above where a deck currently stands. He added that in 2010 a variance was granted to allow for the deck, which is 14 feet from the property line. Ms. Boyle noted that she had the support of all of her neighbors.

Mike indicated that he would take no position and defer on the matter to the Zoning Hearing Board.

Michele made a motion to support this dimensional variance request to permit a side yard setback of 14 feet for the new addition as depicted in the application for the following reasons:

1. The dimensional variance relief sought by the applicant will have no adverse effect on the essential character of the neighborhood
2. The existing home is a nonconforming structure; a condition that was not created by the applicant.
3. The new addition will not encroach any closer than the existing house does.
4. An addition cannot be logically accommodated anywhere else on the property
5. The relief sought is the minimum relief needed to construct the new addition.

Marty seconded. The motion passed 4-1, with Mike opposed.

Consider replacement of MIG Welder

Marty made a motion to approve the expenditure of \$7,957 for the replacement of a MIG Welder. Michele seconded. Mike questioned how long the welder has been out of service, if it was repairable, and if one could be rented until it can be added to the 2021 budget. Mark Miller explained that the welder is 20 years old, used daily and is not repairable. Mark added that a welder replacement is in the capital reserve fund,

but not for 2020. It was agreed that the useful life of the welder will be changed to 12 years. The motion passed 5-0.

Consider recommendation on Pipeline Ordinance

David stated that he is opposed to implementing the model ordinances that include setback restrictions based on pipelines. David made a motion not to adopt the model ordinance but instead refer the matter back to the Planning Commission to have them identify uses of existing ordinances and gather input from the Pipeline Taskforce, County Planning Commission and other municipalities. Mike seconded.

Michele asked if existing properties could be grandfathered in regard to the setback restrictions to which Mark Gordon explained that there is no legal process to do this. Ernie explained that the Planning Commission reviewed the model ordinance. The Commission decided that instead of proposing a new ordinance, they recommended reviewing and amending existing ordinances. The Planning Commission will look at highly populated or sensitive areas near the pipelines.

Christina asked Ernie if the Planning Commission asked if there was any coordination with CCATO or Chester County Planning Commission for input. Mike suggested that the EGT Planning Commission and staff work with the Chester County Planning Commission. Christina asked if feedback can be acquired from other Townships and suggested talking with the person who wrote the ordinance.

The motion passed 4-1 with Marty opposed.

Consider SWM O&M Agreement for 1439 Heather Lane

David made a motion to authorize the Chairman to execute the stormwater operations and maintenance agreement for 1439 Heather Lane. Michele seconded. The motion passed 5-0.

Any Other Matter

Rick reported that Pennoni concluded on the geophysical survey that the data collection methods used were consistent with the standard geophysical professional practices. In addition, the analysis by the authors is reasonable. Rick reported that the Township has not yet received a response from PennDOT regarding the letter that was sent requesting that another study on Boot Road be done by an independent contractor.

Michele recognized Jason Lang and thanked him for his hard work on the Film Festivals that took place during the week. She explained that 1,100 submissions from around the world were received.

Letter to Governor Wolf

David explained that there have been several recent pipeline-related events in Chester County including the 8,500-gallon spillage into Marsh Creek Reservoir. The County wrote a letter to Governor Wolf asking for a complete shutdown and

revocation of Sunoco's permits. He continued that Uwchlan and Upper Uwchlan wrote similar letters. He stated the Pipeline Task Force would like to ask the East Goshen Township BOS to write a similar supporting letter to Governor Wolf.

David make a motion to have staff draft a letter to Governor Wolf expressing support for Chester County's actions regarding Sunoco/Energy Transfer. Mike seconded.

Marty commented that East Goshen Township is further along than other Townships. He would like to see Sunoco finish and leave our Township.

Caroline Hughes explained the recent events in Chester County that have caused damage over the last 3 weeks. She stated Mariner East construction continues to threaten resources, properties or health and safety daily. On behalf of the Pipeline Taskforce and Sustainability Advisory Committee she asked the Board to call upon Governor Wolf to revoke all of Sunoco's permits.

The motion passed 4-1 with Marty opposed.

PA Small Water and Sewer Grant

Mike announced that the Township has received a grant in the amount of \$152,890 to construct a caustic soda conveyance system at the Ridley Creek Sewer Plant. The board thanked the staff and Jon Altshul for the work acquiring this grant.

Public Comment

Christina Morley asked if the Public Comment period could be moved to the beginning of the agenda. Marty responded that having the Public Comment at the end of the meeting was a collaborative decision by the Board due to COVID-19. It will be reinstated when the pandemic is over. The Board agreed.

Correspondence, Reports of Interest

The Board acknowledged receipt of the August 10, 2020, letter from a resident thanking Mark Miller.

Adjournment

There being no further business, Mike made a motion to adjourn at 9:37pm. Michele seconded. The motion passed 5-0.

Respectfully submitted,
Jon Altshul & Susan D'Amore, Recording Secretaries

Attached: August 13, 2020 Treasurer's Reports

TREASURER'S REPORT		August 6, 2020 - August 13, 2020	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$4,252.09	Accounts Payable	\$83,222.19
Earned Income Tax	\$255,050.50	Electronic Pmts:	
Local Service Tax	\$48,274.12	Credit Card	\$4,353.54
Transfer Tax	\$41,199.69	Postage	\$0.00
General Fund Interest Earned	-\$103.32	Debt Service	\$0.00
Total Other Revenue	\$11,013.34	Payroll	\$67,295.20
Total General Fund Receipts:	\$359,686.42	Total Expenditures:	\$154,870.93
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total State Liquid Fuels Receipts:	\$0.00	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$440,407.57	Accounts Payable	\$440,407.57
Interest Earned	-\$40.00		
Total Capital Reserve Fund Receipts:	\$440,367.57	Total Expenditures:	\$440,407.57
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total Transportation Fund Receipts:	\$0.00	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$94,277.03	Accounts Payable	\$11,392.98
Interest Earned	-\$43.34	Electronic Pmts:	
		Credit Card	\$2,812.34
		Debt Service	\$0.00
Total Sewer Operating Fund Receipts:	\$94,233.69	Total Expenditures:	\$14,205.32
REFUSE FUND			
Receipts	\$23,764.76	Accounts Payable	\$2,900.87
Interest Earned	-\$18.34	Credit Card	\$70,023.94
Total Refuse Fund Receipts:	\$23,746.42	Total Expenditures:	\$72,924.81
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total Bond Fund Receipts:	\$0.00	Total Expenditures:	\$0.00
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	-\$15.00		
Total Sewer Capital Reserve Fund Receipts:	-\$15.00	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	-\$15.00		
Total Operating Reserve Fund Receipts:	-\$15.00	Total Expenditures:	\$0.00