

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, OCTOBER 6, 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; Public Works Director Mark Miller; Park & Recreation Director Jason Lang; Police Chief Brenda Bernot; Ernie Harness (Planning Commission); Tom Kilburn (Futurist Committee); Gerry Sexton (Pipeline Task Force)

**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, first responders and the late, great guitar virtuoso Eddie Van Halen. Marty also announced that the meeting is being livestreamed on YouTube.

**Public Hearing**

The Board conducted a public hearing on an ordinance to require reimbursement of Township expenses that are incurred in detaining seized animals. David made a motion to adopt the ordinance amending the East Goshen Township Code, Chapter 83, titled "Animals" to add Article III titled "Animal Control" to require reimbursement of Township expenses that are incurred in detaining seized animals. Michele seconded. The motion passed 5-0. A court reporter was present and will provide a full transcript of the hearing. A copy of the transcript will be appended to the minutes of this meeting when the decision becomes "final, binding and nonappealable."

**Chairman's Report**

Marty welcomed Chief Bernot and turned the floor over to David, who inquired about how the police will ensure that polling stations in the Township will be safe and secure on Election Day. The Chief outlined the steps that the officers will take to protect polling stations, pursuant to Title 18 of the Pennsylvania Crimes Code. She noted that any persons attempting to interfere with the voting process or to intimidate voters will be arrested. However, she noted that for some polling stations, it is difficult to do traffic control, as officers cannot be within 100' of a polling station and that WEGO lacks the resources to do traffic control at all precincts.

John asked about overflow parking at the Township Building on Election Day. Rick stated that Township employees would not be at work that day, and that Public Works could open up the back of the building for additional parking.

Marty reported that the Township had been named as a SolSmart “Silver” designee. He also noted that the Chester County Department of Voter Services has created a new Election Portal for the upcoming election, which can be found at <https://chesco.org/elections>.

The Board acknowledged receipt of Mark Gordon’s false alarm report.

**Approval of Minutes**

David made a motion to approve the minutes of September 15, 2020, as amended. Michele seconded. The motion passed 5-0.

**Approval of Treasurer’s Report**

David made a motion to approve the Treasurer’s Report of October 1, 2020. Michele seconded. The motion passed 5-0.

**Consider Recommendation on Paoli Pike Trail Guidance and Etiquette**

John expressed gratitude to Jason for his work on the trail rules. David made a motion to adopt the Paoli Pike Trail Guidance and Etiquette as presented. Mike seconded.

Russ Frank, 451 Gateswood Drive, expressed concern about trash, specifically dog waste, on the trail. Jason indicated that he will educate trail users about using the trash receptacles.

The motion passed 5-0.

**Consider Recommendation Regarding Hershey Mill Dam Park Bid**

The Township received the following bids for the Hershey Mill Dam Park project:

<b>Contractor</b>	<b>Amount</b>
Masters Services, LLC	\$1,449,500.00
DePaul and Company, Inc	\$2,467,898.00
Flyway Excavating, Inc	\$1,593,000.00
James R. Kenney Excavating & Paving, Inc	\$975,000.00
Richard E. Pierson Construction Co, Inc	\$2,053,000.00
Road-Con, Inc	\$1,888,000.00
Total Site Development	\$996,250.00

Rick noted that the low bidder, James R. Kenney Excavating and Paving, included a condition that the cost of the boardwalk was an “estimate only for budget bidding purposes”, and that therefore its proposal violated the requirements of the bid

documents. Accordingly, he recommended that the contract be awarded to Total Site Development. He noted that the bid document required that the breach be completed by December 31, 2020 and that the land improvements be completed by September 2021. Mike inquired about the potential for change orders and how those would be handled. Rick observed that the biggest unknown is the subsurface soil conditions, and that therefore the bidders were asked to prepare unit prices in the event that they had to excavate more or less than five feet down.

David made a motion to reject the bid submitted by James R. Kenney for being non-responsive to the bid documents, specifically Article 18 Award of Contract, Section 18.01.A, and award the bid to Total Site Development in the amount of \$996,250. Mike seconded. The motion passed 5-0.

### **Consider Recommendation for Reception Area in Township Building**

Rick outlined the recommendation for the permanent upgrades to the reception area to protect office staff from the Coronavirus and as an additional layer of physical security. David made a motion to award the front desk enclosure job to Malvern Glass in the amount of \$3,290. Michele seconded. The motion passed 5-0.

### **Consider Recommendation for Creation of a Task Force to Review BP and I District Zoning**

John stated that he objected to the creation of this task force as proposed. Ernie provided some background on why the Planning Commission was proposing to create a Task Force, as the corporate parks are a key part of the Township's tax base and that it's important that the zoning remain current to ensure that the buildings remain occupied. Tom added that the Futurists are interested in surveying the various businesses in the corporate park to better understand what their concerns were. John stated that the focus of the task force should be on recruiting new businesses. Michele indicated that the focus of the task force should be on saving existing businesses rather than zoning. She added that any surveys should be vetted by the Board of Supervisors. David noted that Board members have always met with businesses to listen to their concerns. Marty suggested that the Township reach out to the Chester County Chamber of Business and Industry and the Chester County Economic Development Council to get their input.

Tom suggested that he, Ernie and Rick meet over the next week to have a follow-up proposal to the Board on this matter by the next Supervisors' meeting.

### **Consider Pipeline Saturation Ordinance**

Marty and John praised Rick's work on the draft ordinance, although Marty acknowledged that he wasn't sure if the ordinance could be enforced as written. Mr. Sexton noted that the draft ordinance had not been reviewed by the Pipeline Task Force and made a number of comments focused on amending the ordinance so that it covered the replacement and expansion of existing pipelines. Rick noted that the pipelines all have existing easements, and therefore restricting what existing pipeline operators can do in their easements would likely be viewed as a taking by the courts and could undermine the purpose of the ordinance.

David made a motion to advertise for a public hearing on the proposed pipeline saturation ordinance with the amendment that the language “recreational facilities, churches and schools” be added to the fourth “Whereas clause” from the bottom of page 2. Michele seconded.

Mr. Frank expressed concern about this ordinance being adopted via Zoom. John observed that the only parties that would be opposed to the ordinance would be the pipeline companies.

The motion passed 5-0.

### **Correspondence, Reports of Interest**

The Board acknowledged the following correspondence and reports of interest:

- 2021 WEGO Police Budget
- Township Statement on Halloween
- September 17, 2020 email from Paige Femimore
- September 18, 2020 email from Gerard Ruffenach

### **Public Comment**

Mr. Frank raised concerns about the new “No Turn on Red” sign at Boot Road and North Chester Road and noted that he is routinely overtaken by cars turning on red at that intersection. Rick stated that he would ask the Police to look into the matter. However, he noted that Sunoco would be finished with its pull back at that location this week, and that the problem would resolve itself soon.

### **Any Other Matter**

Michele asked staff to investigate the installation of glass paneling and other IT infrastructure to facilitate the return of in person or hybrid meetings. Jon and Rick agreed to research the matter and report back at a future meeting.

### **Adjournment**

There being no further business, Mike made a motion to adjourn at 9:15pm. David seconded. The motion passed 5-0.

Respectfully submitted,  
*Jon Altshul, Recording Secretary*

Attached: October 1, 2020 Treasurer’s Report

TREASURER'S REPORT		September 10, 2020 - October 1, 2020	
<b>RECEIPTS AND BILLS</b>			
<b>GENERAL FUND</b>			
Real Estate Tax	\$9,574.10	Accounts Payable	\$661,621.21
Earned Income Tax	\$143,400.00	<u>Electronic Pmts:</u>	
Local Service Tax	\$9,200.00	Credit Card	\$5,419.05
Transfer Tax	\$86,837.87	Postage	\$0.00
<i>General Fund Interest Earned</i>	\$0.00	Debt Service	\$5,334.22
Total Other Revenue	\$525,315.71	Payroll	\$215,872.03
<b>Total General Fund Receipts:</b>	<b>\$774,327.68</b>	<b>Total Expenditures:</b>	<b>\$888,246.51</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	\$173,356.75	Accounts Payable	\$187,128.25
<i>Interest Earned</i>	\$0.00		
<b>Total Capital Reserve Fund Receipts:</b>	<b>\$173,356.75</b>	<b>Total Expenditures:</b>	<b>\$187,128.25</b>
<b>TRANSPORTATION FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
<b>Total Transportation Fund Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>SEWER OPERATING FUND</b>			
Receipts	\$41,438.62	Accounts Payable	\$110,170.38
<i>Interest Earned</i>	\$0.00	<u>Electronic Pmts:</u>	
		Credit Card	\$3,723.41
		Debt Service	\$134,143.01
<b>Total Sewer Operating Fund Receipts:</b>	<b>\$41,438.62</b>	<b>Total Expenditures:</b>	<b>\$248,036.80</b>
<b>REFUSE FUND</b>			
Receipts	\$16,639.83	Accounts Payable	\$22,471.44
<i>Interest Earned</i>	\$0.00	Credit Card	\$26,032.17
<b>Total Refuse Fund Receipts:</b>	<b>\$16,639.83</b>	<b>Total Expenditures:</b>	<b>\$48,503.61</b>
<b>BOND FUND</b>			
Receipts	\$0.00	Accounts Payable	\$80,417.83
<i>Interest Earned</i>	\$0.00		
<b>Total Bond Fund Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$80,417.83</b>
<b>SEWER CAPITAL RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
<b>Total Sewer Capital Reserve Fund Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>OPERATING RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
<b>Total Operating Reserve Fund Receipts:</b>	<b>\$0.00</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>