

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, SEPTEMBER 15, 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; Park & Recreation Director Jason Lang; Police Chief Brenda Bernot; Fire Marshal Carmen Battavio; Christina Morley (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 and first responders.

Chairman's Report

Marty announced that the meeting is being livestreamed on YouTube. The Board also conducted an interview for the vacant auditor position with Brian Nowak, 1590 Wineberry Lane. David made a motion to appoint Brian Nowak to the Township's Board of Auditors. Michele seconded. The motion passed 5-0.

Emergency Services Report

Chief Bernot noted that WEGO received 7% more calls in August than the month before, and attributed the uptick to COVID-related anxiety, with more domestic abuse and road rage calls. She also noted that there have been more calls about illegal dirt bikes on Township roads and open spaces, and reminded residents about [the various laws](#) that dirt bike riders may be violating. She thanked the Township for installing a new prescription drug drop off box that will ensure that old prescription drugs are not abused or are damaging area waterways. She also observed that a resident had recently been subject to a scam that resulted in \$43,000 in stolen funds. On a happier note, she reported that many of the officers will be participating in a Blue Beards for Charity drive that will benefit four charities in our community.

Mr. Battavio summarized the August fire and EMS calls in East Goshen, as outlined in the fire company reports. He also reported on a recent blow down on the Enbridge pipeline near Manley Road, about which the Township had not received advanced notice. Both David and Mike stressed the importance of pipeline companies giving the Township advanced notice about any pipeline work, to which

Rick stated that he was in the process of sending letters to the owners of all the pipelines running through the Township about this matter.

Consider Recommendation Regarding Malvern Institute

Rick provided an overview of the events that resulted in the Malvern Institute Zoning Hearing Board (ZHB) matter being back before the Board of Supervisors, specifically that in late 2019, the Court of Common Pleas ruled that the ZHB had erred in its decision and remanded the matter back to the ZHB.

Michele noted that Judge Tunnell had only given the ZHB two options to consider in making its decision. Mike observed that the public's focus should be on the ZHB, and not the BOS, which does not have any authority over the ZHB's decision-making.

David made a motion to recommend that the Zoning Hearing Board consider the Board of Supervisor's recommendations outlined in its February 7, 2018 letter to the Zoning Hearing Board. Mike seconded.

Marty observed that staff is of the position that a one-story addition has less impact on the neighbors than a two-story addition. John stated that the Board of Supervisors has no authority to overrule the decision of the ZHB. Ms. Camp added that once the ZHB makes its decision, it can be appealed through the courts.

Terri Relick, 12 Treemont Drive, stated that she disagreed with the Township's interpretation of the judge's decision that the Court of Common Pleas remanded the matter back to the ZHB.

Joanne Murphy, 20 Brookmont Drive, stated that Malvern Institute never proved its hardship. She also asked why the BOS originally took no position on Malvern Institute's application, to which Marty and Mike indicated that the Board of Supervisors has traditionally deferred to the ZHB's independence and superior understanding of the legal principals in these types of matters.

Todd Azura, East Whiteland Township, disagreed with the Township's interpretation of the judge's decision that the Court of Common Pleas remanded the matter back to the ZHB.

Elaine Rogers, 7 Brookmont Drive, stated that the Board had put the interests of the Malvern Institute above those of Brookmont residents.

Lisa O'Neil, 10 Brookmont Drive, stated that the Board of Supervisors had "scammed" Brookmont residents out of several thousand dollars in property value.

Tom McEree, 6 Line Road, expressed displeasure with the Board of Supervisor's decision.

The motion passed 5-0.

Financial Report, August 2020

Jon reported that as of August 31, the General Fund had a surplus of \$701,679 and a positive budget variance of \$121,674, the first positive budget variance since the beginning of COVID. He noted that EIT and Real Estate Transfer Tax are doing substantially better than forecast a few months ago and could finish the year near their budgeted levels. He is also projecting that the General Fund will finish the year with a deficit of \$341,315, an improvement of about \$150,000 from a month ago, despite the Act 111 police arbitration award.

Approval of Minutes of September 1, 2020

David made a motion to approve the minutes of September 1, 2020. Michele seconded. The motion passed 5-0.

Approval of Treasurer's Reports of September 10, 2020

David made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the September 10, 2020, Treasurer's Reports. Michele seconded. The motion passed 5-0.

Consider Recommendation for Paoli Pike Trail-Segment B Grant Application

Jason explained that the Township's grant application would be for \$3 million, with no local match, but that the Township will have spent about \$646,000 in soft costs for this segment between engineering, appraisals and ROW acquisition costs. John asked about how much Township funds were being spent on the Paoli Pike Trail overall. Jon responded that the Township was spending \$2.5 million on soft costs all total, about \$2.1 million of which had already been spent, and that the Township had received over \$3.6 million in grant funds for other segments. Therefore, he calculated that the total cost of the trail would be about \$9.1 million including this grant award. Michele asked how many times the Township had applied for this grant, to which Jason responded that this would be the third time. Mike clarified that the Township was not spending local taxpayer dollars on construction costs. David made a motion to authorize application for the Commonwealth Financing Authority Multimodal Transportation Fund for Segment B in the amount of \$3 million. Mike seconded. The motion passed 3-2, with Michele and John opposed.

Consider Rules for Paoli Pike Trail

Jason solicited feedback about the proposed trail rules. The Board expressed concerns about electric bikes, handicap accessibility, dogs, and pedestrians and cyclists on smart phones. David noted that these rules were more etiquette than enforceable rules, and Rick noted that in order for the rules to be enforceable the Board would have to adopt an ordinance. Jason agreed to amend the proposed rules pursuant to the Board's comments and re-present them at a meeting in October.

Consider Brandywine SPCA Fees

Rick provided an overview of the language that Kristin had drafted that would require residents who picked up lost pets from the SPCA to reimburse the Township

for costs incurred. Michele asked whether residents can pay the SPCA directly, to which Rick responded that the contract that municipalities sign with SPCA doesn't allow for this. Mike made a motion to direct staff to draft and advertise for adoption an ordinance on SPCA fees. David seconded. The motion passed 5-0.

Consider Stormwater Operations and Maintenance Agreements

David made a motion to authorize the Chairman to execute stormwater operations and maintenance agreements for 1316 West Chester Pike, 980 Hershey's Mill Road and 1538 Oakmont Lane. Michele seconded. The motion passed 5-0.

Consider Linden Lane Emergency Access

Michele explained that she had requested cost information on an emergency access road between Linden Lane and Goshen Parkway so that first responders can get to the last six homes on Linden Lane during major storm events, as well as an emergency access point in the event of a pipeline emergency along Boot Road.

Marty stated that the Township needed to determine which parts of the Township have the worst flooding during major storm events, to which Michele directed staff to report back on this matter.

Mike expressed concern about the Township creating the expectation that we are able to solve all of the flooding issues in the Township. Mike suggested that staff reach out to Synthes to inquire about an easement, to which Rick indicated that he would do so shortly.

Public Comment

Ms. Morley suggested an alternate route for the emergency access road. However, staff raised concerns about that route running through a wetland, as well as the impact of that route on Synthes's property.

Correspondence, Reports of Interest

The Board acknowledged the following correspondence and reports of interest:

- August 28, 2020 note of appreciation to Township staff from Chuck and Ruth Florian

Adjournment

There being no further business, David made a motion to adjourn at 9:40pm. Michele seconded. The motion passed 5-0.

Respectfully submitted,
Jon Altshul, Recording Secretary

Attached: September 10, 2020 Treasurer's Reports

TREASURER'S REPORT		August 27, 2020 - September 10, 2020	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$14,825.79	Accounts Payable	\$494,934.37
Earned Income Tax	\$90,266.00	<u>Electronic Pmts:</u>	
Local Service Tax	\$7,433.15	Credit Card	\$0.00
Transfer Tax	\$0.00	Postage	\$1,000.00
<i>General Fund Interest Earned</i>	\$1,181.05	Debt Service	\$0.00
Total Other Revenue	\$22,696.07	Payroll	\$133,787.64
Total General Fund Receipts:	\$136,402.06	Total Expenditures:	\$629,722.01
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$12.88		
Total State Liquid Fuels Receipts:	\$12.88	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$248,482.25	Accounts Payable	\$250,279.75
<i>Interest Earned</i>	\$999.29		
Total Capital Reserve Fund Receipts:	\$249,481.54	Total Expenditures:	\$250,279.75
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$144.50		
Total Transportation Fund Receipts:	\$144.50	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$150,943.41	Accounts Payable	\$17,263.67
<i>Interest Earned</i>	\$218.38	<u>Electronic Pmts:</u>	
		Credit Card	\$0.00
		Debt Service	\$0.00
Total Sewer Operating Fund Receipts:	\$151,161.79	Total Expenditures:	\$17,263.67
REFUSE FUND			
Receipts	\$47,652.75	Accounts Payable	\$63,656.61
<i>Interest Earned</i>	\$110.75	Credit Card	\$0.00
Total Refuse Fund Receipts:	\$47,763.50	Total Expenditures:	\$63,656.61
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$72,141.14
<i>Interest Earned</i>	\$372.64		
Total Bond Fund Receipts:	\$372.64	Total Expenditures:	\$72,141.14
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$393.60		
Total Sewer Capital Reserve Fund Receipts:	\$393.60	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$552.15		
Total Operating Reserve Fund Receipts:	\$552.15	Total Expenditures:	\$0.00