

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, November 10, 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; Solicitor Tom Oeste; Park & Recreation Director Jason Lang; Interim Director of Finance Chris Boylan; Caroline Hughes, Bill Wegemann, Christina Morley and 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 and first responders. Marty also announced that the meeting is being livestreamed on YouTube.

Public Hearing

The Board conducted a public hearing on an ordinance that would prohibit new natural gas pipelines and hazardous liquid pipelines from being installed in the township after the effective date of the Ordinance. David made a motion amending the East Goshen Township Code to add a new Chapter 171 titled "Pipeline Saturation Ordinance". 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 announced that the Board met in an executive session on November 9, 2020, to discuss a legal matter and a personnel matter. Marty made a motion that in light of Jon Altshul's resignation as the Director of Finance he would like the Board to undertake the following actions:

- Appoint Chris Boylan as the Interim Director of Finance and Interim Township Treasurer.
- Appoint Rick Smith as the Right to Know Officer.
- Accept the proposal from the Meyner Center at Lafayette College to conduct the search for a "Director of Finance" in the amount of \$5,000 plus expenses.

- Accept the proposal from Inter-County Investigation to conduct the background check on the selected candidate for the Director of Finance in the amount of \$3,000.

Michele seconded. The motion passed 5-0.

The Board congratulated and thanked Chris on her new role.

Approval of Minutes of October 20, 2020

David made a motion to approve the minutes of October 20, 2020. Michele seconded. The motion passed 5-0.

Approval of Treasurer's Reports

Rick noted that the Township will receive a credit for a listed expense (\$71.08) from the Daily Local News. This was a duplicate payment for an ad for the COG meeting.

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

Consider Business Park Task Force

David made a motion that the Board adopt the Resolution creating the Business Park Task Force as presented. Michele seconded. The motion passed 5-0.

Michele made a motion to appoint the following seven members to serve on the Business Park task Force: David Shuey, John Hertzog, John Stipe, Ed Decker, Mike Koza, Brian Sweet, Jeff O'Donnell. John seconded the motion. The motion passed 5-0.

Presentation of 2021 Budget

Rick presented the PowerPoint overview of the 2021 Proposed Budget. He highlighted that staff is proposing that the real estate tax rate remain unchanged for the 18th consecutive year. A copy of the PowerPoint presentation and associated 2021 budget documents may be found on-line at <https://eastgoshen.org/2021-proposed-budget/>.

John asked if the non-core, other income variance of \$745,760 was from the general fund. Marty said that is the revenue that is not accounted for in the other functions such as interest. Rick replied he will investigate this and provide an answer.

Mike requested a copy of the 5-year general fund projection. He is concerned that the Township is developing a structural deficit. Mike requested that the Board hold a workshop to improve the deficit.

David stated that there are areas in the core functions that can be reviewed, but he is comfortable with the way the budget is presented.

Michele made a motion to table the advertising of the 2021 Proposed Budget. Mike seconded. The motion passed 3-2 with David and Marty opposed.

John made a motion to hold a 2021 budget workshop meeting on Tuesday, November 17, 2020, starting at 6:00 pm. Mike seconded. The motion passed 5-0.

Consider support of House Bill 531

Ms. Kusner sent a letter to the Board to support HB 531. Rick explained that Senator Killion sponsors a companion senate bill and Representative Comitta sponsors the house bill. The Board supports this legislation but due to the timing of this bill, the Board decided not to make a motion. Rick will contact Ms. Kusner.

Consider Christmas Tree Sales at 1301 West Chester Pike

Marty made a motion to approve Robert Wiggin's request to sell Christmas Trees at 1301 West Chester Pike, provided adequate off-street parking is provided and clean-up takes place immediately after Christmas. John seconded. The motion passed 5-0.

Consider proposal for Construction Services for Segment A of Paoli Pike Trail

Rick stated that PennDOT needs an approved inspector in order for construction to move forward. McMahan has prepared a proposal in the amount of \$54,880 to provide the inspection services. Mike asked where the money will be allocated from to which Rick replied the Bond Fund.

Mike made a motion that the Board of Supervisors authorize the Chairman to sign the Proposal for Construction Services from McMahan Associates Inc. for the Construction of Segment A of the Paoli Pike Trail. David seconded.

Russ Frank raised the question that since the Township needs to acquire the right of ways from landowners on Section B, are landowners placed in a comprising position that the Township would need to place eminent domain on them? Rick answered that the Township follows PennDOT's procedure, and if necessary, the Township can exercise eminent domain.

The motion passed 3-2 with Michele and John opposed.

Consider recommendations from Pipeline Task Force

David updated that the subsidence is not above the active pipeline. It is above the 1930's abandoned pipeline. Since October 21, the BOS requested from PennDOT, to which PennDOT agreed, to have their geologist inspect the site. On 11/1 it was reported that there was no evidence that the subsidence is related to Sunoco activity. PennDOT asked Chester County Maintenance to continue to monitor. David added that Mark Miller has been monitoring the depression weekly. There has been no change in depth of size since 10/19.

David listed the following items that have happened:

- Confirmed that Sunoco has installed and maintained the erosion and sediment measures required by their E&S Permit.

- Confirmed that the PennDOT geotechnical geologist has inspected the depression and is monitoring it.
- Confirmed that PA PUC has the ARM Group, the firm that the PUC has contracted for geotechnical service, is investigating the depression.
- Received 30-day extension notices in response to the Right-to-Know Requests filed with the Public Utility Commission, the Department of Environmental Protection and the Attorney General's Office.
- Have been in regular contact with our County and State representatives for assistance with this matter.
- David requested from Representative Comitta to have PennDOT excavate the site and look at the geophysical structure to determine the situation.

David addressed the motions from the Pipeline Task force:

- *The Task Force unanimously approved a motion requesting that the Board of Supervisors ask Chester County to utilize the County's current geologist to conduct an independent investigation around the Bow Tree area.*
David stated that these discussions are currently taking place.
- *The Task Force unanimously approved a motion that the Board of Supervisors actively partner with Chester County and other municipalities that are experiencing the same and similar issues as the Township with respect to the Mariner East pipeline construction.*

David stated that the BOS has been in contact with Chester County. The Township's counsel has also been in touch with Chester County's counsel.

- *The Task Force approved a motion that the Board of Supervisors revoke the existing municipal erosion and sedimentation permit that is held by Sunoco.*
David stated that the Township staff and the attorney have reviewed the permit. It was concluded that Sunoco is not in violation. The attorney has advised that the Township cannot rescind the permit.

Christina Morley expressed concern about who from PennDOT performed the subsidence evaluations.

Caroline Hughes stated that it is unknown what data collection methods were used by the PennDOT geologist for their assessment.

Caroline explained that it would be better to have an independent geologist to conduct the study for the Township to be able to control the parameters of exploration and examination of the subsidence. In turn, this will provide objective data and results.

The Board's stated position is that before authorizing money on a study, they would like to exhaust the options with the County, PennDOT and/or the PUC.

Christina suggested that the Pennsylvania Department of Conservation and Natural Resources (DCNR) topography and geology department be investigated. She continued that they are the state experts on subsidence and sinkholes.

David agree that the Township should ask Gene Blaum what methodologies were used. Rick will ask for a report from Mr. Blaum and have it posted on the website

David also said he will investigate the DCNR suggestion.

Consider 2-year DVHT Agreement Addendum

David made a motion to authorize the Chairman to execute the 2-year Agreement Addendum with the Delaware Valley Health Trust. Michele seconded. The motion passed 5-0.

Consider extension for Inspection Agreement for Segment C, D & E of the Paoli Pike Trail

David made a motion that the Board of Supervisors authorize the Township Manager to sign the letter to TPD granting an extension to the Construction Inspection agreement. The motion passed 5-0.

Consider DVRPC Regional Trail Grant Application

Jason explained that this application will help offset the Township's inspection costs. This grant requires a 20% match. These matching funds were already approved with the CFA grant that fully funds the construction.

David made a motion to authorize the application for a DVRPC Regional Trails Grant Program Grant in the amount of \$147,568 and approve matching funds in the amounts of \$36,892. Mike seconded. The motion passed 5-0.

Consider Declaration of Restrictive Covenant for Milltown Reservoir

David made a motion that the Board authorize the Chair to execute the Declaration of Restrictive Covenant. Michele seconded. The motion passed 5-0.

Consider Solar Ordinance Amendment

Rick explained that the ordinance states that solar systems have to be 3 feet from any roof edge, valley or ridge. This reduces the number of solar panels that can be on a roof. The Township's requirements are significantly more stringent than outlined in the Fire Code. This makes rooftop solar systems less feasible in East Goshen Township because less solar panels can be installed on the roof.

David moved that the Board support a zoning ordinance text amendment eliminating the dimensional standards within section §240-32 0.(1)(e) pertaining to the placement of accessory use rooftop solar energy systems on roof tops, and direct staff to advertise a Zoning Ordinance amendment hearing for December 1, 2020. Michele seconded. The motion passed 5-0.

Public Comment

None

Adjournment

There being no further business, John made a motion to adjourn at 9:54pm. Michele seconded. The motion passed 5-0.

Respectfully submitted,
Susan D'Amore

Attached: November 5, 2020 Treasurer's Report

TREASURER'S REPORT		October 15, 2020 - November 5, 2020	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$4,320.32	Accounts Payable	\$341,947.18
Earned Income Tax	\$640,400.00	Electronic Pmts:	
Local Service Tax	\$6,700.00	Credit Card	\$2,840.26
Transfer Tax	\$0.00	Postage	\$0.00
General Fund Interest Earned	\$756.28	Debt Service	\$81,384.22
Total Other Revenue	\$95,882.89	Payroll	\$194,684.49
Total General Fund Receipts:	\$748,059.49	Total Expenditures:	\$620,856.15
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$6.81		
Total State Liquid Fuels Receipts:	\$6.81	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$333,606.32	Accounts Payable	\$237,091.43
Interest Earned	\$671.19		
Total Capital Reserve Fund Receipts:	\$334,277.51	Total Expenditures:	\$237,091.43
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$111.80		
Total Transportation Fund Receipts:	\$111.80	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$319,400.35	Accounts Payable	\$21,412.13
Interest Earned	\$151.40	Electronic Pmts:	
		Credit Card	\$0.00
Total Sewer Operating Fund Receipts:	\$319,551.75	Debt Service	\$182,057.90
		Total Expenditures:	\$203,470.03
REFUSE FUND			
Receipts	\$102,689.70	Accounts Payable	\$688.00
Interest Earned	\$84.35	Credit Card	\$0.00
Total Refuse Fund Receipts:	\$102,774.05	Total Expenditures:	\$688.00
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$26,425.13
Interest Earned	\$140.18		
Total Bond Fund Receipts:	\$140.18	Total Expenditures:	\$26,425.13
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$306.35		
Total Sewer Capital Reserve Fund Receipts:	\$306.35	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$365.07		
Total Operating Reserve Fund Receipts:	\$365.07	Total Expenditures:	\$0.00
			\$1,088,530.74
	\$1,505,593.01		\$194,684.49
			(\$893,846.25)