

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, March 16, 2021
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 David Shuey; Vice-Chairman Mike Lynch; Members: John Hertzog, Marty Shane and Michele Truitt; Township Manager Rick Smith; Public Works Director Mark Miller; Zoning Officer Mark Gordon; Interim Finance Director Chris Boylan; Building Inspector Duane Brady; Planning Commission Chairman Ernie Harkness; Pipeline Task Force Members: Caroline Hughes, Christina Morley, Gerry Sexton and Bill Wegemann

Call to Order & Pledge of Allegiance

David called the meeting to order at 7:00 p.m. Marty led the Pledge of Allegiance. Michele called for a moment of silence to recognize first responders (especially the Township's Public Works Department) and all front-line workers in regard to COVID-19. David announced that the meeting is being livestreamed on YouTube.

Chairman's Report

David announced that the Board met in executive session:

- On March 9 for a personnel matter to discuss the status and applications for the positions of Director of Finance and Township Manager.
- Prior to tonight's meeting to discuss a personnel matter to interview an applicant for one of the Townships Boards and with the Township solicitor to discuss a legal matter around the Paoli Pike Trail easements.

David announced that Gary Althouse, building inspector, is retiring and Mr. Duane Brady has been hired as replacement. The Board welcomed Mr. Brady to the Township.

Public Hearing – Consider ordinance authorizing execution of a cable franchise renewal agreement between the Township and Verizon Pennsylvania LLC.

The Board conducted a public hearing to adopt an ordinance that will authorize the Township to enter a Cable Franchise Renewal Agreement with Verizon Pennsylvania LLC for a five-year term commencing on the date when Verizon executes the same; grants a non-exclusive franchise to Verizon to operate its cable system in the Township within the Township rights of way; provides technical performance standards for Verizon; reserves on the basic service tier capacity for one educational channel and one governmental channel; requires Verizon to pay the Township a franchise fee of 5% of annual gross revenue as defined in the agreement as franchise fees; allows the Township to audit or conduct a franchise fee review of Verizon's books and records no more than once every three years during the term; establishes customer service requirements for Verizon; requires certain insurance and indemnification by Verizon; provides enforcement and termination provisions and liquidated damages for violations of the agreement. Rick noted that over the last year Verizon has been losing revenue and subscribers.

David added that the Board will track this over time. Due to industry-wide changing technology, this revenue line could disappear. Marty made a motion to adopt the ordinance. Mike 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.”

Public Hearing - Consider ordinance amending the East Goshen Township Code, Chapter 188 titled "Sewers" Section 188-4 to amend the time frame for amending the rates.

The Board also conducted the public hearing to adopt an ordinance amending the East Goshen Township code, Chapter 188 titled “Sewers” Section 188-4 titled “Variable Rates” to amend the time frame for amending the variable rates.

David noted that the Township will continue to use the AQUA water data from the 4th quarter prior year and 1st quarter current year to calculate the sewer bills. To rectify the loss of \$24,000 in the 2021 budget, there will be an increase of \$2.57 to the fixed cost to the bills in the 3rd and 4th quarter of 2021. Mike motioned that the ordinance be adopted. Michele seconded. The motion passed 5-0.

A court reporter was present and will provide a full transcript of the hearing for both ordinances. A copy of the transcript will be appended to the minutes of this meeting when the decision becomes “final, binding and nonappealable.”

Westtown East Goshen Police Report

Chief Brenda Bernot reported that for the last 30 days the department has experienced an overall decrease of 12% for service as compared to this time in 2020. In this same time period, East Goshen had 396 calls for services (7.5% decrease from this time in 2020). Chief Bernot noted that the calls for service have reflected the stressors the pandemic has had on residents. The Board congratulated Chief Bernot for being recognized as a woman leader in Chester County.

Fire Company Reports

Carmen reported the following fire company statistics for East Goshen:

- In January, Goshen Fire Company responded to 19 fire calls, 11 fire police calls and 162 EMS calls.
- In January, Malvern Fire Company responded to 21 calls – 3 BLS (Basic) and 19 ALS (Advanced Life Support) and in February responded to 17 calls – 2 BLS and 15 ALS.
- In January, Good Fellowship responded to 58 calls which is 12.7% of their total calls for the month.

The Board congratulated Carmen on his recent promotion to Engineer Staff Level.

David asked for an update on the alarm issues at Wellington. Rick responded that the administrator and the alarm company are working to correct the problems. The Township will continue to monitor. Carmen stressed the importance of having good solid code and stringent enforcement in both the Wellington and Bellingham buildings.

Financial Report

Chris Boylan noted that in paragraph 3 of the report, the first sentence should read: “On the revenue side, Earned Income and Real Estate Property Tax are slightly less than budget.

Chris Boylan added that the real estate transfer tax is more than double than what was projected and the utility revenue for the month of February was \$600,000.

David questioned the Emergency Services Expenses variance of \$198,538. Chris Boylan will look into this.

Mike asked Chris Boylan for the year-to-date total relative to the year-to-date budget for the snow event expenses.

Approval of Minutes

Michele made a motion to approve the minutes of February 16, 2021. John seconded. The motion passed 5-0.

Approval of Treasurer's Reports

Michele asked if a monthly log outlining service from B&D Computer Solutions could be obtained.

Mike made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the March 11, 2021, Treasurer's Report. Michele seconded. The motion passed 5-0.

Old Business

Sale of Wheel Loader via Municibid

Mark Miller stated that Kline Township in Schuylkill County has the winning bid for the wheel loader in the amount of \$62,100. David made a motion to authorize the sale of the Township's wheel loader to Kline Township in Schuylkill County for the price of \$62,100. Mike seconded. The motion passed 5-0.

New Business

Purchase of Wheel Loader

Marty made a motion that the Board purchase a Caterpillar 926M Wheel Loader from Foley, Inc. in the amount of \$182,400. Mike seconded. The motion passed 5-0.

Tree Pruning Bid

Marty made a motion to approve the bid from Knight Brothers in the amount of \$17,540. Mike seconded. The motion passed 5-0.

Pipeline Awareness Study Ordinance

Ernie explained that the intent of this ordinance is to provide landowners and developers awareness of the pipelines in the proximity of the property which is being developed so that appropriate considerations can be made during the planning process of development. The study will be triggered if there is an application for potential development within 660 feet of the centerline to the pipeline. The study will be conducted by a professional engineer that is registered in the state of Pennsylvania. The study will be evaluated by the BOS and Planning Commission. Resources such as the Pipeline Task Force, Emergency Management Personnel and the Fire Department will be utilized for this study and changes can be recommended. Ernie continued that a main area of discussion has been with the 660-foot zone.

Marty complemented the commission for their work on this ordinance.

David added this is not a setback ordinance prohibiting construction within the zone. This provides the opportunity to consider design and safety features.

Ernie noted that the Pipeline Task Force suggested that the ordinance include wording for residential remodeling exemption. Ernie will incorporate after this ordinance is sent back from the Chester County Planning Commission (CCPC).

Michele made a motion that the Board of Supervisors approve the Pipeline Awareness Study Ordinance amendment as presented by staff and the Township Solicitor with the minor formatting edits identified this evening and have it forwarded to the CCPC. John seconded.

Kristen added that the ordinance is also a notification to the pipeline owners and provides them with the opportunity to share with the applicant any concerns.

David asked if the study would be triggered if the corner of a property is in the **tract**, as noted referenced in the Ordinance: “Planned residential development where the **tract** proposed to be developed is located within 660 feet”. Ernie and Kristin responded “yes”. David noted that the ordinance, therefore, can impact an area greater than 660 feet.

Michele asked what the cost impact would be to a landowner. Kristin stated that the cost would be determined by the hiring of the professional engineer. Michele asked if this ordinance exists anywhere else. Ernie answered that there are similar model ordinances but not a pipeline awareness ordinance.

Rick noted that the Township engineer needs to be qualified on pipeline matters.

Caroline Hughes thanked the Planning Commission for their work and communication on this ordinance. Caroline stated that the Pipeline Task Force universally recommends the Board consider that the consultation zone be 1000 feet instead of 660 feet to be consistent with Chester County’s Emergency Preparedness and Guidebook.

Bill Wegemann stated that he supports the recommendation as listed by the Pipeline & Hazardous Materials Safety Administration (PHMSA):

- 660 feet on either side of the centerline of natural gas pipelines
- 660 – 1000 feet on either side of the centerline of hazardous liquid pipelines

Kristin suggested that the Board send the Ordinance as is stands to the CCPC as is. The County could provide a recommendation that includes the consultation zone. Mark Gordon agreed that the CCPC will give sound guidance on this issue. Mark suggested that if the Board is concerned about financial impact on a single resident’s application, more information could be added in the ordinance to exclude this type of development.

The motion as made passed 5-0.

Construction Bid / Segment A of the Paoli Pike Trail

Mark Gordon explained that the construction bid for Segment A of the Paoli Pike Trail went through PennDOT’s bidding process. The lowest bid came from Road-Con, Inc. in the amount of \$566,109.10. This is over from the TAP grant fund that was set aside in 2018 by the amount of \$83,000.

David made a motion to authorize staff to begin the bid acceptance process with PennDOT to award the construction contract for Segment A of the Paoli Pike Trail to Road-Con Inc. for \$566,109.10 with the caveat that the Township will approach PennDOT to cost share the \$83,000. Mike seconded. The motion approved 3-2 with John and Michele opposed.

Any Other Matter

David made a motion to appoint Jeannine DelVescovo as a member of the Pipeline Task Force. Michele seconded. The motion passed 5-0.

Public Comment – none

Correspondence

The Board acknowledged that Aqua is doing line replacement on Margo Lane that may cause some disruption.

Mike expressed thanks to the First Responders that tended to the truck fire earlier in the day.

Adjournment

There being no further business, Michele made a motion to adjourn at 7:45 pm. Mike seconded. The motion passed 5-0.

Respectfully submitted,
Susan D’Amore

Attached: March 11, 2021 Treasurer’s Report

TREASURER'S REPORT		February 26, 2021 - March 11, 2021	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$458,899.17	Accounts Payable	\$483,627.89
Earned Income Tax	\$200,948.70	<u>Electronic Pmts:</u>	
Local Service Tax	\$18,463.36	Credit Card	\$0.00
Transfer Tax	\$0.00	Postage	\$0.00
<i>General Fund Interest Earned</i>	\$235.08	Debt Service	\$0.00
Total Other Revenue	\$31,776.92	Payroll	\$133,781.29
Total General Fund Receipts:	\$710,323.23	Total Expenditures:	\$617,409.18
STATE LIQUID FUELS FUND			
Receipts	\$2,320.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
Total State Liquid Fuels Receipts:	\$2,320.00	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$6,706.44	Accounts Payable	\$32,063.44
<i>Interest Earned</i>	\$183.33		
Total Capital Reserve Fund Receipts:	\$6,889.77	Total Expenditures:	\$32,063.44
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$73.61		
Total Transportation Fund Receipts:	\$73.61	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$163,996.13	Accounts Payable	\$40,220.33
<i>Interest Earned</i>	\$37.38	<u>Electronic Pmts:</u>	
		Credit Card	\$0.00
		Debt Service	\$0.00
Total Sewer Operating Fund Receipts:	\$164,033.51	Total Expenditures:	\$40,220.33
REFUSE FUND			
Receipts	\$43,173.49	Accounts Payable	\$58,040.81
<i>Interest Earned</i>	\$15.41	Credit Card	\$0.00
Total Refuse Fund Receipts:	\$43,188.90	Total Expenditures:	\$58,040.81
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$52.55		
Total Bond Fund Receipts:	\$52.55	Total Expenditures:	\$0.00
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$83.11		
Total Sewer Capital Reserve Fund Receipts:	\$83.11	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$118.45		
Total Operating Reserve Fund Receipts:	\$118.45	Total Expenditures:	\$0.00
			\$747,733.76
	\$927,083.13		\$133,781.29
			(\$613,952.47)