

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
RE-ORGANIZATION & FORMAL MEETING
MONDAY, January 3, 2022
FINAL MINUTES**

Note: This meeting was held in person at the East Goshen Township Board Room.

Present: Chairman David Shuey (via phone); Vice Chairman Mike Lynch; Members: John Hertzog, Michele Truitt; Cody Bright; Township Manager Derek Davis; Finance Director Dave Ware; Senior Staff Accountant Chris Boylan; Erich Meyer (Conservancy)

Call to Order & Pledge of Allegiance:

Mike called the meeting to order at 6:04 p.m. and led the Pledge of Allegiance.

Michele called for a moment of silence for Healthcare worker dealing with COVID patients, first responders, WEGO and firefighters.

Mike announced that the meeting is being livestreamed on YouTube.

Swearing In:

District Justice Allison Bell Royer swore in Cody Bright to the East Goshen Township Board of Supervisors.

District Justice Allison Bell Royer swore in Melissa Bright as East Goshen Township Tax Collector.

District Justice Allison Bell Royer swore in Karen Miller as East Goshen Township Constable.

Mike acknowledged citizens stepping forward to serve their community. Mike thanked Marty Shane for his 36 years of service and thanked David Shuey for serving as Chair.

Re-Organization Actions:

Elect Chairman: John nominated to appoint Michele Truitt as Chairperson of the Board. Cody seconded.

The nomination passed 4-0, David Shuey voted present.

Elect Vice Chairman: Michele nominated to appoint John Hertzog as Vice Chairperson of the Board. Cody seconded.

The nomination passed 4-0, David Shuey voted present.

Appoint Police Commissioner: John nominated to appoint Michele Truitt as Police Commissioner. Cody seconded.

The nomination passed 5-0.

Appoint Representative to Pension Committee: Michele nominated to appoint David Shuey to the Pension Committee. John seconded.

The nomination passed 5-0.

Appoint Representative to West Chester Area Council of Governments: John nominated to appoint Cody to the West Chester Area Council of Governments. Michele seconded.

The nomination passed 5-0.

Mike made a motion to **Appointment Township Officials**, Items #1-13, excluding Item #8, and including **Reappoint Township Employees**, as summarized below:

Appoint Township Officials:

1. Township Manager/ Secretary / Right-to-Know Officer / Assistant Zoning Officer – Derek Davis
2. Director of Finance/Treasurer – Dave Ware
3. Director of Public Works – Mark Miller
4. Director of Code Enforcement/Zoning Officer/Building Code Official/Noise Control Officer – Mark Gordon
5. Building Inspectors – Kevin Rowley and Duane Brady
6. Fire Marshal – Carmen R. Battavio
7. Assistant Fire Marshals – Michael Holmes, Kevin Rowley, Duane Brady, Kevin Miller, and Mark Miller
8. Township Solicitor – Lamb McErlane
9. Township Engineer – Pennoni Associates
10. Emergency Management Coordinator – Stephen Hiro
11. Assistant Emergency Management Coordinator – Vincent D’Amico
12. Delegate to the Chester County Tax Collection Committee – Dave Ware
13. Alternate Delegate to the Chester County Tax Collection Committee –Chris Boylan

Re-appoint Township Employees

David seconded.

The motion passed 5-0.

Michele made a motion **Appointment Township Officials, Items #8 Township Solicitor - Lamb McErlane.**

John seconded.

Mike Lynch read a prepared statement expressing concern about this item.

David Shuey echoed Mike's comments and feels this is a blatant political action.

Michele Truitt explained that this firm has represented us for Pipeline Task Force and we are pleased with their results. In addition, the current law firm has been asked to stay on for certain cases. Michele stated this is not a political action. Prices are the same for both firms. Michele is in favor of hiring Lamb McErlane.

David Shuey had not seen a conflict for Buckley Brion attending our meetings and believes the quality of work done by their firm is great.

Mike commented that his issue is not with the new firm, it is with the process. Mike explained that the Board has had a collaborative process on hirings in this past. The Board did not discuss this change and Mike believes it to be hasty and compulsive. Lamb McErlane has Mike's respect. Buckley Brion's performance has been conducted effectively. Mike feels that not giving Buckley Brion advanced notice reflects poorly.

Cody commented that he worked with the Chester County Bar Association. Mr. Christman is a respectable solicitor.

Michele did attempt to communicate with other Board Members prior to this meeting. Mike does not accept this comment because this meeting is not a drop-dead date for appointing the solicitor.

David commented that a letter from Lab McErlane to Cody appears like there was an invitation from Cody to become the township solicitor prior to him being sworn in. David finds this unusual and political.

Michele commented that Cody was giving his personal testimony as to his professional experience with Mr. Christman.

John commented that it was his understanding that the Board is required to make this appointment tonight.

Mike commented this appears to be a power play. Mike stated this reflects poorly on Cody to start out his term this way. Mike emphasized that he is looking for collaboration amongst the Board.

Cody directed a comment to Mike that they will have some disagreements but he hopes this will not affect their relationship going forward.

The motion passed 3-2, Mike and David opposed.

Appoint Depositories for Township Funds and authorize Director of Finance/Treasurer to make investments at banks paying the best rate of interest and with the best terms (Resolution 2022-1):

1. Citadel Bank
2. WSFS Bank
3. PLGIT-PA Local Government Investment Trust (Custodian - Wells Fargo NA.)
4. TD Bank
5. M&T Bank

Mike made a motion to appoint the above depositories for Township Funds and authorize Director of Finance/Treasurer to make investments at banks paying the best rate of interest and with the best terms (Resolution 2022-1). John seconded.

Dave Ware commented that a banking RFP is in process currently.

The motion passed 5-0.

Certify Delegates to the PSATS Convention

- Five Supervisors, Manager and Director of Finance will be affirmed as delegates.
- Voting Delegate: Derek Davis
- Alternate Voting Delegate: Dave Ware

John made a motion to certify Delegates to the PSATS Convention. Mike seconded.

The motion passed 5-0.

Confirm 2022 Holiday Schedule

Confirm 2022 Meeting Schedule

John made a motion to confirm the 2022 Holiday schedule and 2022 meeting schedule. Cody seconded.

Michele suggested to consider discussion in the future to add a floating holiday, to be taken for a religious holiday or for staff birthday. Mike added that if employee does not use this holiday, it is not compensated. This is not part of the motion and is solely for discussion only at this time.

Michele commented that we may have to revisit the meeting schedule, due to impending potential changes in ABC groups.

The motion passed 5-0.

Confirm that Keystone Collection Agency is the Earned Income and Local Services Tax Collector for the Township

Mike made a comment that we are affirming this. No motion needed because we are a member of Chester County Tax Collection Committee, which oversees this contract.

Appoint Maillie, LLP. as independent auditors for the Township

Mike made a motion to appoint Maillie. Cody seconded.

The motion passed 5-0.

Designate the Emergency Service Providers (Resolution 2022-02)

Mike made a motion to designate Emergency Services Providers, Resolution 2022-02. John seconded.

The motion passed 5-0.

Establish the 2022 Fee Schedule (Resolution 2022-03)

Mike made a motion to accept the 2022 fee schedule. David seconded.

Michele asked Dave Ware to elaborate. Dave Ware commented the fee schedule was not changed last year. In evaluating the fees with various staff, the current fees were not in line with inflation. Dave explained specific examples and reasons for various fees. Fees were implemented for zoning verification request and a small wireless facility fee.

Michele asked how the small wireless facility fee was established. Mike clarified the fee is based on FCC requirement.

Mike explained all Townships have a fee schedule and our staff looks at this in detail to ensure the fees cover costs for service provided.

The motion passed 5-0.

Authorize participation in the Municipal Risk Management Workers' Compensation Pooled Trust

Announce the continuance of all other applicable resolutions that were adopted previously

Cody made a motion to authorize participation in the MRM Workers' Pooled Trust and the continuance of all other applicable resolutions that were adopted previously. Mike seconded.

The motion passed 5-0.

Chairman's Report

Michele announced the Annual ABC Planning Session will be held on Tuesday, January 25, 2022 at 6:30 PM. Michele stated that this meeting is an opportunity to hear ABC accomplishments, hear their goals for the coming year, and discuss possibly consolidating some of the ABC's.

John added that other local Townships only have 5-7 similar committees compared to East Goshen's 16-17 committees.

Emergency Services Reports - None

Financial Report - None

Approval of Minutes

Mike made a motion to approve the minutes of December 7, 2021 and December 21, 2021. John seconded.

The motion passed 5-0.

Approval of Treasurer's Reports

Dave Ware presented the December 29, 2021 Treasurer's Report.

Mike made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the December 29, 2021 Treasurer's Report. Cody seconded.

John asked when a year-end Financial Report would be available. Dave responded next meeting.

The motion passed 5-0.

Public Hearing - None

Old Business - None

New Business:

Consider ABC Appointments

Mike made a motion to make the following appointments:

Name	Board
Walter Wujcik	Conservancy Board
Scott Sanders	Conservancy Board
(Scott agreed to serve until replaced)	
Alice Lenthe	SAC (from the Conservancy Board)
Dana Pizarro	Municipal Authority
Kevin Cummings	Municipal Authority
Eric Tobin	Parks and Recreation
Jessica Bottaro	Parks and Recreation
Gerald Sexton	Pipeline Task Force
Edward Decker	Planning Commission
Mike Pagnanelli	Planning Commission
Walter Wujcik	Stormwater Appeals
Thom Clapper	Vacancy Committee

Sigmund Fleck Zoning Hearing Board
Chuck Proctor Zoning Hearing Board

Acknowledge Mary Urbine’s resignation from the Historical Commission.

Cody seconded.

John appreciates everyone’s service but would like new blood on these committees. John is not in favor of blanket appointments.

Mike commented that these residents step up and serve without compensation. It is difficult to get people to come forward and volunteer for extended terms.

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

Michele agrees with John and is not in favor of blanket appointments.

Consider Board Liaisons

Derek provided a list of Board Liaisons.

Michele made a motion to appoint the following:

John	Planning Commission, Conservancy, Historical
Michele	Police Commission, Board Chair
Mike	Municipal Authority
David	SAC, Pipeline Task Force, Pension Committee
Cody	Parks & Rec, Futurists

John seconded.

The motion passed 5-0.

Consider approval of Jim Benoit, Thornbury Supervisors, as 3rd WEGO Commission member

Cody made a motion to approve Jim Benoit, Thornbury Supervisors, as 3rd WEGO Commission member. Michele seconded.

Mike commented that his position is that when a municipality is purchasing services from a Police organization and the investing entities are incorporated, such as Westtown and East Goshen, that another party such as Thornbury, should not have a place on the commission.

The motion failed 2-3, with John, Mike and David opposed.

Consider authorization for Buckley Brion and the township staff to start the process of “unwinding” the declarations of taking originally agreed upon by the Board of Supervisors in June 2021

John made a motion to authorize Township staff and Buckley Brion, legal counsel on this matter, to start and investigate the process of "unwinding" the legal case originating from the declarations of taking put forth in resolutions 2021-200 and 2021-201 and to explore the re-vesting of title either through the filing of a Declaration of Relinquishment or agreement with the Condemnees.

Cody seconded.

David made an amendment to eliminate “to start and investigate” and replace wording with ‘township to start investigating’ the process of ‘unwinding’.

John accepted the friendly amendment.

Derek further explained this motion.

John clarified that is why he accepted David’s friendly amendment to start the investigation rather than start the unwinding. John noted that we are using Buckley Brion for this issue.

Michele asked if the process of taking continue while we are investigating this, which means we are still spending money on the discovery process and potential litigation in court.

Derek replied he would check with council, but he believes the two processes are mutually exclusive.

John clarified the motion is to start investigating the process of unwinding.

Mike seconded the rewording.

Cody is against the rewording.

Discussion followed.

David commented that it was clear in Futurist Committee survey that residents wanted completion of trail as planned.

Mike stated Board had discussion about this process underway now, prior to Cody becoming a Board member, and had consensus to allow legal process to continue. Mike is not looking to press on developing the trail in that area if the current property owners are not interested but feels it is important to have the easements in place for future. There is no conservation easement on this property to conserve its legacy, so this property is

exposed to selling to anyone for future development without a conservation easement on it.

Discussion followed.

Bill Geyer, 1560 Tanglewood, attended public hearing in June. The Board Room was filled to capacity. Public comment was clear and it was overwhelmingly opposed to eminent domain. The Board has a responsibility to represent all residents.

David argued that this is far from clear. People who are against an issue tend to show up, people who are in favor, tend not to show up.

Wayne Wilson, 406 Summit House, addressed Mr. Shuey's last comment. There might have been a few hundred people who said they don't want the trail, but now the people are talking and getting results. The Board has a purpose and residents do not want the Hicks Farm taken away.

Mike argued the Hicks Farm is not being taken away by the Township. Mike feels the Hicks family has done more to take away their farm than the Municipality. They have sold some of their property in the past. Their father, Ira Hicks, used eminent domain for a sewer line when he was Supervisor.

Wayne Wilson commented that Mike voted for eminent domain and now opposes the use of eminent domain. He asked when his term ends. Mike responded end of 2023.

Russ Frank, 451 Gateswood, corrected Mike regarding Russ conducting a social media poll. Questioned Futurist Committee survey receiving less than 700 responses from over 18,000 residents and how is that considered more valid than social media survey with thousands responding. Mike responded. Russ commented not to forget the December meeting. No one uses the trail.

Michele commented that regardless of whose plan it is, if it's a bad plan, we are not obligated to go through with it. Nothing is cast in stone.

John made a mistake in trying to accommodate the two supervisors and would like to change his acceptance of the friendly amendment and go back to the original wording "to start and investigate the process of unwinding" motion.

Cody seconded.

The motion passed 3-2, David and Mike opposed.

David commented that comprehensive plans are put together by a tremendous number of volunteers, with volunteer and community input, and feels Michele's comment that nothing is set in stone is a significant setback to volunteering in East Goshen. Michele replied that we will agree to disagree.

Consider recommendation for 2021 Budget Surplus

Dave estimates there will be a minimum of \$400K surplus.

Mike made a motion to authorize the transfer of the 2021 General Fund Budget Surplus in the following amounts and to the following funds:

- Capital Reserve Fund 10%, approximately \$40K of any final 2021 General Fund budget surplus.
- Infrastructure Sustainability Fund 55%, approximately \$220K of any final 2021 General Fund budget surplus.
- Operating Reserve Fund 25%, will help offset \$100K previously mentioned, of any final 2021 General Fund budget surplus.
- General Fund 10%, approximately \$40K of any final 2021 General Fund budget surplus to remain in General Fund.

Cody seconded.

Cody thanked the staff for being fiscally responsible.

Mike asked Dave to explain how we arrived at this surplus. Dave commented that revenue realized increased EIT from Keystone collecting additional delinquent taxes and real estate transfer revenue was budgeted solely on residential sales, however we received revenue for some commercial properties sold. Expenses realized \$219K WEGO credit and a number of expense items were under budget.

Michele and Derek commended Mark Miller and the Finance staff.

The motion passed 5-0.

Any Other Matter - None

Public Comment - None

Correspondence:

The Board acknowledged receipt of the 4th Quarter 2021 Right-to Know Report.

Adjournment:

There being no further business, Cody motioned to adjourn at 7:49 pm. Mike seconded.

The motion passed 5-0.

Respectfully submitted,
Chris Boylan
Recording Secretary

Attached: December 29, 2021 Treasurer's Report

TREASURER'S REPORT		December 16, 2021 - December 29, 2021	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$1,693.29	Accounts Payable	\$154,097.56
Earned Income Tax	\$65,500.00	<u>Electronic Pmts:</u>	
Local Service Tax	\$0.00	Credit Card	\$11,362.03
Transfer Tax	\$0.00	Postage	\$0.00
<i>General Fund Interest Earned</i>	\$0.00	Debt Service	\$2,726.08
Total Other Revenue	\$20,234.40	Payroll	\$143,482.15
Total General Fund Receipts:	\$87,427.69	Total Expenditures:	\$311,667.82
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
Total State Liquid Fuels Receipts:	\$0.00	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$92.00
<i>Interest Earned</i>	\$0.00		
Total Capital Reserve Fund Receipts:	\$0.00	Total Expenditures:	\$92.00
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
<i>Interest Earned</i>	\$0.00		
Total Transportation Fund Receipts:	\$0.00	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$31,688.95	Accounts Payable	\$176,549.09
<i>Interest Earned</i>	\$0.00	<u>Electronic Pmts:</u>	
		Credit Card	\$1,326.99
		Debt Service	\$22,290.16
Total Sewer Operating Fund Receipts:	\$31,688.95	Total Expenditures:	\$200,166.24
REFUSE FUND			
Receipts	\$10,133.55	Accounts Payable	\$20,846.40
<i>Interest Earned</i>	\$0.00	Credit Card	\$12,656.74
Total Refuse Fund Receipts:	\$10,133.55	Total Expenditures:	\$33,503.14
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$62,352.01
<i>Interest Earned</i>	\$0.00		
Total Bond Fund Receipts:	\$0.00	Total Expenditures:	\$62,352.01
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$34.50
<i>Interest Earned</i>	\$0.00		
Total Sewer Capital Reserve Fund Receipts:	\$0.00	Total Expenditures:	\$34.50
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$34.50
<i>Interest Earned</i>	\$0.00		
Total Operating Reserve Fund Receipts:	\$0.00	Total Expenditures:	\$34.50
ARPA - COVID RELIEF FUND			
Receipts	\$0.00	Accounts Payable	\$630.00
<i>Interest Earned</i>	\$0.00		
Total ARPA - COVID Relief Fund Receipts:	\$0.00	Total Expenditures:	\$630.00