

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, FEBRUARY 1, 2022
FINAL MINUTES**

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

Present: Chairman Michele Truitt; Vice Chairman John Hertzog; Members: Cody Bright, Mike Lynch, David Shuey; Township Manager Derek Davis; Finance Director Dave Ware; Jason Lang, Director of Parks & Rec; Senior Staff Accountant Chris Boylan; Tom Kilburn (Futurist). Brandon Groff (Futurist).

Call to Order & Pledge of Allegiance:

Michele Truitt called the meeting to order at 7:00 p.m. Michele led the Pledge of Allegiance.

Mike asked for a moment of silence for first responders, police, fire, and ambulance taking care of those in need and our military.

Michele announced that the meeting is being recorded and livestreamed on YouTube.

Chairman's Report:

- a. Board did NOT meet in executive session prior to this meeting.
- a. Office will be closed on Monday, February 21, 2022 in recognition of President's Day.

David requested to ammend this agenda given emergent situation with Sunoco Energy Tranfer and Michels Construction at the Boot Rd. interchange today. The amended agenda includes this item under New Business.

Cody seconded.

Motion passed 5-0

Public Hearings: None

Emergency Services Reports: None

Financial Report: None

Approval of Minutes:

John made a motion to approve the minutes of January 3, 2022 and January 18, 2022. David seconded.

Michele requested clarification to the 1/18/22 minutes, page 3, line #28, adding: "due to having reached their highest salary for their category" to John's comment.

Motion carried 5-0.

Treasurer's Report:

Dave Ware presented the January 27, 2022 Treasurer's Report.

David made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the January 27, 2022 Treasurer's Report.

John seconded.

Mike noticed, in the Treasurer's Report, an unexpected revenue of \$17K in the Refuse Fund and wondered if Board would consider future discussion to use that money on lidded recycled toters. Michele noted that the lidded recycle toter estimate was, coincidentally, approximately \$17K. Dave confirmed this is acceptable use for this revenue. Derek stated that he would prefer to defer this topic for a couple of months.

Motion carried 5-0.

Old Business:

Continued discussion and consideration of new method for delinquent utility collections.

Derek Davis commented that the ordinance must be reviewed and advertised prior to acceptance. Attorney Kevin Buraks, Portnoff Law Firm, presented background on their firm and the collection process. All collection fees and costs are applied to the delinquent accounts.

Dave pointed out this would be a 2-year contract.

David asked if part of the contract includes electronic transfer of information data and if we have 50 accounts to pass to Portnoff, ensuring that this collection process won't cost the Township.

John asked how much the average delinquent resident pays Portnoff. Attorney Buraks replied that most residents tend to pay between the legal demand letter and the lien step, from \$40-\$465, but many respond and pay when they receive the first letter.

Michele inquired what happens if all delinquent accounts pay. Attorney Buraks responded that Portnoff would be available for future collection service at no cost to the Township.

Mike questioned if Portnoff offers positive incentives to resolve delinquencies and if the Board would have discretion to waive penalty or interest on accounts. Attorney Buraks replied that a team attorney and an account manager would be assigned to work on the Township's accounts and that it is important to treat all residents uniformly, with parameters agreed to by the Board. Anomalies would be addressed on a case by case basis between Portnoff and Township staff.

Discussion and consideration of Futurist Committee revised survey.

Brandon Groff gave an update on survey changes. The new survey should take 3 minutes or less to take and won't imply any Board action will be taken.

Michele strongly disagrees with the question regarding decreasing open space and possibly reducing taxes going forward. Mike concurs. Michele commented that there is nothing future

thinking on this survey. Michele proposed to add an additional open-ended question regarding what project(s) would you like to see the Township consider in the future. Dialogue between Brandon, Tom Kilburn and the Board continued.

Mike feels a follow-up survey is good and appreciates the Futurist Committee effort. Michele feels, that with a few changes to the survey questions, she would be amenable to this survey sooner rather than later. Michele proposed that staff oversee the changes and additions and get this survey out.

Cody commented that he agrees with David's comment about a contextual figure in the survey. Cody feels we need to make the survey as easy as possible. Cody stated the survey gives a voice to residents who are unable to attend Board meetings.

Cody made a motion to amend survey question #10 to remove decreasing open space and possibly reducing taxes, add question #13, open-ended question regarding what project(s) residents would like to see the Township consider in the future, and have Derek oversee these changes and get the survey out. Derek amended the motion, with Cody's approval, to reword question #12 to include Cody's suggested question #13.

Mike seconded.

John doesn't feel there is a balance in responses and feels we need to find a way to get more responses and diversity in responding group.

David understands demographics make it a statistically credible survey.

Mike said it may be more effective to include in a printed newsletter, but there are mailing costs associated with this. David asked how the Board feels about mailing costs. Michele does not want to incur costs to mail a survey but would be interested in incurring cost for mailing a newsletter that contains the survey. David is willing to incur the cost of mailing the survey in order to see what kind of response is received. Cody agreed with David and feels the response rate will increase as more surveys are conducted.

David made an amendment to the motion to mail the survey out with the option for residents to return their responses, at their expense, or log their response on our website.

Tom said mailing surveys would take more time to evaluate responses. John added Hershey's Mill Village has a large population who are not computer expert.

Cody suggested to put this survey out electronically and evaluate response rate, but in the future, revisit a larger more encompassing survey.

David withdrew amendment.

Brandon commented that the retired population was well represented in the last survey.

Motion carried 5-0.

New Business:

Consider reallocating 2023 CIP funding originally slated for an amphitheater band shell to instead use for installation a permanent pickle/4th tennis court.

Jason Lang gave an update on summer camp registrations. Registration opened at midnight and all 400 spots were taken by 7AM. There is a waitlist of approximately 40 per week.

Jason presented background on this recreational pursuit and need. Temporary pickleball nets were put up and, over the last four years, residents are passionate about this sport and have really used this area. To best use capital funds, the Park Commission feels pickleball is worth investing the funds to create real courts. Discussion followed.

John commended Jason for all the activities that he offers and others that he is implementing. Jason added that bocce is on the master plan.

Cody made a motion to reallocate CIP funding from the amphitheater band shell to permanent pickleball courts.

John seconded.

David would like to still consider installing the Band Shell. John suggested maybe Friends of East Goshen could help raise funds.

Motion carried 5-0.

Consider moving forward with exploring upgrades to Milltown Park.

Jason explained we have a parks open space plan from 2014 and that plan showed we don't have many park plans on the south side of the Township. Currently, Milltown Park has a swing set, with mostly grass field. Apartments and condos are walkable to Milltown Park. Jason feels this is an opportunity for the Township to explore providing park assets in that area.

David feels a walkway to get to the park would be important. David agrees with Jason that we should provide park amenities in the south side of the Township. John concurred.

Jason would like to have meetings with residents in this area to discuss what residents want in this space.

Cody made a motion to explore the development of Milltown Park.

Mike seconded.

Motion carried 5-0.

Consider ratifying participation in PA statewide opioid settlement agreement.

Derek explained this has been in works for a while. The Commonwealth came to a settlement with distributors and pharmaceutical companies holding them accountable for the past and ongoing opioid crisis. Counties and municipalities can sign on to the settlement agreement for funding allocation. Derek discussed with our solicitor and funding would be used to battle opioid crisis. Derek is uncertain how much the Township would receive. For Chester County, the settlement amount is approximately \$20 million, so the Township would receive a portion of that.

Cody asked, since we have regional police, are Thornbury and Westtown required to participate. Derek confirmed Westtown is participating in this settlement.

David made a motion to formally ratify East Goshen's participation in the Commonwealth's Opioid Settlement Agreement and direct the Township Manager and Township solicitor to take necessary action on the township's behalf.

John seconded.

Mike will abstain because he recognizes the positives that can come with this, but feels there is culpability that trickles down. Mike feels this settlement is incomplete and an over weighted moral settlement, contrived by politicians, that he cannot support. John agrees with Mike's philosophy. However, John added, the settlement is set, whether we take a piece of it or not. Michele concurred.

Motion carried 4-0, with Mike Lynch abstaining.

Discussion regarding replacement of controller and modems for Township LED Signs.

Dave explained that our IT staff confirmed the message displayed on the LED signs indicates the sign controllers, which are Solid-state modules located inside the displays, need to be replaced. The Comcast connections are both fine. Dave explained the multiple quotes received for replacement and the cost would be approximately \$7K.

Michele had emailed the Board to see if they were amenable to allowing her husband to go out and look at the LED signs since he has technical expertise in this area.

Mike asked if signs have been capitalized. Dave will confirm.

Dan Truitt presented his perspective after reviewing the signs. He recommended waiting to see if signs come back on with warmer weather, or if there is a heater in there that needs to be replaced. Dan would like to donate his talent to the Township if the Board is interested.

Cody and David thanked Dan and are both in favor of waiting to see what happens with the signs when the weather gets warmer. Mike commented that, with our franchise agreement, there is an understanding for the provider to offer public connections to municipalities. Derek responded that Comcast and Verizon are both cutting back on this.

Storm Water O&M Agreement - 1615 E. Boot Road.

Mike made a motion authorize the Chairman to sign the storm water management, operation and maintenance agreement for 1615 E. Boot Rd.

Cody seconded.

Motion carried 5-0.

Discuss regarding activity by Michels Construction and Sunoco Energy Transfer

David explained that today, Michels, on behalf of SET, ran a smart pig line through the new pipe in front of Wellington. They discovered a shadow, an anomaly, which they were suspicious of, so they ran a second test. They then said there were no anomalies, but the only way to confirm this was to trench that pipe and visually look at it and x-ray the well. Under the Safety 7 Judge Barnes ruling that was upheld by the PUC, SET is required to notify Township prior to working in Township. They failed to do so. David explained the digging is on an empty line, right next to the Mariner I active, pressurized NGL, with material running through it.

David moved the Board to ask staff to send a letter on behalf of East Goshen Township to the PA Public Utility Commission and the Bureau of Investigation and Enforcement advising them that Energy Transfer and Michels is in violation of Judge Barnes ruling, which was upheld by the PUC.

Michele seconded.

Derek requested a friendly amendment suggesting a letter or to follow whatever process is in place to do so. Derek is unfamiliar if, since the ruling, a formal process is in place versus just sending a letter.

John stated it would not be impossible to have our solicitor could go to Judge Barnes court and ask him to declare the company in contempt. John feels this would be a stronger measure than the letter. David liked that idea. Derek replied this is what he needs to explore and confirmed that Guy Donitelli would handle this case.

In addition to sending a letter, David suggested to explore with the solicitor any further action including direct contact with the court to ask Judge for contempt citation.

Cody seconded.

Discussion followed.

Dan Truitt, 1430 Grand Oak, commended this Board action.

Cody asked Derek if the noise ordinance time can be changed. David suggested revisiting modeling other Township's nuisance ordinance. Michele asked to add these items to an upcoming agenda.

Motion passed 5-0.

Any Other Matter: None

Public Comment: None

Liaison Reports: None

Correspondence, Reports of Interest: Michele communicated that Maryellen and Russ Miller were in favor of the Parks & Rec recommendation discussed at this meeting.

Adjournment:

There being no further business, David made a motion to adjourn at 8:38 pm. John seconded.

Motion carried 5-0.

Respectfully submitted,
Chris Boylan
Recording Secretary

Attached: January 27, 2022 Treasurer's Report

TREASURER'S REPORT		January 13, 2022 - January 27, 2022	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$0.00	Accounts Payable	\$100,120.55
Earned Income Tax	\$249,321.98	Electronic Pmts:	
Local Service Tax	\$9,286.97	Credit Card	\$7,595.40
Transfer Tax	\$117,565.00	Postage	\$0.00
General Fund Interest Earned	\$0.00	Debt Service	\$2,726.08
Total Other Revenue	\$24,313.20	Payroll	\$152,344.96
Total General Fund Receipts:	\$400,487.15	Total Expenditures:	\$262,786.99
STATE LIQUID FUELS FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total State Liquid Fuels Receipts:	\$0.00	Total Expenditures:	\$0.00
CAPITAL RESERVE FUND			
Receipts	\$58,131.39	Accounts Payable	\$58,246.40
Interest Earned	\$0.00		
Total Capital Reserve Fund Receipts:	\$58,131.39	Total Expenditures:	\$58,246.40
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$152,139.60
Interest Earned	\$0.00		
Total Transportation Fund Receipts:	\$0.00	Total Expenditures:	\$152,139.60
SEWER OPERATING FUND			
Receipts	\$133,334.71	Accounts Payable	\$144,114.20
Interest Earned	\$0.00	Electronic Pmts:	
		Credit Card	\$1,351.23
		Debt Service	\$22,290.16
Total Sewer Operating Fund Receipts:	\$133,334.71	Total Expenditures:	\$167,755.59
REFUSE FUND			
Receipts	\$97,509.44	Accounts Payable	\$749.39
Interest Earned	\$0.00	Credit Card	\$87,133.32
Total Refuse Fund Receipts:	\$97,509.44	Total Expenditures:	\$87,882.71
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$7,007.21
Interest Earned	\$0.00		
Total Bond Fund Receipts:	\$0.00	Total Expenditures:	\$7,007.21
SEWER CAPITAL RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total Sewer Capital Reserve Fund Receipts:	\$0.00	Total Expenditures:	\$0.00
OPERATING RESERVE FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total Operating Reserve Fund Receipts:	\$0.00	Total Expenditures:	\$0.00
ARPA - COVID RELIEF FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total ARPA - COVID Relief Fund Receipts:	\$0.00	Total Expenditures:	\$0.00