

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, MAY 3, 2022  
FINAL MINUTES**

*Note: This meeting was held in person at the East Goshen Township Board Room. This was a hybrid meeting conducted via Zoom.*

**Present:** Chairman Michele Truitt; Members: Cody Bright, Mike Lynch, David Shuey (via Zoom); Township Manager Derek Davis; Senior Staff Accountant Chris Boylan; Erich Meyer (Conservancy).

**Absent:** Vice Chairman John Hertzog; Finance Director Dave Ware.

**Call to Order & Pledge of Allegiance:**

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

Michele asked for a moment of silence for first responders and military personnel.

Michele explained the Zoom participation rules.

**Chairman's Report:**

Michele announced:

- The Board met in executive session prior to tonight's meeting to discuss personnel matters.
- The Township will be holding the next E-Recycle Event in the Park on Saturday, June 4 from 9 am -12 pm. Register now on the Township website.

**Public Hearings:** None

**Emergency Services Reports:** None

**Financial Report:** None

**Approval of Minutes:**

Cody made a motion to approve the minutes of April 5, 2022 and April 19, 2022.

Mike seconded.

Michele read a revision to Dave Ware's comment at the April 19<sup>th</sup> Board meeting regarding applying for grant funds from the County. The April 19, 2022 Board minutes will be revised.

Motion carried 4-0.

**New Business:**

**Consider recommendation by the Pension Committee to switch from Trustee Directed Plan to Participant Direct Plan.**

Mike Glackin, President CBIZ InR and Brad Warner, Vice President, CBIZ InR. Mr. Glackin explained the offering of the Participant Direct Plan. Mr. Glackin stated there is no additional liability or expense to the Township. Employees requested that they have more control over the Employer Defined Contribution Plan. Employees would have the option to stay in the moderate 60/40 model if they choose. Account information would be available online daily.

Mike is comfortable with the recommendation. David confirmed this is the recommendation of the Pension Committee. David stated there is no change to the fiduciary responsibilities of the Township.

Mike made a motion to pass resolution 2022-11 and accept the Pension Committee's recommendation to change the investment direction of the East Goshen Defined Contribution Plan from trustee directed to participant directed.

Cody seconded.

Motion carried 4-0.

**Treasurer's Report:** None

**Old Business:**

**Continued discussion on Paoli Pike Alternate Route for Segment B – further cost breakdown.**

Mike clarified this is purely discussion, but no action will be taken on this topic.

Derek explained, at the March 15, 2022 meeting, the Board requested construction and engineering costs for an alternate route of the Paoli Pike Trail segment B. C3 alignment was chosen as the requested path for estimates, along with a mini loop in front of the Enterprise Drive complex. Pennoni and Derek drafted the exhibit, as displayed, showing segments 1 through 5 options. Derek presented cost estimates for each segment.

Michele thanked Derek for his presentation and asked if segment 2 would be available for grant funds. Derek is unsure since we are changing the original route. Derek commented DEP would be involved regardless of route.

Mike asked if there is a sense that we can advance our conversation by selecting a group of segments, following grant opportunities to be investigated. Mike stated Board mentioned previously that we would not move forward without obtaining grant funds.

Michele would like Planning Commission input on any combination of segments. Mike concurs.

David commented that we have historically received approximately 65% grant funding for Trail so far. David prefers 2, 3, 5 segments, but would also support 1, 3, 5 segments. He likes the idea

of looking at the future of the business park. David also sees an advantage to connect neighborhoods along segments and establish a more walkable route.

Michele stated segment 5 goes to the Goshen Parkway and is already striped for bike usage. It would also provide connectivity at Airport Rd. for West Goshen Township to continue Trail.

Cody would like to rule out segment 4. Board members who were present concurred. Michele stated that there is no Board vote, but public comment is welcome during public comment time.

Cody asked whether segment 1 is a separate trail or just striping. Derek responded it is a separate trail. Cody then asked what the cost would be create Trail on segments 2, 3, 5 and also stripe segment 1. Derek replied that we looked into this in March and there was consensus that, although it was cheapest, it was an unsafe option. Michele feels we should consider that option because other states have bike paths adjacent to traffic. Mike has been a proponent of a distinct trail for safety. Mike stated he could support segments 2, 3, 5. Derek voiced a concern from a grant perspective, would this hurt our opportunity not to have a separate trail in segment 1.

Derek requested a nod from the Board to discuss with Mark Gordon and getting this on a Planning Commission agenda. Board agreed.

Michele cautioned the public this is a process, nothing is set in stone. This is a discussion that will take time and all options will be considered. Mike added that nothing is budgeted for this so this will need to be considered in future budgets.

Mike asked if there is any value to bounce this off other ABCs. Mike and Michele agreed Parks and Rec Committee and Historical Commission should weigh in.

### **New Business:**

#### **Discussion and consideration of Infectious Disease Liability policy for East Goshen Township.**

Derek explained the purpose of this policy is to enhance the protection of the Township against claims of negligence, specifically during a pandemic. Derek presented the quote, premium, and deductible.

David will recuse his vote on this topic. When policies were being renewed during the Covid crisis, insurance carriers deleted coverage for communicable or infectious diseases from municipalities, nursing homes, and others, including the Township insurance policy. David was contacted by a Lloyds of London syndicate to help them develop a program in the US. David does not get any direct benefit from any sale of policies and does not benefit financially regardless of what the township does. David feels with all the close contact in the Township, if we were to be considered negligent in our diligence around our protocol against infectious disease, it will be expensive to litigate. David further explained phylogenetic sequencing and the ability to identify how people got infected.

Michele appreciates David bringing this to the Board's attention. David clarified this does not cover employees, that would be covered under Workers' Comp. Michele asked statute of

limitations for filing a claim. David commented normal statute may apply. Mike asked about phylogenetic testing cost and who incurs the cost. David replied.

Michele stated there are more questions and she is not prepared to make a decision on this topic. Mike is amenable to this idea because he agrees there are more questions to ask and he acknowledges this is not in the current year budget. Mike suggested to possibly pursue going forward and include in future budgets. Michele would like to table this topic.

**Approve Payment to Total Site Development for Hershey’s Mill Dam project.**

Derek explained this is part of the Hershey’s Mill Dam work; the project is moving along and payments are needed. Derek added that Mark Miller has done a great job on this project and is recommending payment for work that is completed.

Mike made a motion to approve payment of \$98,960.63 to Total Site Development Inc. for work performed during the period to 4/15/22 as presented on Application #10, Revision #1 dated 4/25/22, and in the amounts outlined for the Hershey's Mill Dam project. I further move this payment to be processed, as anticipated and budgeted, out of the Capital Reserve Fund.

Cody seconded.

Motion carried 4-0.

**Standing Issues/Projects:**

Hershey’s Mill Dam Project – Michele commented that it looks tremendous. Mike commented the boardwalk piers technique over the wetlands has been determined and he is pleased with the progress.

Milltown Dam Project- Derek commented there is no DEP permit yet. Cody asked if Senator Kane’s office reached out. Derek responded yes. Mike asked Derek to reach out again this week.

**Any Other Matter:**

Derek commented that Giant paid \$4,500 in outstanding false alarm fees.

**Liaison Reports:** None

**Correspondence, Reports of Interest:**

Michele acknowledged receipt of the 1<sup>st</sup> Quarter 2022 Right-to-Know Report. David asked about the American Transparency, out of Boca Raton FL, request. Derek responded. Further discussion evolved regarding Right-to-Know requests.

**Public Comment:**

Mike Broennle, 1641 Hunters, commented that he and Erich Meyer were the only people in the room during deliberation regarding Paoli Pike Trail. Mr. Broennle feels the Board should absolutely obtain Parks & Rec Committee input on the Trail. Regarding proposed segment 1, he feels it is the safest route for pedestrian and bicycles. Mr. Broennle added that by rerouting the Trail via any of the proposed segments, it doesn’t address the elimination of pedestrians and cyclists from the middle school and high school as originally configured. He feels this will not be

safe for that population. Michele thanked Mr. Broennle for adding the historical information and commented that the Board is looking for less expensive alternatives to complete this project.

Gerard Ruffenach, 200 Reservoir, is appalled at the Board as it currently sits, and when Marty Shane was on the Board. Mr. Ruffenach had past discussions with Michele and he feels she turned 180 degrees on the Trail. His opinion is that no one will use the Trail from the schools. He stated that residents moved here for the country feel and the Board is taking that away. Mr. Ruffenach asked a previous Board member the cost of plowing one section of the Trail for one storm. He reviewed the response received. He added that he has been asking what the costs of this trail will be today and in the future. He does not see people use the Trail.

Joe Buonanno, 1606 Herron, stated his opinion that there are liability issues with the Trail. Mr. Buonanno feels the solicitor should look into this. Regarding infectious diseases, Mr. Buonanno believes the hard copy of the policy would answer all of the Board's questions. He asked if sovereign immunity applies. David responded this is being litigated state by state and there is no Federal or State standard. Michele responded we do have to explore this further.

Russ Frank, 451 Gateswood, believes Mr. Ruffenach brought up a good point about the future maintenance costs of Trail. Mr. Frank would like the total cost to date, including grants and the funds we expended and how it compares to budget. Derek responded that Dave Ware can gather this information. Mr. Frank asked if any of these costs include feeder trails. Michele replied no. He asked if the feeder trails would be hard or soft trails. Michele responded it would be whatever the Board at the time chooses. Mike added these are generational projects that will occur over many years. The intent of the Trail was to look to the future and build an East to West spine, with feeders. Cody added that it is his recollection that no one committed to feeder trails. The Futurist Committee will present survey feedback at the next meeting.

**Adjournment:**

There being no further business, Cody made a motion to adjourn at 8:22 pm.

Mike seconded.

Motion carried 4-0.

Respectfully submitted,  
*Chris Boylan*  
*Recording Secretary*