

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, JULY 19, 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; Vice Chairman John Hertzog; Members: Mike Lynch, Cody Bright, David Shuey; Township Manager Derek Davis; Finance Director Dave Ware; Public Works Director Mark Miller; Senior Staff Accountant Chris Boylan; WEGO Sgt. Steve Wassell; Goshen Fire Executive Director Grant Everhart; Fire Marshal Carmen Battavio; Tom Kilburn (Futurist); Erich Meyer (Conservancy); Chuck Proctor (Zoning Hearing Board); Michael Gill, Buckley Brion; Bill Christman, Lamb McErlane.

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

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

David asked for a moment of silence for families whose lives have been impacted by gun violence and mass shootings, particularly the families of children who are murdered in schools.

Michele stated the meeting is being recorded via Zoom and will be available on the Township website.

**Chairman's Report:**

Michele announced:

- The Board met in executive session prior to tonight's meeting to personnel and legal matters.

**Public Hearings:** None

**Emergency Services Reports:**

Sgt. Steve Wassell presented WEGO June 2022 activities in East Goshen Township. Michele commented that the Chief is going through the reaccreditation preparation and the Board would probably receive the Executive summary early next week. David congratulated WEGO on the recent commendation received and asked about missing juveniles. Sgt. Replied that they take the missing juvenile report immediately and start actively investigating. Mike asked about catalytic converter thefts and Sgt. Wassel responded. Michele echoed David's congratulations.

Grant Everhart presented the Goshen Fire Company June 2022 monthly report. Goshen Fire Company is getting ready for the Fair, Aug 1-6<sup>th</sup>. Michele asked about EMS calls increasing. Grant responded that the quicker response time is due to having three ambulances now. David asked about the automatic alarm report. Grant responded that there were four at one location and was due to the alarm tripping.

Carmen Battavio presented Good Fellowship June 2022 report. Malvern Fire Company had a management change, so there no report this month.

Mike commented when he was at the Malvern Fair, a Malvern Firefighter thanked him for East Goshen's contribution to the Fire Company.

**New Business:**

**Consider Hicks farm settlement agreement.**

Derek explained that previously the Board voted 3-2 to explore unwinding this eminent domain case. It was agreed upon that the best route to take was to explore a settlement agreement. The Board was able to come to terms with the Hicks family. Derek invited Attorney Michael Gill to the podium. Michael Gill, Buckley Brion, elaborated on the case, including the settlement and process of recording the agreement at the County.

John made a motion to approve the settlement of the condemnation case with William I. Hicks authorize the chairperson of the Board to sign the settlement agreement documents as well as all other related documents.

Cody seconded.

Cody made a motion to approve the settlement of the condemnation case with Philip Hicks and Peter M. Hicks and authorize the chairperson of the Board to sign the settlement agreement documents as well as all other related documents.

John seconded.

David would like to amend both motions to recognize the amount of the settlement agreement in addition to the terms.

Both motions as amended are to approve the settlement conditions and compensation in the amount of \$28,000 for each settlement agreement, for a total of \$56,000.

Amendment accepted.

Mike read the following prepared statement on the matter of settlement with Hicks property owners in a Legal Challenge to a Declaration of Taking by Eminent Domain for the Purpose of Completion of the Paoli Pike Pedestrian and Bicycle Trail (and Plan): "This Statement represents the sole Opinion of one Supervisor Member of this Board of Supervisors. My vote will be "No" - to not accept the subject Settlement Agreements (2) before the Board of Supervisors this evening for the following reasoning and position and which when a Member of a Governing Body votes in the Minority warrants an explanation to our community of residents: I have stated and opined over the course of this matter (these past 2 +/- years), that the use of eminent domain in this matter was a valid and legal means to accomplish a benefit for the good of the community – present and future. And I have said previously that perhaps akin to capital punishment, that while I am conflicted in that I oppose both, there are times and events that justify the exercise of these legal but absolute powers.

I refute the notion that the pedestrian and bicycle trail along Paoli Pike across the frontage of the subject properties would negatively impact the equestrian business; the horses and the open space farm like character. This premise from my perspective remains a red herring. The diminution of the property holdings (certainly within the rights of the owners) speaks to this red herring. In fact were the trail to be completed it may have been a stimulus to the business. It also is noteworthy that the subject properties ostensibly ‘remain on the market’ for future development sans a conservation easement to guarantee the future open space character and stated interest of the property owners to preserve the legacy of ‘The / Their Farm’. The Township worked in good faith and in a professional manner to address the concerns put forth by the property owners (double row fence, landscaping, electric-controlled fence...) at a cost to the Township of almost the same amount as the assessed valuation of the land to be taken.

In my opinion, the community – present and future – has and will suffer from this inward looking position, as this trail were it to be completed as planned could serve as the east west connector for future trail connections north south as well as beyond the township lines (and which our recent survey results confirm). The under consideration alternate trail is not a solution but rather an accommodation that ultimately will cost more (if completed before the end of this decade) than the completion of the trail as planned and understanding this \$56,000 settlement is a small fraction of the lost cost (estimated at \$600k +/- in prior engineering and design and loss of grants) to the original trail so-called Segment “B”. This Paoli Pike Trail as a Plan and if completed effectively was not a trial to nowhere but rather a bridge to the future allowing people to safely recreate and increasingly in the future practically get from one part of the community to the other and with the increasing use of E-bikes further validating the trail functional connectivity. I am disappointed this BOS could not reach a consensus on this matter for present and future benefits to this community.”

David commented that he will also vote no on both motions. He voted in favor of condemnation as he considered the trail an essential infrastructure for our community and important for the future, planned over many years. He wanted to pursue the condemnation to its legal conclusion and realizes he is now in a minority vote. David feels we have created an unsafe condition for the trail users and the school students and he plans to be vocal about this in the future.

Russ Frank, 451 Gateswood, asked about the agreements and if it takes into account pavement already put down that might need to be removed. Michele responded that the trail section that is already in place is not on the Hicks farm. Mr. Frank asked if there is anything in these agreements that dictates the Hicks farm could not be sold. Mike replied there is nothing in the agreement that talks about the rights of the property owner to sell or convey their property. Mike further stated that the property owners have expressed interest in preserving their legacy of the farm and the open space character, but they have already sold various portions of the property further bringing suburbia closer to their equestrian operation. Michele interjected that the property sold was owned by a different family member. Mike stated that it is all part of the Hicks Farm. Mike stated specific to the Hicks property there is no guarantee that it will remain undeveloped in the future, without a conservation easement. Michele stated the option is there for the property owners to do with their property as they so choose. Cody asked if we pursue the alternate route, would we be eligible for grant funds. Derek confirmed.

Brittany Schugsta, 917 Warrior Rd. asked if the Hicks develop the property, does the easement remain. Mike replied this was the purpose of the eminent domain because the Township could not negotiate for an easement on that strip of land, the declaration of eminent domain was filed to take that piece of property for community good and the Hicks challenged that. Mike clarified there has been no construction on the Hicks property. Ms. Schugsta questioned the compensation to the Hicks. Mike replied the settlement has to do with giving the Hicks compensation for the cost of their legal expenses associated with their countersuit.

John asked what the zoning is for the Hicks property. Derek replied Business Park.

Motion carried 3-2, with Mike and David opposed.

Michele signed the two documents and provided them to Attorney Michael Gill.

Michele asked Dave where the settlement payments will come from. Dave responded General Fund.

#### **Financial Report:**

Dave Ware presented the June, 2022 financial report. John asked Dave if the \$1.4M surplus is a timing issue. Dave concurred. David asked about tree removal expenses and how we budget for that. Dave responded that he and Mark Miller work together. Mark stated ash trees are an issue. David asked if we have looked at anticipated outstanding expenses with the projects as it relates to the Bond Fund balance. Dave replied affirmatively.

**Approval of Minutes:** None

#### **Treasurer's Report:**

Dave Ware presented the July 14, 2022 Treasurer's Report.

John made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the July 14, 2022 Treasurer's Report.

David seconded.

Mike asked for clarification regarding Orvis Corp \$5,090 for 14 gallon recycling bins. Mike wondered if lidded totes available. Mark Miller responded lids not for that bin.

Motion carried 5-0.

#### **Old Business:**

##### **Consider passage of ordinance establishing the Environmental/Sustainability Advisory Council to replace the Sustainability Advisory Committee.**

Mike made a motion to adopt Ordinance 129D-2022 an ordinance of the Township of East Goshen, Chester County PA, creating a new chapter 17 of the East Goshen Township Code of Ordinances, titled "Environmental And Sustainability Advisory Council", which creates, and

provides operating procedures and powers for a new Environmental And Sustainability Advisory Council.

David seconded.

Michele explained this was discussed at prior meetings. Mike elaborated.

Attorney Christman stated published in Daily Local July 7<sup>th</sup> publication.

Motion carried 5-0.

Mike made a motion to adopt Resolution Number 2022-14, titled "A Resolution of the Board of Supervisors of East Goshen Township, Chester County, Pennsylvania, Appointing the Founding Members of the Environmental and Sustainability Advisory Council".

David seconded.

Mike rescinds the motion in order for the Board to deliberate on members. John added the members have staggered terms and feels the Board should consider who that want in each term expiration category. Michele added this motion should be tabled so further information can be gathered. Mike asked Attorney Christman about the existing terms of the SAC members since they are dissolved. Attorney Christman stated the SAC members' terms are irrelevant now that the ESAC has been formed. Derek stated the Monday SAC meeting must be cancelled.

Motion tabled.

Attorney Christman will provide resolution for next meeting.

**Consider 2022 Sewer Rates and a proposed capital plan.**

Dave explained this was discussed at the last Board meeting and at that meeting the Board asked Dave to reconsider his proposed rate increase from last meeting.

John does not agree with Dave's proposal. Mike respects Dave's analysis and management of finances. Mike would like to see the full increase at this time but is respectful of the inflationary period. Mike elaborated on rates when AQUA operations are in control of sewer operations. Mike complimented the information Dave provided of neighboring municipalities rates. Of those lower rates, Mike stressed an important component to consider is the debt load. If municipalities are keeping rates low, but borrowing, that will impact future rates. Dave added some information on West Chester Borough's recommendation to the Council.

David asked about sending a letter communicating the sewer rate change to residents. Mike believes a letter is warranted. Dave added this information is on the East Goshen Township website home page. Derek asked for the Board's direction on communicating this information to residents. John supports David suggestion to mail a letter to all residents. John pointed out the three municipalities above East Goshen, and they are controlled by AQUA. David offered to review the letter prior to mailing.

Phil Mayer, Municipal Authority added these items need to be addressed.

Michele would like the ordinance change at the rate of inflation in perpetuity. Mike stated he cannot support that. David added the rate of inflation has nothing to do with the deterioration of our sewer infrastructure. David supports a rate increase of \$20/quarter beginning with the July 2022 billing and communicate this via letter to residents.

Michele commented that a \$15 increase would cover the reserves in 3 years, instead of 2. Michele feels a letter notifying residents should be sent now and rates change in 4<sup>th</sup> quarter.

Mark Miller stated that we expanded the plant in 2010. The current equipment is due to be replaced. It's just a matter of time before we have another Hershey Mill issue.

Mike stated the current ratepayers have benefitted from low increases in prior years. He feels current residents should pay for the system.

Further discussion evolved.

David made a motion to adopt Resolution 2022-13, revising the fee schedule, to amend the Township's sewer rates to \$55.61 per quarter fixed and \$9.70 per thousand gallons variable, beginning in Q4.

John seconded.

Russ Frank, 452 Gateswood, agrees with Mike's thoughts on the rate increase, but does not agree with the monthly adjustment of consumption. Mike replied that monthly is not proposed, it's quarterly.

Motion carried 5-0.

### **Consider purchase of Park surveillance cameras.**

Derek explained this was discussed at the last Board meeting and this is a prevalent issue in the Park. Dave revised costs and how this is budgeted. Derek spoke to Chief and she would be happy to send Lieutenant out to review placement of license readers.

Michele questioned why we would need four readers. Mark Miller stated one reader for cars going in and another for cars going out at each entrance. John added that we have vandalism in the restrooms. Mark Miller stated this occurs once or twice a week. John asked if anyone sees vandalism, please speak up. Mike stated every resident can be a steward in the community. David views this as health, safety and welfare.

David made a motion to authorize \$8,380 for the camera installation project in East Goshen Township Park and the monthly Comcast expense.

John seconded.

Cody thanked Mark Miller for their clean up. Michele apologized to the Public Works staff who have to clean up the vandalism.

Bill Geyer, 1560 Tanglewood, asked about whether someone would review recordings and he supports the purchase. Derek replied he and Mark Miller will look into signage for area and will speak to Jason to create a more active scene around the bathrooms. David asked about having active cameras on children in the Park. Attorney Christman commented this is Township public property so no notification is necessary.

Motion carried 5-0.

**Consider revised language for noise/nuisance ordinance update.**

Derek explained this was discussed at the last Board meeting. Derek explained the versions and items to be considered. Attorney Christman stated this is a complete overhaul of noise/ nuisance out of zoning and into an ordinance, which will be easier to identify and enforce.

Attorney Christman addressed the time and sound level limits in the new ordinance and asked the Board if this is what they wanted. Mike stated he thought we were eliminating decibels. Attorney Christman responded. John asked if we own a decibel reader. Mark Miller confirmed. Derek stated that we are not a 24/7 operation. John asked who will ascertain who is making too much noise. Attorney Christman responded. This will require 30-day notice to the County Commission and Planning Commission and advertising twice. Discussion followed.

Erich Meyer, 929 Monte Vista, asked about exceptions 156-4, day restrictions. He feels snow removal at private residents should be exempt for any hour. Discussion followed.

Bill Geyer, 1560 Tanglewood, gave background on his neighbor who built a stage and holds concerts. Neighbor obtains noise permit so others are notified. He does not want to consume police resources for this unacceptable situation. This should be addressed for all residents. John asked if Mr. Geyer read this proposed ordinance. He confirmed.

Further discussion followed.

It was determined that Attorney Christman and Derek will edit and resubmit this ordinance to the Board at a future meeting.

**Presentation by the Futurist Committee on the Spring survey with additional information.**

Tom Kilburn presented the survey results and the proposed follow-up actions. John asked if we can get a street lights estimate. Mark Miller confirmed. Derek will pursue. Mark Miller will provide a map of open space to the Board and Tom Kilburn. John would like the Futurist Committee to explore low cost trail options. Mike stated we need more residents to participate on the Futurist Committee. Michele and the Board thanked Tom and the Futurist Committee for all their effort.

**Consider support of the Pipeline Task Force (PTF) memo to Adelphia Pipeline regarding a desire to see a leak detection system installed at the Paoli Pike Valve Station.**

Mike made a motion for the Board to submit a formal request to Adelphia for installation of external leak detectors at their natural gas valve station on Paoli Pike.

John seconded.

Motion carried 5-0.

**Accept resignation of Vince D’Amico as Deputy Emergency Management Coordinator (EMC) and appoint Edward Kilgore as new Deputy EMC.**

The Board thanks Vince for the work he has done.

Cody made a motion to accept the resignation of Vince D’Amico as Deputy Emergency Management Coordinator (EMC) and appoint Edward Kilgore as new Deputy EMC.

John seconded.

Motion carried 5-0.

**Review of budget meeting dates in late summer/early fall.**

Derek presented the proposed meeting dates to discuss the 2023 Budget. The Board concurred.

**Standing Issues/Projects:**

Hershey’s Mill Dam Project – Derek stated there were concerned residents regarding the galvanized steel used, Gannett Fleming stands by this being the best material.

Milltown Dam Project – Michele stated the permit is one step closer. Mark Miller’s team is addressing the mosquitos with dunks.

**Any Other Matter:**

Mike stated that every resident is required to go through occupancy permit/inspection when they sell their home.

**Public Comment:** None

**Liaison Reports:** None

**Correspondence, Reports of Interest:** None

**Adjournment:**

There being no further business, Cody made a motion to adjourn at 9:40pm.

John seconded.

Motion carried 5-0.

Respectfully submitted,  
*Chris Boylan*  
*Recording Secretary*

Attached: July 14, 2022 Treasurer’s Report



TREASURER'S REPORT		June 30, 2022 - July 14, 2022	
<b>RECEIPTS AND BILLS</b>			
<b>GENERAL FUND</b>			
Real Estate Tax	\$0.00	Accounts Payable	\$468,749.51
Earned Income Tax	\$122,241.38	Electronic Pmts:	
Local Service Tax	\$1,218.23	Credit Card	\$8,591.09
Transfer Tax	\$87,913.35	Postage	\$0.00
General Fund Interest Earned	\$3,025.50	Debt Service	\$0.00
Total Other Revenue	\$32,126.49	Payroll	\$177,481.14
<b>Total General Fund Receipts:</b>	<b>\$246,524.95</b>	<b>Total Expenditures:</b>	<b>\$654,821.74</b>
<b>STATE LIQUID FUELS FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.50		
<b>Total State Liquid Fuels Receipts:</b>	<b>\$0.50</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>CAPITAL RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$183,794.99
Interest Earned	\$240.18	Credit Card	\$0.00
<b>Total Capital Reserve Fund Receipts:</b>	<b>\$240.18</b>	<b>Total Expenditures:</b>	<b>\$183,794.99</b>
<b>TRANSPORTATION FUND</b>			
Receipts	\$396.25	Accounts Payable	\$0.00
Interest Earned	\$0.27		
<b>Total Transportation Fund Receipts:</b>	<b>\$396.52</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>SEWER OPERATING FUND</b>			
Receipts	\$12,788.33	Accounts Payable	\$38,255.71
Interest Earned	\$335.96	Electronic Pmts:	
		Credit Card	\$1,943.26
		Debt Service	\$0.00
<b>Total Sewer Operating Fund Receipts:</b>	<b>\$13,124.29</b>	<b>Total Expenditures:</b>	<b>\$40,198.97</b>
<b>REFUSE FUND</b>			
Receipts	\$4,829.58	Accounts Payable	\$5,170.00
Interest Earned	\$185.91	Credit Card	\$92,932.37
<b>Total Refuse Fund Receipts:</b>	<b>\$5,015.49</b>	<b>Total Expenditures:</b>	<b>\$98,102.37</b>
<b>BOND FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$302.22		
<b>Total Bond Fund Receipts:</b>	<b>\$302.22</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>SEWER CAPITAL RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$12.36		
<b>Total Sewer Capital Reserve Fund Receipts:</b>	<b>\$12.36</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>OPERATING RESERVE FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.19		
<b>Total Operating Reserve Fund Receipts:</b>	<b>\$0.19</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>INFRASTRUCTURE SUSTAINABILITY FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.07		
<b>Total Infrastructure Sustainability Fund Receipts:</b>	<b>\$0.07</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>
<b>ARPA - COVID RELIEF FUND</b>			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$196.27		
<b>Total ARPA - COVID Relief Fund Receipts:</b>	<b>\$196.27</b>	<b>Total Expenditures:</b>	<b>\$0.00</b>