

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, JULY 5, 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; Senior Staff Accountant Chris Boylan; Attorney Kristin Camp, Buckley Brion; Nate Cline, Pennoni Engineering; Attorney Brian Nagel, MacElree Harvey; Rick Stratton, Chester Valley Engineers; Phil Mayer, Municipal Authority.

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 Ray Halverson, West Goshen Township Supervisor, who passed away this weekend.

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

Chairman's Report:

Michele announced:

- Yard waste will not be picked up on July 6th. Please hold all yard waste that week until the July 13th pickup.
- The Board met in executive session prior to tonight's meeting to personnel and legal matters.

Public Hearings: None

Emergency Services Reports: None

Financial Report: None

Approval of Minutes:

Cody made a motion to approve the minutes of June 7, 2022 and June 21, 2022.

John seconded.

Chris noted a correction on the June 21, 2022 minutes.

Motion carried 5-0.

Treasurer's Report:

Dave Ware presented the June 30, 2022 Treasurer's Report.

Mike asked about \$2,300 portable defibrillator expense. Dave responded. Mike questioned the status of the new Edmunds financial software. Dave gave an update regarding training and implementation. Mike noted the Applebrook Golf event and the \$11K expense paid is fully reimbursed by fees collected from players. Mike inquired why we purchase from Honeybrook hardware, instead of a closer hardware store. Dave responded their rates are good. Mike asked if we have tried to leverage with the bank to get a reduced rate. Dave replied. Michele inquired further about the percentage of bank fees the Township is incurring on behalf of resident credit card transactions. Dave and Chris replied.

Michele asked about Messick's capital replacement for \$55K. Dave responded this was for the boom mower.

David made a motion to accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the June 30, 2022 Treasurer's Report.

John seconded.

Motion carried 5-0.

Old Business: None

New Business:

Consider preliminary approval of Malvern Institute land development application.

Derek explained the information included in the agenda. All parties will present tonight.

Brian Nagel, MacElree Harvey, received recommendation from Planning Commission for preliminary land development approval.

Kristin Camp mentioned the Planning Commission's recommendation was that the applicant would have to comply with any outstanding comments in the Pennoni review letter dated May 25, 2022.

Rick Stratton, Chester Valley Engineers, gave an overview of the project at 940 W King Rd, 9.6 acres, treatment facility. The project proposes a 2nd story addition to the facility, along with proposed sidewalks, smoking pavilion, elevator shaft for separate barn building, addition of parking spaces, and a 6ft high aluminum fence on King Rd. Along the west side, the proposal calls for PVC sound fence, 6ft high around side and back of property and up the east side. Extensive landscaping on the outside of fence is included. There is no proposed plantings in flood plain. Stormwater management will contain an infiltration basin under the parking lot to accept runoff from parking lot. A remote Fire department connection, at an acceptable location, and other requests will be addressed with the Fire Marshall. Mr. Stratton went through Pennoni comments and how they plan to address them in the final plans. Mr. Stratton and Attorney Nagel are here tonight looking for preliminary approval for the preliminary land development plans.

Kristin commented the fence should be 8 ft. on the side and back and 6 ft. along the front. Mr. Stratton agreed.

Mr. Stratton went through the Pennoni comments and specified how they plan to address them.

Mike asked if there is any value in having the police input regarding camera location. Attorney Nagel replied this will be addressed between Malvern Institute and the security camera company to identify the best camera location between preliminary and final approval. David commented there are different types of cameras and asked Malvern Institute representatives to be open to police suggesting type of camera.

Mike brought up the 8 ft. high fence and stated that is supposed to come before Board for approval and Mike wondered if Mr. Stratton planned on presenting that at the final plan approval meeting night or the meeting before. Mr. Stratton pointed out the fence details are on the preliminary plan and included in tonight's information. The engineers will review the fence detail before it is installed. Nate Kline, Pennoni, Township Engineer, stated at a preliminary level Pennoni is ok with this type of fence. Further, Nate commented that clarification is needed on the manufacturer, color, and texture of fence. Kristin added that the way condition is worded in zoning approval, it comes to the Board for approval. If there is something specific the Board doesn't like, tonight is the Board's opportunity to raise any concern. Kristin is comfortable leading into final approval. Kristin gave further clarification for the Board. Michele stated that based on her experience, mold will appear on the fence and she would like fence maintenance to include remediating this detail. Michele inquired what the gate will look like. Rick does not have details on gate, but it will be wide enough for small mower to fit through.

Mr. Stratton distributed photo of sound blankets for generator. Attorney Brian Nagel stated when this condition was written, Malvern Institute had an old generator. They will be have a new generator, which will be quieter. He added the generator will be located close to the smoking pavilion. David added this is an emergency backup generator so it would only run for required maintenance and testing, or for emergency needs. Mr. Stratton concurred.

A draft document was submitted to the Township for the facility not to expand beds in future. Two documents still need to be submitted to Kristin Camp for review; one is the notice to the Commonwealth of PA on the limitation of 80 beds as a condition and second, the Declaration that gets recorded that restricts Malvern Institute from further expansion for 30 years.

Mr. Stratton also spoke on the following topics: the soil testing done on site, inlets will have filters and maintained twice a year, additional clarity on fencing will be on final plan, lighting details will be revised to state they are controlled by automatic switches, deer repellent will be clarified on final plan, substitute Douglas Fir will comply and be on final plan, and he believes landscape plan complies with ordinance but would need further clarification from the Conservancy Committee.

Michele asked about in event of power outage, how long Malvern Institute will have to address lighting. Mr. Stratton doesn't have detail now but will put it on final plan.

Michele asked about the scheduled update. Kristin gave guidance to the Board about the timing of scheduled updates. Mr. Stratton added construction is anticipated to take about six months for site work. It was suggested six months after U&O is issued, and minimal annually thereafter and/or at the request of the Board.

Michele asked about procedures regarding AWOL patient and would like more information about this. Letter from Attorney Brian Nagel to Board stated how this would be addressed and it complies with the protocol condition. Kristin explained further. David asked if HIPPA restrictions apply to police. Attorney Nagel responded.

Michele asked about number of windows that would overlook residents' yards. Mr. Stratton responded a full rendering is not available, but there will be windows on the backside of the building and they are for staff office space. Michele would like windows to be frosted. Attorney Nagel stated this was discussed with Planning Commission and they did not recommend frosted windows. Malvern Institute is opposed to frosting brand new windows. Attorney Nagel stated there is no ordinance requirement or other condition that requires to do this so they would be opposed. Michele stated this is simply a request to consider. Attorney Nagel's position is this would not be legal or enforceable condition. Discussion followed on the distance of the windows to neighboring residents.

Cody asked what current protocol is for notifying police regarding AWOL patient. Prior to this list of conditions, typically, unless there was some sort of active incident, the police were not notified if someone left. This was an added provision as part of this process.

Mike asked about access gates under new comments and if there be security cameras there. Response was the gates will be locked.

Kristin Camp, Buckley Brion, the Planning Commission must comply with outstanding comments. Would need to be satisfactorily addressed before final approval.

Terri Relick, 12 Treemont, stated the sound wall sample presented at the Planning Commission meeting was grey and shiny but the transcripts from Zoning Hearing Board April 25, 2018 meeting, testified teak, medium brown with green, physical texture that mimics wood. Kristin Camp clarified it is now the Board's decision for approval on what type of fence. Ms. Relick asked if the barn is being remodeled on the proposed plan. Kristin replied this is not part of the land development and there is a building permit for barn interior renovations. Ms. Relick believes there is a discrepancy between the prior floor plan shown to the ZHB and what is presented in current plan. Ms. Relick also had a concern with runoff and current yards flooding.

Cody asked why Ms. Relick doesn't want sound wall. Ms. Relick stated it would look like the turnpike. She would like the wood finish because she does not feel the landscape will cover the fencing because it is up on a hill.

Ms. Relick pointed out patient rooms in the back and the plan shows windows there. Attorney Nagel addressed Ms. Relick's concerns. The floor plan in the Board packet is the same exhibit to the ZHB. Barn renovations are interior only and Attorney Nagel will double check on

the issue of windows with respect to the barn. The fence changed as the Zoning Hearing proceeded, in response to comments from neighbors, and as part of final land development approval. Stormwater management is expected to improve based on current storm water management.

Kristin stated that the square footage must be documented on the land development plan. It must identify the square footage being proposed to make sure it meets with the ZHB approval. Kristen stated they are limited based on the ZHB decision and the size of second floor cannot exceed 34.04% expansion.

Derek commented they will not be allowed to stray from the UCC code.

Amanda Greenberg, 10 Brookmont, just purchased home in February. Patients have called out to her children with inappropriate comments. Ms. Greenberg does not want windows so these people will have an eagle eye view of her children. She asked that the Board address frosted glass now to protect children before something happens. Ms. Greenberg stated that the Planning Commission deferred this decision to the Board to address. Kristin commented the Planning Commission did not impose this as part of their recommendation. Ms. Greenberg asked if there will be cameras at the gates. She also asked if something can be done at the gap near creek. She is concerned with illicit activity and feels this is a safety issue. Ms. Greenberg realizes storm water management in 1982 was nonexistent. However, her property gets swamped with runoff from two pipes from Malvern Institute that are directed at her yard. Pictures of flooding on her property were reviewed by Board. Ms. Greenberg commented on lights that shine into neighbors' properties and the fence sits lower than the building. If these are offices, the lights should not be on after hours, auto light shut off would be helpful. Ms. Greenberg stated that she would like a system in place to address when someone walks off. Kristin asked Ms. Greenberg not to refer to patients as criminals, this is a drug and alcohol treatment facility.

Attorney Nagel stated patients are there to address addiction issues. The access gates are locked and will not have cameras. There are three existing cameras at the back of the building. Land development plan addresses lighting along boundary. Kristin asked if Attorney Nagel will ask his client to consider using motion lighting in the improvements on both first and second floor. He will discuss with client. With regards to AWOL patients, the frequency of headcounts would discover someone missing. This is their operating protocol, not mandated. Mr. Stratton clarified that to address the storm water coming off the roof and pointed towards Ms. Greenberg's property, they can install a small infiltration approach.

Paige Fenimore, 3 Treemont, commented that in 2018 there was no one monitoring cameras and questioned who will enforce this under the new requirement. Kristin replied the Zoning Officer. Michele stated they will need to trust the Township to hire the correct person and have parameters regarding how that person will inspect. Rick commented the fence detail on the plan is for a sound fence. Ms. Fenimore feels the sound fence is important, as high up as possible, and aesthetically attractive. She feels they should go above and beyond for storm water management Michele added they are going above and beyond for this. Ms. Fenimore seems there are a lot of uncertainties. Michele commented this is preliminary approval. Kristin stated she would not put something in front of the Board if it's not acceptable. Michele commented they follow the advice

of counsel and there are more steps are to come. Kristin added some of the conditions are building permit issues, not controlled by the Board. Derek commented they need to comply with UCC.

Mike asked about an exemption from historic resource impact study. Kristen commented the Planning Commission supported and Historical Commission did not support this. Michele commented that the historical component has been altered over time and is no longer a factor.

Further discussion transpired about fencing and windows.

John commented if we approve the preliminary land development plan, we will need a list of conditions from Kristin in order to address them. Kristin asked Nate about his understanding of the fence. All fence details have to be vetted by the Board prior to final approval.

Michele called for executive session to discuss clarity on the motion and obtain legal advice.

Michele called the meeting to order at 9:10PM.

Mike made a motion to grant the applicant an exemption from Chapter 240, regarding historic preservation, specifically Chapter 240-38.10, the historic resource impact study, and grant an exemption to the applicant for completion of this historic resource impact study.

Cody seconded.

Motion passed 5-0.

David made a motion to grant preliminary land development approval for the Preliminary Land Development application and plan prepared for Malvern Institute, by Chester Valley Engineers, dated June 28, 2021, last revised April 20, 2022, subject to the following conditions:

1. All comments outlined in the Pennon/ Associates review letter dated May25, 2022 shall be addressed to the satisfaction of the Township Engineer and the Board and be reflected in the Final Plan submission.
2. Applicant shall submit and present the final landscape plan to the Township Conservancy Board for its review and comment, prior to presenting the final plan to the Planning Commission. The landscape plans shall address the comments in the Conservancy Board's review letter dated September 28, 2021.
3. Applicant shall connect existing roof drains on the front of the main building into the proposed storm water management system. The applicant shall design and install a small seepage bed in the southern-most corner of the existing building to manage storm water runoff from the existing rear roof of the building following the simplified design procedures in the East Goshen Township Storm Water Management Ordinance.
4. Applicant shall include the written protocols required by conditions 25 and 27 of the Zoning decision on the final plan.
5. All comments outlined in the Township Fire Marshall's review letter dated June 27, 2022, shall be addressed to the satisfaction of the Fire Marshall and the Board and be reflected in the final plan.

6. Applicant shall supply details of the fences and shall be approved by the Board as part of the final plan approval.
7. Applicant shall have WEGO police department review and provide comment on the types and locations of video cameras to be installed.

Cody seconded.

Attorney Nagel commented that the camera company would specify where the cameras will go and this will appear on the land development plan. He doesn't have a problem with the police department commenting where the cameras should be placed.

Motion carried 5-0.

Consider 2022 Sewer Rates and a proposed capital plan.

Mike stated that the Board has a memo from Finance Director, Dave Ware, reporting on the current condition and projected condition of the sewer system, There is an indication that, with the projects in front of us, looking ahead to aging infrastructure, and sewer rates have not kept up with CPI over the last 8-10 years, there is a need for a sewer rate increase.

Mike would like to defer this to the next meeting in order to allow Board members to review the information, while complying with the annual rate setting guidelines.

John commented that he doesn't think anyone on the Board is opposed to refurbishing the Westtown Way pump station or repairing the Hershey's Mill Estates break His concern is how much money will be remaining in sewer capital reserve, then figure out if we want to raise the user fees to grow the reserve as Dave has suggested. John's concern is with how quickly we raise the user fees but we want to have the funds available if needed.

David seconded Mike's motion to table this until we have further information regarding the timeframe for phasing in the increase and additional calculations.

Michele commented that prior Boards have pushed this off to the current Board and it's not a decision made lightly to have to increase the rate for anyone but the Board needs to consider that we are not fully funded for our capital reserve in the event there was a catastrophic incident, similar to the Hershey's Mill Estate situation. Michele added that we also must look at legislation currently working its way through Harrisburg where increased mandates on testing, tightening of standards, and a required itemized inventory of our system with a means to fund it. Michele suggested the other consideration to discuss at the next meeting is an end of life study on our system. This is something we need to be aware cost-wise and if it's something that can be done in-house or outsource.

Dave Ware commented that 2.3M would get us fully funded.to replace the Ridley Creek Sewer Treatment Plant and the pump stations. It does not address the 200 miles of sewer lines, current year unbudgeted projects, and a projected shortfall in sewer revenue.

Discussion transpired regarding Ordinance setting rates.

John requested more information with options.

Motion to table carried 5-0.

Consider 2022-2023 Deer Management Hunting Program Resolution.

Mike made a motion to approve the 2022-23 Deer Management Program Resolution (resolution 2022-12) and the following Deer Management Groups to participate in the 2022 Township Archery Hunting program: 1. Chester County Trackers will manage the Grand Oak & Mill Creek open space area. 2. Main Line Whitetail Managers will manage the Supplee open space area. 3. Keystone Archers will manage the Bow Tree & Clock Tower open space area.

David seconded.

Motion carried 5-0.

Consider 2nd and final escrow release for 1303 Goshen Parkway (Jabil) and escrow release for 932 N. Chester Road.

Derek explained this is straightforward for projects when completed.

Mike made a motion to approve escrow release #2 for 1303 Goshen Parkway in the amount of \$12,245.00, as recommended by staff and motion to approve the escrow release for 932 N. Chester Rd. in the amount of \$90,573.13, as recommended by staff.

John seconded.

Motion carried 5-0.

Consider replacement of sewer cleaner machine.

Michele explained the current machine is 15 years old.

Cody made a motion to award the bid for a sewer cleaning machine to Golden Equipment in the amount of \$145,313.00 and further, to authorize the Public Works Director to post the old sewer cleaner on Municibid.

John seconded.

Motion carried 5-0.

Consider purchase of new fire alarm/control panel.

Derek explained currently the panel covers District Court, Public Works and Police, It is located at District Court and we propose updating the control panel and relocating it to Public Works for ease of reset.

Cody made a motion to approve the purchase of a new alarm panel from Premium Fire & Security in the amount of \$8,000.00.

John seconded.

Motion carried 5-0.

Consider purchase of Park cameras.

Derek explained there has been an increase in smash and grabs at the park.

Mike asked about annual maintenance costs. He is reluctant to approve this unbudgeted purchase in 2022. John asked to table this topic and come up with a financial plan to cover this expense. Michele feels we don't need everything in this proposal. Mike and Cody would like the police to weigh in on this. The Board would like Derek and Dave to look at reallocating funds in this year's budget to cover this purchase. Derek will forward to the Chief tomorrow.

John moved to table this to next meeting.

Mike seconded.

Dave added this is not just for license plate reading, but also for the safety of the children at the park.

John asked who will watch the cameras. Mike commented they may be recorded for future review. Dave commented that real-time view, as well as recorded video, is available.

Motion to table carried 5-0.

Consider removing October 4th meeting date from calendar (Conflict with Yom Kippur and following four consecutive board meetings).

Derek added that we eliminated this meeting last year as well, due to multiple sequential Board meetings and conflicts with Yom Kippur.

Cody made a motion to remove the October 4th Board meeting from the calendar.

John seconded.

Motion carried 5-0.

Standing Issues/Projects:

Hershey's Mill Dam Project – Derek stated good progress is made. The boardwalk is in good shape and vegetation is growing. Dave added we are still on target for August completion. Derek asked if Board would like a ribbon-cutting ceremony. Board agreed end of Aug/beginning Sept. Derek will schedule.

Milltown Dam Project – Michele sent an email to DEP and left messages with State Reps. Cody added Mark Miller started the mosquito extermination.

Any Other Matter: None

Public Comment: None

Liaison Reports: None

Correspondence, Reports of Interest: None

Adjournment:

There being no further business, Cody made a motion to adjourn at 9:44pm.

Mike seconded.

Motion carried 5-0.

Respectfully submitted,

Chris Boylan

Recording Secretary

Attached: June 30, 2022 Treasurer's Report

TREASURER'S REPORT		June 16, 2022 - June 30, 2022	
RECEIPTS AND BILLS			
GENERAL FUND			
Real Estate Tax	\$0.00	Accounts Payable	\$104,490.09
Earned Income Tax	\$42,600.00	Electronic Pmts:	
Local Service Tax	\$0.00	Credit Card	\$11,380.85
Transfer Tax	\$0.00	Postage	\$0.00
General Fund Interest Earned	\$0.00	Debt Service	\$2,726.08
Total Other Revenue	\$625,775.91	Payroll	\$170,409.51
Total General Fund Receipts:	\$668,375.91	Total Expenditures:	\$289,006.53
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	\$0.00	Accounts Payable	\$93,888.62
Interest Earned	\$0.00	Credit Card	\$0.00
Total Capital Reserve Fund Receipts:	\$0.00	Total Expenditures:	\$93,888.62
TRANSPORTATION FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total Transportation Fund Receipts:	\$0.00	Total Expenditures:	\$0.00
SEWER OPERATING FUND			
Receipts	\$39,045.32	Accounts Payable	\$157,848.33
Interest Earned	\$0.00	Electronic Pmts:	
		Credit Card	\$1,560.74
		Debt Service	\$427,290.16
Total Sewer Operating Fund Receipts:	\$39,045.32	Total Expenditures:	\$586,699.23
REFUSE FUND			
Receipts	\$18,530.38	Accounts Payable	\$18,097.89
Interest Earned	\$0.00	Credit Card	\$14,749.00
Total Refuse Fund Receipts:	\$18,530.38	Total Expenditures:	\$32,846.89
BOND FUND			
Receipts	\$0.00	Accounts Payable	\$59,454.14
Interest Earned	\$0.00		
Total Bond Fund Receipts:	\$0.00	Total Expenditures:	\$59,454.14
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
INFRASTRUCTURE SUSTAINABILITY FUND			
Receipts	\$0.00	Accounts Payable	\$0.00
Interest Earned	\$0.00		
Total Infrastructure Sustainability 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