

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS  
1580 PAOLI PIKE  
TUESDAY, March 7, 2023  
FINAL MINUTES**

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

**Present:** Chairman John Hertzog; Vice Chairman Mike Lynch; Members: Cody Bright, David Shuey, Michele Truitt; Township Manager Derek Davis; Finance Director Dave Ware; Senior Staff Accountant Chris Boylan; Attorneys Bill Christman & Mark Thompson, Lamb McErlane; Erich Meyer (Conservancy).

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

John called the meeting to order at 7:00pm and led the Pledge of Allegiance.

David called for a moment of silence for police, first responders, military and all those who go in harm way to keep us safe.

John announced that the meeting is being livestreamed on YouTube.

**Chairman's Report:**

John announced that the Board met in executive session on March 1, 2023 and prior to this meeting to discuss legal and personnel matters. Bill Christman will be leaving and John welcomed Mark Thompson as the new Township Solicitor.

**Public Hearing:**

**Consideration of Ordinance 129A-2023, revising accessory use in a planned golf development district – Applebrook Maintenance Facility area.**

Attorney Christman explained the proposed zoning ordinance amendment that amends section 240-30.1C1G of the zoning ordinance. Court Reporter Kara Fitzpatrick transcribed the hearing. Attorney Christman presented exhibits.

Chairman John Hertzog closed the hearing.

Cody made a motion to approve Ordinance 129A-2023, revising accessory use in a planned golf development district.

Michele seconded.

Motion carried 5-0.

**Emergency Services Reports:** None

**Financial Report:** None

**Approval of Minutes:** None

**Approval of Treasurer's Report:** None

**Old Business:**

**Rendering of Conditional Use (CU) decision for 1010 Hershey Mill Rd.**

Attorney Christman explained the conditional use hearing. Draft decision and order was given to the Board. Conditions will be posted on the website.

Michele made a motion to grant conditional use to the applicant at 1010 Hershey Mill Road subject to adherence of all stipulations set forth in the draft conditional use decision.

Mike seconded.

Joe Buonanno, 1606 Herron, asked how the setback of 660 ft. was determined. Attorney Christman replied it is in the ordinance. John added that when the pipeline came through, this distance was established. David added this is an awareness of the pipeline and the Pipeline Task Force reviewed this and it was a Board decision. John commented the PTF did an amazing job reviewing this.

Motion carried 5-0.

**Continued discussion of Ordinance 129G-2023, pertaining to noise and nuisance, originally passed on November 15, 2022.**

Derek explained that in November 2022, the Board passed ordinance 129G-2022, this tweaked the existing Noise and Nuisance ordinance. Derek highlighted these changes in his memo and reiterated at this meeting.

Cody offered a suggestion to decrease the decibel limit. All Board members agreed.

Bill Geyer, 1560 Tanglewood, commented that he feels the limit of four requests, when combined with rain dates, is excessive and unreasonable. John would like to see how this ordinance performs and it can always be addressed in the future. Michele added the ordinance, as it stands and at advice of counsel, includes verbiage for enforcement. Mike added that if there is a complaint about an event, there is staff discretion to grant future waivers.

Michele pointed out an omission on Pg. 3 – Under C, Item 1C need to add Saturday as a correction.

Ken Flanigan, 602 Marydell, commented that when we talk about noise ordinances, we are talking about quality of life. Mr. Flanigan advocates the need for a noise ordinance upper limit and an obnoxious noise, such as jake brakes, as a prohibited use. David asked about interval. Mr. Flanigan agrees interval from OSHA standard matters but he claims the damage starts at 85 decibels. For the safety and protection of residents, Mr. Flanigan would like the Board to consider these adjustments.

Margaret Drake, 1131 Taylor, would like the frequency of approved events reduced to two.

Mike asked Attorney Christman when a waiver is granted is it implicit to adhere to the decibel levels. Derek responded he feels a noise waiver is a waiver from adhering to the decibel level. Derek added from a practical standpoint, the police will address this but will not have a decibel reader. Further discussion evolved.

Attorney Christman stated there is a difference between public and private nuisance. Michele pointed out that there is an established limit and interval within Code 156-3.

Wayne Wilson, 570 Summit House, asked if the attendance at an event shows support and encouraging the event. John responded that the Board is doing the best they can. John added that the Board is not an adjudicatory body and does not want to tell people how to run their lives. Derek explained event requests are reviewed by the Zoning Officer and Derek needs to sign off on with conditions.

Margie Geyer, 1560 Tanglewood, suggested that under 156-4 exceptions to the noise limit, we strike Item J. Michele said limits are established in the Ordinance 156-3A1.

Maryann Lipton, 1680 E Strasburg, has had a noise issue in her neighborhood with someone running a lumber mill. Mike suggested contacting the Code Enforcement Officer. Derek will look into this after the meeting.

Deborah Wiechec, 1404 Mill Creek, fears this is kicking the can on this issue. She is looking to the Board to protect the residents' quality of life.

Attorney Christman stated PennDot approval is needed to consider jake brake restrictions.

Kim Schaffer, 240 Devon, commented that people do not know how to self-govern so additional details in ordinances would help.

Cody made a motion to approve advertising the changes to return the decibel level to the level prior to Nov 17<sup>th</sup> meeting and include the revision of adding Saturday to page 3, section D 1C.

Mike asked Board, Staff, and Attorney if we will have any other adjustments to this ordinance in the coming weeks.

David seconded.

Motion carried 5-0.

**Possible approval of Request for Qualifications (RFQ) for a WEGO staffing/policing Model Study.**

Derek explained this is two years in the making between Westtown and East Goshen Township. The RFQ allows this process to start.

Mike explained further.

David made a motion to approve the Request for Qualifications (RFQ) for a staffing and policing model study/evaluation of the Westtown-East Goshen Police Department as written and authorize the Township Managers to seek and distribute to qualified firms and consultants.

Mike seconded.

Cody would like to ask the Board to think about a couple of items; if the study shows more officers are needed, he wonders if the Board would support more funding and if the study shows the police department is over-staffed, what would be the Board's plan to address that. David stated his viewpoint is that the study is separate from any action or commitment and would give data points to consider. John said his concern is the current staffing model breaks the jurisdictions into four sections and treats all of them the same. Other areas are focusing police staffing in areas most needed. Also, John mentioned that most police officers are working 12 on/12 off shifts, 4 days a week then 3 days a week, and he feels this is a bad model because, after 8-9 hours, people are tired. He feels this schedule builds in overtime.

Michele stated if this study comes back that we need more officers, this would probably result in a tax increase sooner rather than later because the safety of our residents comes first.

Ken Flanigan, 602 Marydell, asked for clarification that this motion is to seek firms with qualifications only.

Motion carried 4-1. Cody opposed.

**New Business:**

**Consideration of the Environmental and Sustainability Advisory Committee's (ESAC) request to change their start time of their monthly meetings.**

Cody made a motion to allow the Environmental & Sustainability Advisory Committee (ESAC) to change the time of their meetings from 7:00 PM to 6:30 PM on the 4<sup>th</sup> Monday of every month, and also authorize in the same advertisement, the scheduling of certain planning meetings of the Commission at the times and dates to be determined. Advertisement cost to come from the ESAC budget.

Mike seconded.

Michele would like to add a friendly amendment. Clarification of Michele's amendment was restated by Attorney Christman and appears in the above motion.

Motion carried 5-0.

**Consider escrow release #1 for 706 Hemlock Hill Ln.**

Cody made a motion to approve escrow release #1 for 706 Hemlock Hill Ln.

Michele seconded.

Motion carried 5-0.

**Standing Issues/Projects:**

Milltown Dam Project – Derek stated the National Park Service will not renew the \$500K grant. Staff met with DCNR to come up with alternatives. The Township will use Keystone funds and Derek will have a resolution on 3/21 to swap the funds. They can simultaneously review bid documents.

Hershey's Mill Estates Sewer Line Replacement – all the pipe is in the ground.

**Any Other Matter:**

Mike commented there are two Supervisor seats up for 6-year terms.

**Public Comment:** None

**Liaison Reports:** None

**Correspondence:** None

**Adjournment:**

There being no further business, Cody motioned to adjourn at 9:05PM.

Mike seconded.

Motion carried 5-0.

Respectfully submitted,

*Chris Boylan*

*Recording Secretary*

*No attachment.*