

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
FEBRUARY 8, 2017**

Township Supervisors:

Mr. Edward G. Meakim, Jr., Chairman
Mr. Hugh J. Purnell, Vice-Chairman
Mr. Philip J. Corvo, Member
Mr. Raymond H. Halvorsen, Member
Mr. Christopher Pielli, Esq., Member

Township Officials:

Mr. Casey LaLonde, Township Manager
Mr. Richard J. Craig, Township Engineer
Mr. Bill Webb, Township Zoning Officer
Ms. Kristin Camp, Township Solicitor
Mr. David Brooman, Special Counsel

The regular monthly meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Edward G. Meakim, Jr. at 7:02 p.m. on Wednesday, February 8, 2017 at the West Goshen Township Administration Building. Mr. Halvorsen opened the meeting with the Pledge of Allegiance to the Flag.

Mr. Meakim requested that all audience members silence their cell phones.

Mr. Meakim made notice to all members of the public in attendance that they may be recorded via audio and video by other members of the public.

Mr. LaLonde announced that two items on tonight's agenda were tabled at the request of the Applicants, the Final Land Development for 21 Hagerty Boulevard and the Final Land Development for ACAC.

Mr. Meakim turned the meeting over to David Brooman, Township Special Counsel, with an update on the Sunoco Mariner East project. Mr. Brooman stated that the Board of Supervisors intended to file a Complaint with the Pennsylvania Public Utility Commission due to the fact that Sunoco Logistics was in breach of contract regarding failure to abide by the Settlement Agreement. Mr. Brooman stated that Sunoco Logistics failed to install the automatic shut-off valve as required in the Agreement.

Mr. Brooman also stated that Sunoco Logistics is also in breach of the Settlement Agreement due to the fact that the proposed shut-off valve for the Mariner East II project is located in an area not allowed by the Settlement Agreement. Sunoco Logistics' plans have the shut-off valve in an area to the east of Rt. 202 on the existing Janiec Tract, adjacent to the Goshen Fire Company sub-station.

Mr. Brooman stated that he recommends sending a letter to Sunoco Logistics regarding horizontal directional drilling (HDD) for the Mariner East II project, similar to the letters submitted by Thornbury and Westtown Township regarding groundwater contamination concerns. Mr. Brooman stated that the Pennsylvania Department of Environmental Protection comment period is closed, a letter should be sent to Sunoco Logistics anyway. Mr. Brooman stated that HDD concerns was raised during the PADEP comment period on Mariner East II in their September 6, 2016 comment letter.

Mr. Pielli agreed that a letter regarding the HDD effects on groundwater contamination should be drafted and that the letter should be submitted directly to Sunoco Logistics. Mr. Halvorsen suggested preparing a letter for the next Board of Supervisors meeting. Mr. Brooman will prepare the letter. On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board unanimously approved preparation of the letter.

Ms. Lilli Middlebrooks stated she had safety concerns regarding Mariner East I and II. Mr. Derek Davis, Assistant Township Manager, stated that he and Andrea Testa, Township Fire Marshall, will set up meetings with Goshen Fire, Chester County Emergency Services Department and Sunoco Logistics to discuss safety preparations and response plans.

Ms. Middlebrooks asked what was the deadline for PADEP comments regarding Mariner East II. Mr. Brooman responded that the deadline was August 26, 2016.

On a motion by Mr. Halvorsen, seconded by Mr. Pielli, the Board entertained comments to have Mr. Brooman to prepare and file the Pennsylvania Public Utility Commission Complaint.

Mr. Tom Casey asked what remedies were available for a breach of the Settlement Agreement. Mr. Brooman stated that the Commission could shut down the Mariner East I pipeline. Mr. Casey stated that was the problem with the Settlement Agreement that the Township can't file a Complaint in the Court of Common Pleas, but has to go through the Public Utility Commission. Mr. Casey stated that the Commission would never shut down the pipeline and that the Commission will not rule against Sunoco. A discussion ensued between the Board, Ms. Middlebrooks, Mr. Casey and Mr. Brooman.

Mr. Pielli stated that this is the Settlement Agreement we have and we have to enforce the Agreement and that is why we are filing the Complaint.

Mr. Eric Friedman, Thornbury Township, Delaware County, stated that water quality concerns are large, but safety concerns are more important. He stated that Resolutions of Concern have been adopted by many municipalities.

Mr. Brooman strongly suggested following the PADEP process and file an appeal if the result is unsatisfactory to the Board of Supervisors.

Back to motion on the table, the Board voted unanimously to have Mr. Brooman prepare and file the Pennsylvania Public Utility Commission Complaint.

Captain Greg Stone gave the Police Report for the month of January 2017.

Ms. Andrea Testa, Fire Marshal, gave the Fire Marshal Report for the month of January 2017. Ms. Testa also gave the report for Good Fellowship Ambulance Company and the Goshen Fire Company.

Mr. Beswick gave the Building Inspector Report for the month of January 2017.

Mr. Purnell stated that the Township Historical Commission meeting scheduled for tomorrow night was cancelled due to the coming snow. He stated that the Bicentennial celebration was likely to be held in June, along with other events leading up to the celebration including a classic car show.

Mr. Tom Casey asked about funding for the Bicentennial, as only \$5,000 was approved by the Board of Supervisors. stated that East Goshen Township officials have stated that the total cost was around \$70,000. Mr. Halvorsen responded that the Board budgeted \$5,000 but no further discussion has occurred about additional funding. Mr. Purnell stated that the plans are in progress, but no additional funding has been discussed.

Mr. LaLonde announced that an Executive Session was held on February 8, 2017 to discuss legal advice and litigation.

Mr. LaLonde announced that Township trash collection scheduled for Thursday was cancelled due to the impending snow storm. The next regular pickup will be Monday, February 13th. Mr. LaLonde also announced that on Saturday, March 18th from 9:00 a.m. to noon, the Township will be hosting a Shred-It event and recycling can disposal event here at the municipal complex. Township staff wanted to collect and recycle the old Township recycling bins given the move to the recycling toters.

Mr. Craig announced that he attended a stormwater meeting last week regarding the Christina Watershed. He also attended a DEP training seminar regarding the TMDL and Pollution Reduction Plans (PRP) that will be due later this year. He stated that there have been changes in DEP's advice on Best Management Practices for stormwater facilities inside these TMDL and PRP plans. He also stated that DEP will require municipalities identify funding mechanisms for implementing the plans through General Fund revenues or a stormwater fee.

Mr. Webb announced that he and Mr. Davis attended a medical marijuana seminar recently and that West Goshen Township alone has received six inquiries on locating medical marijuana dispensaries inside the Township.

Mr. Webb announced that three Zoning Hearings were scheduled for February 23, 2017 to include: An application by Goshen Leisure, located at 21 Hagerty Boulevard to accommodate a child daycare center; an application by Pamela W. Ring, 813 S. Church Street, to continue to utilize a second floor unit as a student apartment; and an application by Fit Body Camp for a use variance and a parking variance.

On the Goshen Leisure application, Mr. Craig stated that access to the site is via a single access route on Hagerty Boulevard and that vehicle trip generation is an issue. On a motion by Mr. Pielli, seconded by Mr. Purnell, the Board voted unanimously to have Mr. Craig and Ms. Camp attend the Hearing and present testimony as necessary.

On the Pamela Ring application, the Board opposes the application and on a motion by Mr. Purnell, seconded by Mr. Pielli, the Board voted unanimously to have Mr. Craig and Ms. Camp attend the Hearing in opposition.

On the Fit Body Camp application, on a motion by Mr. Purnell, seconded by Mr. Pielli, the Board voted unanimously to have Mr. Craig attend the Hearing to discuss parking concerns.

Mr. Halvorsen moved to approve the minutes of January 3, 2017 and January 11, 2017 with a second from Mr. Purnell. Ms. Margie Swart questioned the use of the word "opinion" on page 3 of the January 3, 2017 minutes. The Board voted unanimously to approve the January 3, 2017 and January 11, 2017 minutes as drafted.

Ms. Margie Swart had several questions regarding the monthly Treasurer's Report, including, for the Waste & Recycling Fund, where were the payroll disbursements allocated. The allocations are made to the clerk, and Public Works Director. Ms. Swart asked a question regarding the pension account and Liquid Fuels account. Township Finance Director Jeanne Denham responded to Ms. Swarts questions.

On a motion by Mr. Halvorsen, seconded by Mr. Purnell, the Board unanimously approved the Treasurer's Report of January 31, 2017 for the General Fund, the Sewer Fund Revenue Fund, the Waste and Recycling Fund, and the Capital Reserve Fund, and the bills to be paid from these funds.

Mr. Meakim turned the meeting over to Mr. Lou Colagreco, representing GMH, a private developer who builds apartment buildings. They are seeking Board direction as to whether the Board would entertain amending the Township Code to allow multi-family housing in the Industrial-zoned District. Mr. Jim Kirby of GMH stated that they were in discussions with Fame Fire Company about possibly moving Fame to another location so that Fame could expand their building and then GMH would build a 150-apartment, multi-family, student housing building on the Fame site. Mr. Pielli asked how many beds that would accommodate and Mr. Kirby responded that it would result in approximately 294 beds.

Mr. Bill Ronayne of Fame Fire Company was present and stated that Fame Fire Company was proceeding with plans to put an addition on the existing fire house, but was approached by GMH with this plan and that they really like this plan.

Mr. Meakim asked if the building were a mix of room types and Mr. Kirby said yes, it was a mix of singles, doubles and small number of triples. Mr. Meakim asked if students were currently volunteering with Fame from West Chester University. Mr. Ronayne said yes, they have approximately twenty-two student volunteers and that their new building, if built, would have on-site, rent free dorm rooms for the student volunteers.

Mr. Webb stated that Bloomsburg University recently built student housing with retail space on the ground floor. Mr. Webb asked if there were any retail opportunities for this location. Mr. Kirby said yes.

Mr. Pielli asked about parking. Mr. Kirby stated the site would have 252 parking spaces. Mr. Pielli also stated that traffic is a concern in the area. Mr. Kirby stated that a traffic study is currently underway for the site.

Ms. Camp stated that the Zoning Ordinance would have to be amended to allow for multi-family housing in the Industrial District.

Mr. Clifford Howard, 105 Anthony Lane, stated that traffic will increase dramatically if this building was built in that location.

Mr. Pielli agreed that traffic is a concern.

Mr. Colagreco stated that the developers understand the traffic concerns and the developers could assist with traffic improvements.

A second multi-family student housing presentation was made on behalf of BET, Bruce E. Toll by attorney Joe Riper. Mr. Riper stated that his client was in discussions with the owner of 205 Carter Drive to purchase the property, as the building is adjacent to the existing "The Edge" apartment building on Rosedale Avenue. Mr. Michael Markmann of BET stated that BET owns "The Edge" and would improve 205 Carter Drive to build a multi-family student housing building with 253 beds and 230 parking spaces.

Mr. Dan Dixon, Township resident, stated that Universities across the country are privatizing housing. He asked if West Chester University was looking to remove on-campus dorms in lieu of these new private facilities. Mr. Markmann stated that WCU is not looking to downsize their on-campus dorms, but they are looking for additional graduate housing.

Mr. Colagreco thanked the Board for their time and requested that the Board of Supervisors consider the idea of rezoning the Industrial and get back to the applicants so the developers could proceed with their plans.

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board unanimously approved Resolution 5-2017, destruction of records for the Finance Department and Park & Recreation Department.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board unanimously approved the revised Finance Department Purchase Orders and Accounts Payable Policy and the Cash Disbursement Policy.

Mr. LaLonde stated that at the last Sewer Authority meeting, the Authority Board entertained a presentation by Royal Bank of Canada officials on the possibility of either taking out a loan or a bond for the on-going and additional upgrades for the Township's Sewer Plant. Mr. Corvo stated that bond counsel and bond advisors had been appointed by the Authority Board to investigate lending options.

Ms. Margie Swart had several comments about the Sewer Authority's decision to move ahead on project lending. She stated that she stopped the enactment of a Township Stormwater Authority. Mr. Halvorsen interjected that the reason the Board of Supervisors stopped implementation of a Stormwater Authority was the fact that the Pennsylvania legislature enacted legislation to allow for a stormwater fee outside of establishing a Stormwater Authority. Ms. Swart stated that the Board of Supervisors needs to be engaged in Authority business.

Mr. Pielli stated that he has been investigating privatizing, or selling, the sewer plant. He stated that New Garden Township recently sold their sewer plant for over \$30,000,000 and that West Goshen could do the same thing with our sewer plant and use the proceeds for capital improvements. Mr. Pielli stated that the Board of Supervisors must investigate and look into all of its options.

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Ms. Swart stated that the Authority's timetable is very quick, with action requested by the Board of Supervisors in April for this new lending. Ms. Camp stated that April may be too soon, as the partner municipal agreements must be redrafted and submitted for approval by the various partners.

Ms. Swart suggested creation of a regional sewer Authority. Mr. Corvo responded that the other municipal partners already have their own municipal Authorities.

Ms. Hele Hennesy, Ms. Amy Leman Terrell and Mr. Chip Steinmetz approached the Board to inquire if a four-way stop sign could be installed on Daisy Lane at Tanager Lane. Mr. Halvorsen agreed that the intersection could use a four-way stop signs. Mr. Craig will conduct a traffic study of the location and make a recommendation to the Board at their March 8, 2017 meeting.

Ms. Swart asked that public comment be allowed at the beginning and end of the meeting. Mr. Meakim stated that if another comment period were added, we may add a time limit.

Mr. Tom Casey had some observations regarding the proposed Sewer Authority bonds. Mr. Casey stated that he is suing West Goshen Township about the Sewer Authority. Ms. Camp interjected and stated he Mr. Casey is suing the Township regarding a Right-To-Know case.

Mr. Bob Sheller stated that he supports Fame Fire Company but traffic on Matlack Street is a mess and this will only add to the congestion leading down to Rt. 202. He stated that traffic must be addressed.

Please view this meeting's video recording via YouTube with the link located at www.westgoshen.org.

There being no further business, on motion by Mr. Purnell, seconded by Mr. Pielli, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Casey LaLonde
Township Secretary