

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

Township Supervisors:

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 Vice-Chairman Hugh J. Purnell, leading the meeting in place of the absent Chairman Edward G. Meakim, at 7:01 p.m. on Wednesday, March 8, 2017 at the West Goshen Township Administration Building. Mr. Halvorsen opened the meeting with the Pledge of Allegiance to the Flag.

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

Mr. Purnell 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. Purnell 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 had previously filed a complaint with the Pennsylvania Public Utility Commission (PUC), stating that Sunoco did not adhere to the provisions of the Settlement Agreement. Mr. Brooman stated that the litigation process continues.

Mr. Tom Casey asked about the Pennsylvania PUC case. Mr. Brooman stated that the Township is challenging Sunoco as to why they have not adhered to the Settlement Agreement, namely that Sunoco did not install the Thornbury Township, Delaware County automatic valve and about the installation of the MEII valves on the Janiec Tract violate the Agreement.

Ms. Camp stated that the PUC complaint is regarding the Settlement Agreement violations only.

Mr. Casey asked about the violation of the Township Utility Ordinance. Ms. Camp responded that the Township will make public the Sunoco response to the assertion that the Township Utility Ordinance was violated and that the Township is pre-empted by Pennsylvania law to enforce the Township's Ordinance. Ms. Camp stated that the Township is focusing on the Settlement Agreement breach.

Mr. Casey asked what position the Township is taking on Sunoco's response to the Zoning Ordinance question. Mr. Purnell stated that the Township is considering all options but focusing on the PUC case.

Mr. Pielli stated that within the Settlement Agreement parameters, the Township must be careful with our legal strategy and have discussed this issue at length with Counsel. Mr. Pielli stated that the Township is focused on safety to get the MEI automatic valve installed and the MEII valve situation. Mr. Pielli stated that the Township can't commit to joining your (Mr. Casey's) lawsuit but the Township is keeping its options open.

Mr. Halvorsen stated that legal recommendations due to the Settlement Agreement are for the two automatic valves.

Mr. Brooman stated that he was previously authorized by the Board of Supervisors to:

- 1) Monitor the Pennsylvania Environmental Hearing Board action by the Clean Air Council. The Environmental Hearing Board denied a stay on Sunoco's activities and denied a motion again after three days of testimony. The case now moves to discovery.
- 2) Emergency Response Plan preparation – Several meetings have been held and more are upcoming with Chester County Department of Emergency Services and the various fire companies. Mr. Brooman

stated that during an emergency, Chester County would take the lead, but the Township can educate its residents on safety issues.

- 3) Mr. Richard Kuprewicz was authorized to review safety for the MEII.x pipeline, namely the new 16" pipeline, in a similar fashion the MEI and MEII (20") pipeline were reviewed for safety.
- 4) The Township and Sunoco will meet regarding the upcoming construction and Sunoco will obtain erosion & sedimentation and stormwater permits.

On a motion by Mr. Halvorsen, seconded by Mr. Pielli, the Board voted unanimously to further employ Richard Kuprewicz for MEII.x safety review and help create an Emergency Response Plan.

Mr. Bill Adams, Chester County Building Trades, commended the Board of Supervisors on continuing to work with Sunoco and stated that the pipeline construction boom is benefiting the economies of Chester and Delaware Counties.

Mr. Eric Friedman, Thornbury Township, Delaware County, stated that he still has safety concerns about the projects and that the economy will actually decline due to the projects. Mr. Friedman stated that he had submitted a Right-To-Know (RTK) request to West Goshen Township to waive its attorney-client privilege. Ms. Camp responded that the Township responded to his RTK request and most or all of the documents he requested are privileged. She stated that all safety reports and other filings are posted on the Township's website.

Mr. Friedman stated that there was no safety response plan by Mr. Kuprewicz. Mr. Brooman responded that Mr. Kuprewicz was clear in his recent public presentation that he is not a safety response expert, but that he is a pipeline construction safety expert. Mr. Brooman stated that Mr. Kuprewicz is one of the leading pipeline construction safety experts in the country. Mr. Friedman responded that all documents are public records and are not privileged. Ms. Camp responded that the documents are privileged.

Mr. Tom Casey asked for an explanation of the valves to be located on Boot Road. Mr. Brooman stated that the valves are to be located on the Janiec Tract, where the abandoned "Traditions" assisted living facility was to be built on Boot Road, adjacent to the Goshen Fire Company substation. The valves are part of the MEII and MEII.x projects. Both valves will be adjacent to each other on the site, as proposed by Sunoco. Both MEII and MEII.x valves appear to be identical and will be reviewed by Mr. Kuprewicz.

Mr. Pielli made a motion to add the MEII.x (16" pipeline valve) to the PUC complaint, seconded by Mr. Halvorsen. The motion passed unanimously.

Mr. Seth Covenant, Middletown Township, Delaware County, resident stated that his group has examined the proposed MEII pipeline and found significant safety issues, including construction problems and that resident safety is in peril with the pipeline installation. He asked that the Board consider the facts in their decision-making and please rely on your Utility Ordinance.

The Sunoco discussion concluded and Mr. Brooman left the meeting.

Newly elected State Representative Carolyn Comitta introduced herself as the new Representative for the 156<sup>th</sup> Legislative District. She stated that she looks forward to working with West Goshen Township. Rep. Comitta introduced Chris Sappey, her Chief of Staff. Rep. Comitta's new office is located at 21 W. Washington Street in West Chester Borough with plenty of free parking. She stated she is here to serve the residents and the Township with any issues with PennDOT and other Pennsylvania agencies. The office's phone number is 610-696-4990. The Board thanked Rep. Comitta for joining them for tonight's meeting.

Chief Joseph Gleason gave the Police Report for the month of February 2017. Chief Gleason stated that the annual Skate-A-Rama is scheduled for Sunday, April 2<sup>nd</sup> with two sessions from 12:00 to 1:30 p.m. and 2:00 to 3:30 p.m. Chief Gleason announced that the West Goshen Township Police Department has joined Twitter with

the Twitter handle: #WGTTwitter. Chief Gleason announced that due to poor attendance, the Citizen's Police Academy was cancelled for this year. And finally, Chief Gleason reminded residents that the "Vacation Check-in Program" was available. When residents notify the Police Department that they will be away on vacation, an Officer will conduct period checks of their property. Chief Gleason stated that a resident in Falcon Crest signed up for the service and the Police found that the home had been the scene of a burglary, so the property owner was notified while away and the situation did not wait until the property owner returned home from vacation.

Ms. Andrea Testa, Fire Marshal, gave the Fire Marshal Report for the month of February 2017. Ms. Testa gave the report for Good Fellowship Ambulance Company and the Goshen Fire Company and provided the Building Inspector Report for the month of February 2017.

Mr. Purnell stated that the Township Historical Commission was sponsoring a classic car show in Community Park on May 20<sup>th</sup> that will include hot rods and antique cars. Look for more information soon.

Mr. Pielli stated that the Richie Geiger 5K was scheduled for March 25<sup>th</sup> to start and end at the VFW. Chief Gleason stated that the proceeds benefit the Geiger children scholarships.

Mr. LaLonde announced that the Board of Supervisors held an Executive Session on March 8, 2017 to discuss litigation. Mr. LaLonde announced that on March 18<sup>th</sup>, the Township was hosting a Shred-It event and a recycling bin collection from 9:00 a.m. to noon at the Municipal Complex. Mr. LaLonde also announced that the Township received a request to adopt a Resolution opposing the proposed development of the Crebilly Farm in Westtown Township. The Board took no action on the Resolution and took it under advisement.

Mr. Webb announced three Zoning Hearings were held on February 23, 2017 to include: An application by Goshen Leisure, located at 21 Hagerty Boulevard to accommodate a child daycare center. The Goshen Leisure hearing was moved to March 30<sup>th</sup>; a variance application decision by Pamela W. Ring, 813 S. Church Street, to utilize a second floor unit as a student apartment was scheduled for March 30<sup>th</sup>; and variances applications by Fit Body Camp for a use and a parking were approved.

On a motion by Mr. Halvorsen, seconded by Mr. Corvo, the Board unanimously approved the meeting minutes of February 8, 2017 with the correction of the Tanager / Daisy Lane intersection to the "3-way" stop sign.

Ms. Margie Swart had several questions regarding the February 2017 Treasurer's Report.

On a motion by Mr. Halvorsen, seconded by Mr. Corvo, the Board unanimously approved the Treasurer's Report of February 28, 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.

Ms. Camp reintroduced the various Zoning Amendments that would update the Township's use definitions, provide for the recently approved Pennsylvania law regarding medical marijuana and microbreweries and rezone four parcels on Westtown Road to include the Multi-Purpose District (MPD) as a Zoning overlay district. Ms. Camp stated that the draft will be reviewed by the Township Planning Commission, Chester County Planning Commission and will be advertised and posted per the Municipalities Planning Code.

Mr. Bob Stratton asked if the medical marijuana use could be stopped in West Goshen Township. Ms. Camp stated no, the Pennsylvania law supercedes Township law.

On a motion by Mr. Halvorsen, seconded by Mr. Pielli, the Board voted unanimously to start the process for these various amendments.

Ms. Camp introduced Act 172, an Act to reimburse volunteer firefighters and EMS technicians a portion of their local property tax and earned income tax. The Township must take action by August to amend the Township's

Ordinance in order to participate. Ms. Camp suggested she and the Township staff meet to discuss the Act and work to gather information from our local fire companies.

Mr. Steve Crum, Goodwill Fire Company, commends the Township's initiative and stated that if the volunteer firefighter numbers keep declining, we will have to go with paid firefighters.

Mr. Bob Sheller stated that West Goshen Township is almost entirely covered by volunteer firefighters. He stated that the volunteers must receive 180 hours of training to be certified and receive ongoing training. He asked the Board to approve the Ordinance.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board voted unanimously to move forward on Ordinance adoption.

Mr. LaLonde informed the Board that the West Goshen Township Sewer Authority Board was moving forward with financing to provide funding for various improvements to the sewer plant. Mr. LaLonde turned the discussion over to Mr. Ted Murphy, Chairman of the West Goshen Sewer Authority.

Mr. Murphy read from a letter he provided to the Board of Supervisors detailing the work from late 2015 that led to the Authority seeking funding to complete significant capital improvements to the sewer plant, collection system and pump stations. Mr. Murphy asked the Board if his letter to the Board could be placed on the Township's website. Mr. Murphy stated that the Authority Board is seeking support from the Board of Supervisors in the form of a Resolution extending the Authority's incorporation for another fifty years and an Ordinance supporting the Authority's funding request. He stated that due to funding, he is requesting both documents be approved at the Board's April 12<sup>th</sup> meeting.

Mr. Purnell asked if the Authority was seeking to rebuild the entire plant. Mr. Murphy responded no, just critical components and to correct issues.

Mr. Purnell stated that we should set aside a few dollars per resident per quarter for equipment replacement. Mr. Murphy agreed, stating that the Authority will add an equipment replacement fund.

Mr. Purnell asked about the difference between a loan and a bond. Mr. Murphy stated that Royal Bank of Canada provided four options, two loans and two bonds. Mr. Murphy stated that at their last meeting, the Authority voted to choose a 20-year bond.

Mr. Corvo stated that he agreed 100% with Mr. Murphy's comments.

Mr. Halvorsen asked about the three-year requirement to spend the bond proceeds. Mr. Murphy stated that the Authority must spend 85% of the proceeds by the end of year three. He stated that through the COSTARS purchasing program, the Authority is already saving money on capital purchases and that many of the bids received so far have come under estimates. He stated that overall we will meet the three-year requirement.

Mr. Halvorsen asked about preparing the Ordinances to support the Authority's lending. Mr. Murphy stated that the Authority is requesting the Board of Supervisors support the Authority's lending and that the Township and Authority will have to redraft the lease Agreement between both organizations. Mr. Murphy also stated that the various Agreements with our neighboring municipal customers will also have to be redrafted. Mr. Murphy stated that the lending needs to be in place by the end of May, 2017.

Ms. Margie Swart commended Mr. Murphy and the Authority Board. She stated that she doesn't question the Authority's decisions, but questions the bond issuing process.

Mr. Shaun Walsh, member of the Sewer Authority, endorsed Mr. Murphy's comments. He stated that the Authority deliberated extensively about the difference between a 15 and 20 year bond.

Mr. Murphy stated that the neighboring municipal customers recommended a 20 year bond as well.

Mr. Pielli asked about life expectancy about the proposed capital expenses. Mr. Murphy stated that most or all of the improvements will have a least a life expectancy of 20 years. Many of the larger improvements, such as the digester building, will have a much longer life expectancy.

Mr. Pielli asked if a formal rate study was conducted. Mr. Murphy stated that HRG conducted a rate study.

Ms. Robin Stuntebeck stated that she would prefer the Township sell the sewer plant.

Mr. Tom Casey stated that he is against the Authority's lending proposal for the bond issuance. He stated that with proper maintenance, equipment can last sixty years.

On a motion by Mr. Purnell, seconded by Mr. Halvorsen, the Board voted 3-1 with Mr. Pielli opposed to support the Sewer Authority's lending and bond issuance with an Ordinance.

On a motion by Mr. Halvorsen, seconded by Mr. Corvo, the Board voted 3-1 with Mr. Pielli opposed to support the renegotiation of the lease.

On a motion by Mr. Halvorsen, seconded by Mr. Pielli, the Board then paused for discussion regarding the Tanager Lane and Daisy Lane 3-way stop signs. Ms. Mary Lasota asked if the stop signs were warranted. Mr. Craig stated that he conducted a sight-distance investigation and found that the situation met warrants for the 3-way stop sign. The Board voted unanimously to approve Resolution 6-2017 for installation of 3-way stop signs for the intersection of Tanager Lane and Daisy Lane.

On a motion by Mr. Pielli, seconded by Mr. Halvorsen, the Board voted unanimously to approve the Final Land Development Plan for a 13,714 square foot building addition for JAS Real Estate Holdings, LLC at 328 Westtown Road.

On a motion by Mr. Halvorsen, seconded by Mr. Pielli, the Board voted unanimously to approve a Final Land Development Plan for a 9,120 square foot building addition for Bush Auto Group at 966 South Matlack Street.

At 10:35 p.m., the Board of Supervisors recessed into Board of Supervisors' Hearing 1-2017, a Conditional Use Hearing for Sipala Kia, 808 East Market Street, West Chester, PA.

**SEE OFFICIAL TRANSCRIPT**

Supervisors' Hearing 1-2017 ended at 10:59 p.m.

**Please view this meeting's video recording via YouTube with the link located at [www.westgoshen.org](http://www.westgoshen.org).**

On a motion by Mr. Purnell seconded by Mr. Pielli, the Board voted unanimously to adjourn the meeting at 10:59 p.m.

Respectfully submitted,

Casey LaLonde  
Township Secretary