

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
APRIL 12, 2017**

Township Supervisors:

Mr. Edward G. Meakim, Jr.
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, at 7:00 p.m. on Wednesday, April 12, 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. Meakim turned the meeting over to David Brooman, Township Special Counsel, with an update on the Sunoco Mariner East project. Mr. Brooman stated that, as he stated at the March Board meeting, the Board of Supervisors had 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. He stated that the Mariner East I automatic valve was finally installed at mile marker 236.6. He stated that the PUC complaint was revised to drop the Thornbury valve complaint, as the valve was completed, and therefore the PUC complaint was down to the one count, namely the Janiec Tract valve installation for Mariner II and IIX. He stated that on April 20, 2017, the formal discovery process begins for the complaint.

Mr. Brooman stated that work on the emergency operations plan (EOP) continues with Asst. Township Manager Derek Davis working with Chester County Emergency Services and the West Chester Fire Company and Goshen Fire Company. Mr. Davis is obtaining proposals from various consultants to prepare the EOP.

Mr. Tom Casey question the automatic valve installation in Thornbury Township and referred to it as an "illegal installation." Mr. Brooman responded that the automatic valve is installed.

Mr. Tom Casey questioned the Board if they were intending on responding to the position on enforcing the Township's Utility Ordinance. Mr. Brooman responded that the Township is pursuing the PUC case only. Mr. Tom Casey responded that he is in opposition to the Township's strategy.

Mr. Brooman concluded his remarks and left the meeting at 7:16 p.m.

Chief Joseph Gleason gave the Police Report for the month of March 2017. Chief Gleason stated that the annual Skate-A-Rama had approximately six hundred kids attend for a day of ice-skating. He stated that the annual "Run for Ritchie" in memory of Township Police Sergeant Rich Geiger, raised over \$15,000. With sadness, Chief Gleason stated that long-time Township Police Department civilian employee Paul Wilkins had passed away on March 14, 2017. He also stated that April 5th marked the one-year anniversary of the death of Katie Sedlak, spouse of Township Detective Darren Sedlak.

Chief Gleason stated that in coming weeks, Township Police Department was hosting a week-long mental health crisis intervention training seminar for law enforcement officials.

Chief Gleason stated that there have been multi home invasions in the area and is working with neighboring jurisdictions to catch the perpetrators. Information will be provided as it is available.

He stated that the Citizens' Police Academy will be back in September and information will be available via the Township website and newsletter.

An in conclusion, Chief Gleason stated that last week was the annual Crime Victims' Vigil in Downingtown. The West Goshen Police Department Honor Guard participated in the event.

Ms. Andrea Testa, Fire Marshal, gave the Fire Marshal Report for the month of March 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 March 2017.

Mr. Meakim read the following statement:

"In response to campaign literature recently handed out in the Township, the Township has not received the MS4 permit from the Pennsylvania Department of Environmental Protection yet. The Township Board will not be in a position to decide what programs will need to be implemented to meet the permit requirements.

Once the permit is received, the Township engineer will review the same and provide input to the Board on what programs should be implemented to meet permit requirements. The Board can then begin discussions on different ways to fund the programs needed to meet the permit requirements.

The Pennsylvania law has changed since the Township first discussed creating a storm water authority so now there are many options that the Board will have to explore for purposes of funding the permit mandates established by the Commonwealth DEP."

Mr. Halvorsen excused himself from the meeting at 7:28 p.m.

Mr. Pielli announced that at the May Board meeting, a presentation on legislative district gerrymandering will be made by Fair Districts PA.

Mr. Purnell announced that the West Goshen Township / East Goshen Township Bicentennial celebration is scheduled for Saturday June 3, 2017 at the East Goshen Township Community Park with fireworks to follow after dusk. The rain date is Sunday, June 4, 2017.

Mr. LaLonde announced that the Board of Supervisors held an Executive Session on April 6, 2017 to discuss litigation and on April 12, 2017 to discuss litigation.

Mr. Craig announced that he attended a Pennsylvania Center for Watershed Protection meeting; work continues on the various Pennsylvania Department of Environmental Protection (PADEP) required "Pollution Reduction Plans (PRP);" and that PADEP released additional instructions just recently for the various required Township TMDL and PRP plans.

Mr. Webb announced that the application for 813 South Church Street to be utilized as a student residence and to have two separate domiciles was denied by the Zoning Hearing Board. Mr. Webb stated that the current student occupants of 813 South Church must vacate by May 31, 2017. Mr. Webb stated that the variance request for 19 Hagerty Boulevard to allow vehicular sales for non-motorized vehicles was granted by the Zoning Hearing Board. Mr. Webb suggested to the Board that some updates to the Township's sign Ordinance are in order, as he has received multiple complaints of political signs in the road right-of-way and on private property. Township resident Mr. John Hellman stated that political signs are freedom of speech and should be allowed.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board paused for questions from Ms. Margie Swart regarding the disbursement accounts. Mr. LaLonde stated that the disbursement accounts do not permanently hold funds, but from month to month, checks do not always clear before the end of each month. Ms. Maxine Richter stated that this same question was asked and answered at last month's meeting and she objects to the repeated same questions.

Following the discussion, the Board unanimously approved the Treasurer's Report of March 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.

Ms. Camp introduced Resolution 7-2017, a Resolution that would extend the West Goshen Sewer Authority's Articles of Incorporation for an additional term of fifty (50) years. Ms. Camp stated that due to the upcoming bond issuance, the current Authority Articles of Incorporation expire prior to the extinguishment of the new debt, therefore, the Articles of Incorporation need to be extended.

Mr. Ben Ried, Sewer Authority Bond Counsel, was present for the discussion and requested that a roll-call vote be taken for both the Resolution and the Ordinance.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board paused for questions regarding Resolution 7-2017.

Ms. Margie Swart stated the Resolution states \$20,000,000 but the Ordinance states \$27,000,000. Ms. Camp deferred to Authority Bond Counsel Ben Ried. Mr. Ried deferred the discussion to the Ordinance adoption agenda item.

Mr. Tom Casey stated that if the Township dissolves the Authority, the Township would have to pay off the Authority bond and so will our neighboring municipalities. Ms. Camp stated that per the various municipal Agreements, the neighboring municipalities would have to pay their portion of the debt obligation.

Mr. Tom Casey stated that the Sewer Authority has failed in its due diligence by not looking back at old upgrades. He stated that some have stated that no capital improvements have been made in fifteen years, but upgrades were made. Mr. Casey stated that he opposes extending the Articles of Incorporation.

Mr. Pielli asked how much remains for the Authority. Mr. Ried stated that approximately \$918,000 in current debt remains. Mr. Pielli asked why the Articles have to be extended by fifty (50) years. Mr. Pielli questioned the other bond and lending proposals. Mr. Pielli asked if the rate study was done or commencing. Mr. Pielli reiterated his comments regarding the sale of the New Garden Township sewer facility and that a sale needs to be examined.

Mr. Tom Casey stated that at the Sewer Authority, the Authority chose not to move ahead with a rate study.

Ms. Margie Swart stated that she is opposed to the Resolution. She stated we are moving too quickly. She asked the Board to not vote on this tonight and do not rush into a vote.

Mr. Ted Murphy stated that the Sewer Authority has been meeting publicly on this matter for many months, put together a bond team with many professionals involved and that the process has been very deliberate. Mr. Murphy requested that the Resolution extending the Articles of Incorporation and the guarantor Ordinance be adopted tonight. He stated that repairs need to be made to the plant.

Mr. Pielli stated that needs facts not opinions. He stated that he has repeatedly asked simple questions and has not received responses.

Mr. Tom Casey commented on Mr. Murphy's comments.

Ms. Maxine Richter stated she recommended approval of the Resolution to extend the Articles of Incorporation.

Ms. Linda Stoudt stated that it sounds like something was overlooked. She asked what other options were looked at. The Board responded that this is a Sewer Authority issue.

Following the discussion, the Board approved Resolution 7-2017 3-1 with the following roll-call vote:

Mr. Corvo – yea
Mr. Pielli – nay
Mr. Purnell – yea
Mr. Meakim – yea

Mr. Ben Ried began the discussion of Ordinance No. 2-2017, an Ordinance that establishes West Goshen Township as the guarantor for the upcoming West Goshen Sewer Authority bond issuance. Mr. Ried stated that he is employed by the law firm Rhodes Sinon and the Authority hired his firm to oversee the bond issuances legal process. Mr. Ried explained that through this Ordinance, the Township ultimately guarantees the Authority's debt through the full faith and credit of the Township's borrowing power. Mr. Ross Unruh, the Authority's Solicitor, was also in attendance and stated that for every Authority borrowing since 1958, the Township has acted as guarantor.

Mr. Purnell asked for the yield interest rate. Mr. Dan O'Brien and Mr. Jim Gray were in attendance as well, representing the Bond Underwriter, RBC (Royal Bank of Canada). Mr. O'Brien stated that the bond pricing is approximately 3.5%.

Mr. Walker Tompkins asked why not use private placement or a negotiated sale. Mr. O'Brien stated that there is not enough demand for a private placement or negotiated sale. Mr. O'Brien stated that the interest rate will be low, given the backing by the Township. Mr. Gray that this is a negotiated underwritten deal.

Ms. Robin Stuntebeck asked if this guarantee will affect the Township's lending ability. Mr. Ried stated no, as the sewer revenues will pay the debt and that the Pennsylvania Department of Community and Economic Development (PADCED) must approve the debt.

Mr. Ried stated that the Township's debt statement will show \$0 debt.

Mr. Robin Stuntebeck stated that the State will look at revenues and is the Engineer's report taken at face value and is the Authority getting a second opinion on costs. She asked what if the Authority uses all of the cash and the improvements are not done and we still have a failing plant. Mr. Ried stated that the Engineer's estimates are reviewed as assumptions by the PADCED and it is not customary to have second Engineering opinions done.

Mr. John Hellman asked if different bond companies were sought out. Mr. Ried stated that his firm was selected following the bond underwriter, but that RBC pursued bank loans and bond offerings as options for the Authority to consider.

Mr. Tom Casey asked who Rhodes and Sinon represents. Mr. Ried stated the he represents the Authority. Mr. Casey asked what the chance was that the interest rate would be 6%. Mr. Ried stated 0.0%. Mr. Casey asked if \$27,000,000 in bonds will be sold. Mr. Ried stated that the Township would not be bound to \$27,000,000 of debt.

Mr. Pielli stated that the Authority Board has not done its due diligence to look at other options. Mr. Pielli reiterated his suggestion that the Township investigate selling the plant. Mr. Pielli stated that in selling the plant, the private sector would do a better job managing the plant; the Township wouldn't have to pay for plant upgrades; the Township wouldn't face the costly TMDL expenses for compliance and that the Township should reduce the size of local government when appropriate. He stated that a possible \$70,000,000 selling price should be seriously investigated.

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Mr. Corvo stated that the Township residents currently pay \$65 per quarter, compared with \$220 for Valley Township, \$75 for Oxford Borough and \$95 for Uwchlan Township. He stated that rates will only go up if the plant is sold.

Mr. Pielli responded that the Board needs options, including selling the plant. He recommended against approving the Ordinance.

Ms. Robin Stuntebeck stated that she spent time reviewing various communities' rates. She stated that those communities mentioned are much smaller and that any rate talk is conjecture.

Ms. Margie Swart stated that RBC has a conflict of interest in this bond issuance. Ms. Swart asked that the Board delay the vote to their meeting in May.

Mr. Ried again requested that a roll-call vote be taken for this Ordinance adoption.

On a motion by Mr. Purnell, seconded by Meakim, the Board voted 3-1 to adopt Ordinance No. 2-2017 with the following roll-call vote:

Mr. Corvo – yea
Mr. Pielli – nay
Mr. Purnell – yea
Mr. Meakim – yea

Ms. Camp provided an update to the Act 172 Firefighters and EMT Volunteer tax credits. Ms. Camp and staff are working to draft the Ordinance for review by the Board at a future meeting. Mr. Bob Sheller asked if the West Chester Fire Company and Goshen Fire Company were to be involved in the process. Ms. Camp stated yes.

Ms. Camp reviewed the Sipala Kia, 808 Realty, Conditional Use Order for their property at 808 East Market Street. Ms. Camp that all Conditions that were discussed as part of the Conditional Use Hearing in March were incorporated into the Conditional Use Decision and Order, to include: the property shall be improved per the Land Development Application; delivery of vehicles shall be limited to individual employees only and no truck delivery; servicing of vehicles shall be limited to light detailing and no maintenance or full detailing shall occur; and that the Applicant shall reduce the impervious coverage by twenty percent (20%) and install green space along West Chester Pike.

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board voted 4-0 to approve the Conditional Use Decision and Order for Sipala Kia.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board voted 4-0 to approve the Final Subdivision Plan for two lots separating runway open space from The Arbours at West Goshen Homeowners Association property at 1205 Ward Avenue for CSW Arbour Square I, LP.

On a motion by Mr. Meakim, seconded by Mr. Pielli, the Board voted 4-0 to approve a Final Subdivision Plan for two lots from Greenmount Cemetery at 117 Westtown Road for Two Green Acres, LLC.

Ms. Camp presented the Rosedale Avenue Cooperation Memorandum between West Goshen Township, West Chester Borough, the West Chester University Foundation and West Chester University. The Memorandum provides a framework for cooperation between the three entities to explore grant funding and other funding opportunities to improve the Rosedale Avenue Corridor.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board voted 4-0 to approve the Rosedale Avenue Cooperation Memorandum.

Ms. Camp reintroduced Ordinance No. 1-2017, amending the Township Code with updated definitions of “microbreweries,” “medical marijuana,” and adding several parcels to the Township’s Multi-Purpose District (MPD). Ms. Camp stated that the Ordinance meets all requirements, was advertised in The Daily Local News, a copy was placed on file at the Chester County Law Library and that the West Goshen Township Planning Commission and the Chester County Planning Commission reviewed and recommend the amendments for approval by the Board of Supervisors. Ms. Camp stated that for the parcels added to the MPD, Mr. Webb posted the properties and provided an affidavit of posting, per the law.

On a motion Mr. Pielli, seconded by Mr. Purnell, the Board voted 4-0 to approve Ordinance No. 1-2017.

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board voted 4-0 to approve Resolution 8-2017 for records destruction for the Township Finance Department.

On a motion by Mr. Meakim, seconded by Mr. Purnell, the Board voted 4-0 to approve Resolution 9-2017, proclaiming April, “Pennsylvania 811 Safe Digging Month.”

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board voted 4-0 to approve Resolution 10-2017, adding “Adaptive” signal technology to the Rt. 3 / Strasburg Road traffic signal as part of the West Goshen / East Goshen / Westtown Townships “Green Light Go” grant award.

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board approved 4-0 the low bidder, DiRocco Brothers, in the amount of \$62,662.00, for the Mayfair Circle Stormwater Pipe Replacement Project opened at 10:30 a.m., Tuesday, April 4, 2017.

DiRocco Brothers	MOR Construction	SJM Construction Company
\$62,662.00	\$124,440.00	\$64,980.00

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board approved 4-0 the low bidder, Allan A. Myers, in the amount of \$762,777.00, for the 2017 Township Paving Program bid opened at 11:00 a.m., Tuesday, April 4, 2017.

Allan A. Myers	DiRocco Brothers	Glasgow, Inc.	Innovative Construction	Road Con, Inc.
\$762,777.00	\$827,592.43	\$809,315.14	\$904,673.00	\$813,599.80

On a motion by Mr. Purnell, seconded by Mr. Pielli, the Board approved 4-0 the low bidder, Alpha Space Control, in the amount of \$76,841.40, for the 2017 Pavement Markings bid opened at 10:15 a.m., Wednesday, April 5, 2017.

Alpha Space Control	DeAngelo Brothers, LLC
\$76,841.40	\$97,463.53

Mr. Purnell made a motion to have the Township make up the difference between fundraising efforts and the Township funds already earmarked for the upcoming Bicentennial celebration, with a second by Mr. Meakim. The vote was deadlocked at two for, and two against, with Mr. Pielli and Mr. Corvo voting no. Therefore, no action was taken.

Mr. Pielli stated that he would like to see enhancements made to some bad intersections in the Township.

Mr. Pielli made a motion to have the Township provide in-kind services for the Bicentennial celebration, seconded by Mr. Purnell, with the motion carrying 4-0.

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Ms. Margie Swart stated that she is a candidate for Township Supervisor in the the upcoming municipal election. She provided information to the Supervisors on the "rain tax."

On a motion by Mr. Purnell seconded by Mr. Meakim, the Board voted unanimously to adjourn the meeting at 10:28 p.m.

Respectfully submitted,

Casey LaLonde
Township Secretary