

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 24, 2017**

Township Supervisors:

Mr. Edward G. Meakim, Jr.
Mr. Hugh J. Purnell, Vice-Chairman
Mr. Philip J. Corvo, Member
Mr. Raymond H. Halvorsen, 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, May 24, 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 announced that agenda item # 13, the Board meeting public comment Resolution 12-2017 would be tabled to the June 14, 2017 Board meeting.

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 pleadings are closed for the matter. He stated that Sunoco has filed for a motion for judgment on the pleadings by Sunoco and that the Township's response is due to the Commission on June 17th. Mr. Brooman stated that Request for Proposals are out and due at the end of June for the Emergency Response Plan. Mr. Brooman stated that two Commonwealth Court cases regarding the use of eminent domain by Sunoco have been decided in favor of Sunoco.

Mr. Halvorsen stated that additional information will be available at the June 14th Board meeting.

Mr. Tom Casey asked the Township's position on the tree clearing and other site preparation that has been occurring in the area. Mr. Brooman stated that Sunoco has all PA Department of Environmental Protection permits in place, so they may proceed with work.

Ms. Camp stated that the Public Utility Commission matter does not affect this work, however, that the Township's Erosion & Sedimentation Control Permit has not been issued by the Township Engineer.

Mr. Tom Casey asked about defending the Township Zoning Ordinance. Mr. Brooman stated that the Township and Counsel evaluate this issue on a routine basis and that the Township will not be joining the case right now. Mr. Brooman stated that current law is that Sunoco does not have to follow local Ordinances.

Being there were no more comments, Mr. Brooman concluded his remarks and left the meeting at 7:12 p.m.

Mr. LaLonde provided the Police Report for the month of April 2017

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

Board of Supervisors Meeting
May 24, 2017
Page 2

Mr. Purnell announced that the May 20th antique car show at Community Park was a great success. Mr. Purnell also announced the reminder that the Bicentennial celebration is scheduled for 3:00 p.m., June 3rd at East Goshen's Community Park. Mr. Purnell announced that on August 6th at Community Park, Revolutionary War re-enactors and "antique baseball" re-enactors will be on display and providing a historical look at 18th and 19th century life.

Mr. LaLonde announced that the Board of Supervisors held an Executive Session on May 24, 2017 to discuss litigation.

Mr. Webb announced that many un-mowed grass violations had been issued in the Township. Mr. Webb announced that the Zoning Hearing Board decided in favor of granting a setback variance for 320 Circle Avenue.

Mr. Webb announced that on June 19, 2017, the Zoning Hearing Board would hear a variance request for an increase in impervious lot coverage and rear yard setback for 512 Susan Drive. Mr. Webb asked if there was any Board opposition to the variance request and there was no opposition.

Mr. Webb reminded that per Township Code, all political signs must be removed from public rights of way and that he has sent and hand delivered letters to all candidates and political parties.

On a motion by Mr. Purnell, seconded by Mr. Halvorsen, the Board unanimously approved the meeting minutes of April 12, 2017.

Mr. Craig announced that the Township will be holding a public comment period for the Township's Pollution Reduction Plans (PRP) and Total Maximum Daily Load Plans (TMDL) starting on August 3, 2017. The public comment period is 30 days. Mr. Craig stated that as soon as the Plans are ready for inspection, they will be made available.

Mr. Craig and Mr. Tom Casey had a brief discussion regarding the PRP and TMDL Plans.

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board unanimously approved the Treasurer's Report of April 30, 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, attorney for Astoria, a company that provides ambulatory care services. Mr. Colegreco stated that the company is seeking a Zoning Amendment to allow for overnight stays for no longer than 72-hours following various joint replacement surgical procedures for the I-2 Zoning District. Ms. Katherine Singleton, representing Astoria, stated that her company provides non-hospital stay ambulatory care services with a total of six maximum patients staying at any one time at the facility. Mr. Purnell asked if accommodations were available for spouses. The facility provides spousal accommodations, as training is provided to spouses for the patient recuperation process.

Mr. Bob Sheller asked if this amendment would provide for overnight stays. The applicant responded, yes.

Dr. Douglas White urged its approval.

Mr. Tom Casey asked who is responsible to investigate Zoning complaints that may arise from this new use. Ms. Camp stated that with all Zoning complaints, the Township Zoning Officer would investigate.

On a motion by Mr. Purnell, seconded by Mr. Halvorsen, the Board authorized advertising of the hearing for the June 14th Board meeting.

On a motion by Mr. Purnell, seconded by Mr. Halvorsen, the Board voted unanimously to approve the Final Land Development Plan for a 2,543 square foot wholesale sales building at 806 East Market Street for 808 Realty LP (Kia of West Chester).

Mr. Meakim turned the meeting over to Mr. Ben Ried of Rhodes Sinon, Bond Counsel for the Sewer Authority. Mr. Ried stated that on May 11, 2017, the Sewer Authority adopted the "parameters Resolution" for the proposed Authority bond sale. The Authority also authorized an Addendum to authorize the marketing and selling of the proposed bonds. The bond sale was held on May 23rd with all bonds sold. He stated that the official statement has been posted and all requirements met. He stated that the end maturity date of the bonds is 2037 and that the bonds close on June 27, 2017 with the proceeds forwarded to the Authority in the amount of \$17,055,000. Mr. Ried stated that the Guaranty Ordinance adopted by the Township allows for a "Joinder" to be signed by the Board Chairman to allow for the bond sale. He stated that all representations and warranties in the official statement are correct. Mr. Ried stated that tonight the Board of Supervisors should ratify the Joinder. He stated that there were no irregularities in the process and that the DelVal loan will be paid off in June.

Mr. Purnell asked what the effective rate (yield) was for the bond sale. Mr. Ried stated that the rate was 2.9215%.

Mr. Ried introduced Resolution 11-2017, termination of the existing Lease between the Township and Authority. Mr. Ried stated that the existing Lease must be terminated before the new Lease is approved and is required because of the new lending. Ms. Camp stated that Steve McGuire in her office was part of the discussion and drafting of the new Lease and that the new Lease is almost identical to the existing Lease.

Ms. Margie Swart asked if Township residents may purchase the bonds first. The response was that the Authority did not authorize residents to purchase bonds first. Ms. Swart asked if the Township sought financial advice prior to the bond sale. The response was that the Authority sought and received financial advice prior to the sale. Ms. Swart asked who signed the Joinder. Mr. Meakim was authorized to sign the Joinder. Ms. Swart stated that she was not comfortable with the Board signing this tonight.

Mr. Tom Casey had questions regarding the Addendum. Mr. Ried asked that the Authority authorized the Authority Chairman to authorize the sale of the bonds. Mr. Ried stated that it is common practice for Authorities and Boards of Supervisors to authorize Chairman to authorize bond sales. He stated that the Pennsylvania Department of Economic and Community Development approves of this process, therefore the authorization is provided for by the process.

On a motion by Mr. Purnell, seconded by Mr. Corvo, the Board unanimously approved Resolution 11-2017.

Ms. Camp introduced the license agreement between the Authority and the Board of Supervisors for continued use of the existing shooting range located on Authority property. Ms. Camp stated that as a separate agreement, the Authority has authorized the Board and Township to continue to operate the existing Police shooting range, located on the same parcel and adjacent to the sewer plant.

On a motion by Mr. Halvorsen, seconded by Mr. Purnell, the Board unanimously approved the Sewer Authority License Agreement for the shooting range.

Mr. LaLonde asked on behalf of the Authority to have the Board of Supervisors fund 50% of the sewer rate study in the amount of \$8,900 to be conducted by Sewer Authority Engineering firm HRG. On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board authorized the expenditure of \$8,900 to fund 50% of the sewer rate study.

Mr. Meakim turned the meeting over to Mr. Dean Rassmussen of Fair Districts PA. Mr. Rassmussen stated he is a West Goshen Township resident and has been actively lobbying to provide for a non-political process for

the legislative district redistricting process that occurs every ten years. Mr. Rasmussen provided a petition with over 400 West Goshen Township resident signatures that supports this non-political approach to redistricting and a sample Resolution calling for the same. Mr. Rasmussen requested that the Board review and adopt the Resolution at their June 14, 2017 meeting. Mr. Rasmussen provided a Powerpoint presentation highlighting the causes and solutions for the current "gerrymandering" that occurs each time the redistricting process commences. He explained that using West Goshen Township as an example, the Township is divided between two separate State Representatives, Carolyn Comitta and Eric Roe, due to the politicized redistricting process.

Mr. Rasmussen thanked the Board for their time and asked that the Resolution be adopted at their next meeting.

Ms. Camp and Mr. Craig introduced the FEMA Floodplain Ordinance. Ms. Camp stated that FEMA has provided updated FIRM maps, delineating the floodplain for the Township. The Township is also required to update our Floodplain Ordinance to enact the changes. Ms. Camp stated that the Ordinance will be ready for a hearing at the July Board meeting after review by the Township Planning Commission and the County Planning Commission.

Ms. Camp stated that West Chester University has requested to hold the continued Conditional Use Hearing for 101 Norfolk Avenue on June 14, 2017. On a motion by Mr. Halvorsen, seconded by Mr. Purnell, the Board unanimously approved to advertise the Hearing for the June 14th Board meeting.

On a motion by Mr. Halvorsen, seconded by Mr. Purnell, the Board unanimously approved the execution of three contracts, to include the Mayfair Circle Stormwater Pipe Replacement Project, the 2017 Paving Program and the 2017 Pavement Markings program.

On a motion by Mr. Purnell, seconded by Mr. Corvo, the Board unanimously approved Resolution 13-2017, Finance Department Records destruction.

Mr. Webb introduced the stormwater agreement for Chester County Hospital and requested the Board to approve the agreement. On a motion by Mr. Purnell, seconded by Mr. Corvo, the Board authorized the agreement.

Mr. Webb also stated that the Chester County Hospital Land Development Plans needed to be re-signed. On a motion by Mr. Halvorsen, seconded by Mr. Meakim, the Board authorized signatures for the plans.

Mr. Bob Sheller inquired on the status of the Township's action on Act 172, the Firefighters tax relief Act. Ms. Camp stated that staff is working on a draft and will present it to the Board soon.

Mr. Purnell stated that fundraising for the Bicentennial celebration is ongoing, but asked that the Township fund what is not raised to cover West Goshen's portion of the celebration. On a motion by Mr. Meakim, seconded by Mr. Purnell, the Board unanimously agreed to fund any shortfall.

Ms. Margie Swart, requested that each upcoming Board meeting packet be published for review by the public prior to the upcoming meeting. The Board took her request under advisement.

Dr. Douglas White commended the Township on the recent car show; stated he is against publishing the Board meeting packet and asked that Warren Road parking restrictions be investigated. Mr. Halvorsen stated that the Police Department and the Township have investigated the parking situation repeatedly and the impact to residents would be great if parking restrictions would be enacted.

On a motion by Mr. Halvorsen seconded by Mr. Purnell, the Board voted unanimously to adjourn the meeting at 9:10 p.m.

Board of Supervisors Meeting
May 24, 2017
Page 5

Respectfully submitted,

Casey LaLonde
Township Secretary