

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 14, 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. Chris 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 7:02 p.m. on Wednesday, June 14, 2017 at the West Goshen Township Administration Building. Mr. Meakim 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 May 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 the Township has filed answer to the motion to dismiss on pleadings. A pre-hearing conference is scheduled for July 6, 2017.

Mr. Vince Valgrano asked why the Supervisors are allowing Sunoco to break the law. Mr. Brooman responded that they Township is pursuing its case of breach of the Settlement Agreement with the Public Utility Commission. Ms. Camp stated that the Supervisors decided to pursue the Settlement Agreement breach in lieu of intervening in the Township Ordinance matter.

Ms. Roberta Lewis asked why the Township couldn't pursue both cases. Mr. Brooman stated that the Township doesn't lose anything by not intervening in the Ordinance case and the Township may intervene later. Mr. Brooman stated he is monitoring fourteen other cases around the Commonwealth based on similar issues. He stated that the Township is just trying to get Sunoco to abide by the Settlement Agreement. Mr. Pielli stated that the Township's resources are focused on the Settlement Agreement, but we are keeping all options on the table. Mr. Halvorsen stated that he strongly supports the Settlement Agreement and that this is the strongest avenue for the Township. Mr. Halvorsen stated that the Township has spent over \$250,000 to date in legal fees and we want the automatic valves installed.

Mr. Tom Casey stated that the Township has \$11.7 million in General Fund reserves, so resources are available. He stated that the case is gaining momentum and it is the Township's responsibility to uphold the Ordinance. Mr. Casey asked why the Township is not upholding the Ordinance. Ms. Camp stated that when the Township adopted the Ordinance, it was made clear that public utilities would be exempt.

Being there were no more comments, Mr. Brooman concluded his remarks and left the meeting at 7:20 p.m.

Chief Joseph Gleason provided the Police Report for the month of May 2017

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

Mr. John Beswick provided the Building Inspector Report for the month of May 2017.

Mr. Pielli expressed thanks to Chief Gleason and Captain Stone for their attendance at the Islamic Center's Ramadan feast, recently held.

Mr. Purnell stated that the West Goshen Township and East Goshen Township Bicentennial Celebration was a great success with excellent attendance. Mr. Purnell stated that the next Bicentennial celebration event is the August 6th event with war reenactors and a classic "old-timey" baseball game and John Philip Sousa concert in the evening. Mr. Purnell thanked the Board of Supervisors, Township staff and volunteers for their efforts in making the Bicentennial Celebration a success.

Mr. LaLonde announced that an Executive Session was held on June 14, 2017 to discuss litigation. Mr. LaLonde announced that the two upcoming Board of Supervisors meetings would be rescheduled to July 19, 2017 and August 16, 2017. And finally, Mr. LaLonde announced that work continues with Township staff and the Township Solicitor on gathering information on Act 172, providing tax relief to Firefighters and Emergency Medical Services volunteers.

Mr. Craig announced that at 7:00 p.m., Wednesday, July 26, 2017, Township staff and engineers from Herbert Rowland and Grubic will be holding a public information session on the Township's EPA and DEP-mandated Pollution Reduction Plans (PRPs) and Total Maximum Daily Load (TMDL) plans for the various watersheds in West Goshen Township. Also part of the meeting will be a project update on the Basin Road stormwater basin retrofit project currently undergoing design. Mr. Craig stated the public is invited to attend.

Mr. Webb announced that a Zoning Hearing for 512 Susan Drive is being held on Monday, June 19th. He stated that he has received many tall grass complaints but most property owners have complied with orders to cut the grass. And finally, Mr. Webb stated that he has received several complaints over noise from the Shop-Rite shopping center on West Chester Pike and that he issued seven citations to various food and product delivery vehicles delivering products at times not permitted by the Township Noise Ordinance.

Mr. Tom Casey asked if the Township has reached out to various stormwater basin owners in reference to the PRP and TMDL plans. Mr. Craig responded that the plans have not been approved, so contacting the individual basin owners would be premature. Mr. Casey responded by asking that if a particular basin owner will not allow the basin to be improved. Mr. Craig responded that the Township will move the project to another basin. Ms. Margie Swart stated that public comment must be allowed for the stormwater plans. Mr. Craig stated that the intent of the mandated public meeting on July 26th is to gather public comment.

On a motion by Mr. Halvorsen, seconded by Mr. Purnell, the Board unanimously approved the meeting minutes of May 24, 2017.

Ms. Swart stated that the approved Township policy for General Fund balance is twenty percent of annual expenditures. She requested that the Board eliminate the property tax and refund the remaining Fund balance to taxpayers. Ms. Swart also requested that the Board establish a Citizen Finance Committee. The Board took the requests under advisement.

On a motion by Mr. Purnell, seconded by Mr. Halvorsen, the Board unanimously approved the Treasurer's Report of May 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 provided an overview of proposed Resolution 12-2017, providing for guidelines on public comment for Township Board of Supervisor meetings. Ms. Camp stated that the Pennsylvania Sunshine Act allowed the Board of Supervisors to enact regulations and guidelines for public meetings, including time limits on public comments. After some discussion by the Board, the Board directed staff to post the proposed Resolution on the Township website and schedule this item for the July 19th Board meeting.

Ms. Margie Swart was in opposition to the time limitations placed on speakers.

Ms. Roberta Lewis was in opposition to the Resolution.

Ms. Robin Stuntebeck asked that the Resolution be posted on the Township website. Ms. Stuntebeck stated that the Board of Supervisors members appear to be shaming residents and that the Board of Supervisors make very offensive comments.

Mr. Tom Casey stated that this Resolution violates free speech and he has 1st Amendment concerns. He stated that the Resolution is being enacted because of him. Mr. Pielli stated that he disagreed with Mr. Casey.

Mr. Meakim turned the meeting over to Mr. John Jaros, representing John Westrum, for a proposed apartment project at 956 South Matlack Street. Mr. Jaros stated that the current I-2 (Industrial – 2) Zoning District doesn't allow for the apartment use and traffic is an obvious problem at the intersection of Matlack Street and Rt. 202. Mr. Jaros stated that through preliminary traffic engineering, the proposed use would decrease vehicle trips than the current use as the Agway store.

Mr. Halvorsen stated that hotels and motels are an allowed use in this district, as well as office condominiums.

Mr. John Westrum presented a set of slides showing the existing conditions and proposed apartment building improvements. Mr. Westrum stated that this apartment concept is to attract millennial apartment dwellers with smaller apartments and more communal gathering spaces throughout the complex that includes a year-round central courtyard and outdoor pool.

Mr. Jaros stated that a Zoning Ordinance amendment would be required to allow for apartments in this Zoning District. He requested that the Township and the developer continue the dialogue for this type of use.

Mr. Pielli asked if all 189 units would be rentals. Mr. Westrum responded, yes, all of the units would be lease rentals. Mr. Pielli asked if West Chester University students would be permitted to rent apartments at this location. Mr. LaLonde responded that students would not be permitted to reside here, as only those homes in the R-4 Zoning District allow students. Mr. Westrum also responded that this apartment complex would only rent to those over twenty-one years of age.

Mr. Pielli asked about traffic impacts. Engineers from Traffic Planning & Design have shown that there would be fifty cars in and out during the morning and evening peak traffic periods. Mr. Westrum stated that with the proposed traffic improvements, traffic flow would improve in the vicinity.

Mr. Halvorsen stated that he looked favorably on this project as opposed to another hotel.

The Board thanked Mr. Jaros and Mr. Westrum for the presentation.

Mr. Meakim turned the meeting over to Township resident Ashley Gagne. Ms. Gagne proposed that like the Borough of West Chester, the Township establish a "Sustainability Committee." She stated that a Sustainability Committee would examine various energy saving measures and other positive environmental initiatives and present those to the Township Board of Supervisors. The Board thanked Ms. Gagne for her presentation and would this under advisement.

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Ms. Camp reintroduced Ordinance No. 4-2017, amending the Township Zoning Ordinance for definitions of "Ambulatory Care Center," "Outpatient Medical Services" and adding the "Ambulatory Care Center" use to the I-2 Zoning District. Ms. Camp stated that the Ordinance was duly advertised, submitted to the Chester County Planning Commission, the Township Planning Commission and the Chester County Law Library. On a motion by Mr. Purnell, seconded by Mr. Halvorsen, the Board voted unanimously to approve Ordinance No. 4-2017.

Mr. Meakim reintroduced Resolution 14-2017, regarding Fair Districting. Mr. Halvorsen explained that Resolution 14-2017 was changed slightly to eliminate naming other municipalities inside the Resolution. Mr. Pielli stated that this was a great Resolution.

On a motion by Mr. Pielli, seconded by Mr. Halvorsen, the Board voted unanimously to approve Resolution 14-2017, regarding Fair Districting of Pennsylvania legislative districts.

Ms. Camp enumerated several housekeeping changes to the Township's current "Waste & Recycling" Ordinance and suggested the Board schedule an adoption for the July 19th Board meeting. On a motion by Mr. Pielli, seconded by Mr. Halvorsen, the Board unanimously agreed to hold the adoption at the July 19th Board meeting.

Ms. Camp introduced the proposed FEMA Floodplain Ordinance amendment, required by FEMA and the Federal Government in order to update the existing floodplain maps for West Goshen Township. Ms. Camp suggested the Ordinance could be acted on at the July 19th Board meeting. On a motion by Mr. Halvorsen, seconded by Mr. Meakim, the Board unanimously agreed to hold the Ordinance adoption at the July 19th Board meeting.

Ms. Camp also requested that the Board schedule a Conditional Hearing for the proposed Wide World Power Sports project at 315 Westtown Road. Ms. Camp stated that the motor vehicle sales use requires a Board Conditional Use Hearing and approval. On a motion by Mr. Halvorsen, seconded by Mr. Purnell, the Board unanimously agreed to hold the Conditional Use Hearing on at the July 19th Board meeting.

Dr. Douglas White approached the Board with an email he had received from a Township resident. Mr. LaLonde reviewed the email and determined it was political in nature and the Board suggested Dr. White submit the email to Mr. LaLonde for distribution to the Board.

On a motion by Mr. Halvorsen seconded by Mr. Corvo, the Board voted unanimously to adjourn the meeting at 9:42 p.m.

**Board of Supervisors Hearing 2-2017
101 Norfolk Avenue for West Chester University
Hearing began at 9:50 p.m. and concluded at 10:09 p.m.**

See Official Transcript

Respectfully submitted,

Casey LaLonde
Township Secretary