

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
AUGUST 21, 2018**

Township Supervisors:

Mr. Chris Pielli, Esq., Chair
Ms. Robin Stuntebeck, Vice-Chair
Ms. Mary R. LaSota, Esq., Member
Mr. Edward G. Meakim, Member
Mr. Hugh J. Purnell, Jr., Member

Township Officials:

Mr. Casey LaLonde, Township Manager
Mr. Bill Webb, Township Zoning Officer
Mr. Dave Sander, 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 Chair Chris Pielli, at 7:06 p.m. on Tuesday, August 21, 2018 at the West Goshen Township Administration Building.

Mr. Pielli opened the meeting with the Pledge of Allegiance to the Flag.

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

Mr. Pielli 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. Pielli turned the meeting over to Mr. David Brooman of High Swartz for the monthly Sunoco Mariner II update. Mr. Brooman stated that PUC Administrative Law Judge Elizabeth Barnes issued her ruling on the Township's action against Sunoco. He stated it was a 53-page decision and the Township prevailed on three of four issues. He stated that the ruling ordered no new valves in West Goshen Township; Sunoco shall provide all safety documents for Mariner II for review by the Township's safety consultant; and that all valves shall be automatic valves. The Township did not prevail on forcing Sunoco to add a valve at the SPLP additional use area due to construction constraints. He stated that the full PUC will take up this ruling at their September meeting.

Mr. Brooman stated that the Township's safety consultant, Accufacts, has begun the safety review of Sunoco's repurposed 12" line. A draft safety review will be available in coming weeks.

Mr. Abbas Rahbari had concerns about safety issues with the Mariner II project and asked if there were any additives to the Horizontal Directional Drilling (HDD) water. Mr. Brooman said no.

Mr. Pielli thanked Mr. Brooman and High Swartz for their diligent work for the Township on the Sunoco Mariner II matter for the past several years.

There being no additional questions or public comment, Mr. Brooman departed the Board meeting at 7:14 p.m.

Mr. Pielli introduced the next item, possible approval of a Conditional Use Order for 956 S. Matlack Street for Commerce Pursuit Capital, LP, stemming from a Conditional Use Hearing that occurred on July 17, 2018. Mr. Sander stated that the Order was ready for Board approval.

Ms. Margie Swart had several comments and requested that the Board consider the comment letter from the Chester County Planning Commission before approving the Order.

Mr. Abbas Rahbari stated that the building's height and additional traffic are issues.

On a motion by Mr. Meakim, seconded by Mr. Purnell, the Board voted unanimously to grant approval for the Conditional Use Order for 956 S. Matlack Street for Commerce Pursuit Capital, LP.

Mr. Pielli announced that at the request of the applicant, the Final Subdivision Plan for a lot line change at 829 West Chester Pike has been tabled to the September 20, 2018 Board meeting.

Mr. Pielli welcome representatives of the West Chester Public Library. Library President Mary Brooks, Library Board member and West Goshen resident Amelia Rayburn and Library Executive Director Victoria Dow were on hand to present the Library's annual report to the Board. Ms. Dow stated that the Library's annual report may be found on the Library's website. Ms. Dow thanked the Board for their annual contribution. She stated that West Goshen Township patrons are making great use of the library and that the Library's "active teen program" has been a great success. Mr. Pielli thanked Ms. Brooks, Ms. Rayburn and Ms. Dow for the presentation.

Mr. Pielli introduced the Sewer Use Agreement between West Whiteland Township, West Goshen Township and the West Goshen Sewer Authority. Ms. Amanda Sundquist, Solicitor for the Authority was present and stated that the Authority is seeking approval of the agreement tonight. She stated that the various agreements have been in place for decades and the agreements have been updated to discuss the new lending recently taken out by the Authority.

Mr. Sander stated that he reviewed the agreement and found it to be in order.

On a motion by Ms. Stuntebeck, seconded by Ms. LaSota, the Board unanimously approved the agreement.

Lieutenant Michael Carroll presented the Police Department report for the month of July 2018. Lt. Carroll announced that the annual Citizens' Police Academy was starting up again in September and to see the Township website for registration information.

Mr. Abbas Rahbari stated that he filed a Freedom of Information Act request with the Police Department and that he fears for his safety.

Mr. Webb gave the Fire Marshal Report for the month of July 2018. Mr. Webb also gave the report for Good Fellowship Ambulance Company and the Goshen Fire Company.

Mr. Webb also provided the Building Inspector Report for the month of July 2018.

Ms. LaSota forwarded a memorandum on Act 90. If adopted by the Board by Ordinance, Act 90 would allow the Township to deny building permits for those residents in arrears on their trash and sewer fees.

Ms. LaSota attended this month's Township Planning Commission meeting and sought recommendations from the Board on the installation of sidewalks at the 901 Little Shiloh Road residential subdivision project currently under review. Ms. LaSota stated that the applicant has sought waivers to not install any sidewalks as part of the project. Mr. LaLonde stated that given the project's existing conditions, all trees along Little Shiloh Road and S. Five Points Road would have to be removed. Mr. LaLonde stated that installing sidewalks along Little Shiloh and S. Five Points doesn't make sense, as all of the properties around this project are developed and most likely no new sidewalks would be built, thereby limiting connections.

After a discussion, Ms. LaSota polled the Board as to what sidewalks they would like at the site.

Ms. Stuntebeck stated that she doesn't recommend sidewalks on Little Shiloh or S. Five Points, but recommends internal sidewalks for the project.

Mr. Purnell concurred and supports internal, but not external sidewalks.

Mr. Pielli also concurred and supports internal but not external sidewalks.

Mr. Meakim stated that he was a no for internal or external sidewalks.

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Mr. Stuntebeck announced the upcoming 6:00 p.m. to 9:00 p.m., Wednesday, August 29, 2018 joint public Sewer Authority / Board of Supervisors meeting to discuss projects and the proposed sewer rate fee increase. She stated there will be a question and answer period after a presentation by the Authority Engineer, Township staff and Authority / Board members.

Ms. Margie Swart requested that her written comments regarding a 2017 Sewer Authority meeting be attached to this Board meeting's minutes. Mr. Sander stated that her written comments should not be attached to the Board's meeting minutes, as they pertain to a Sewer Authority meeting.

Mr. Purnell requested that the several Historical Resources Ordinances he forwarded to Mr. Sander recently be authorized for draft. Mr. Purnell made a motion to authorize the Solicitor to draft the Ordinances. The motion was seconded by Ms. LaSota.

Mr. Abbas Rahbari recommended that the Township look at East Goshen Township's Ordinances. Mr. Purnell responded that one of the Ordinances was an East Goshen Township Ordinance.

The vote to authorize Mr. Sander to draft the various Ordinances was approved 5-0.

Mr. LaLonde announced that the September 2018 Board meeting has been postponed to 7:00 p.m., Thursday, September 20, 2018 due to Yom Kippur.

Mr. LaLonde turned over his announcements to Mr. Sander who asked for authorization to enter the Township's appearance as a party in the potential litigation between the West Goshen Sewer Authority and Westtown Township. On a motion by Mr. Purnell, seconded by Ms. LaSota, the Board unanimously agreed to the authorization request.

Due to Mr. Craig's absence, the monthly stormwater report was tabled.

Mr. Webb stated that the Township Zoning Hearing Board had a request for relief from the property owner at 704 Old Westtown Road, the JD Miller Company, for a setback line requirement due to an irregular lot. The Hearing is scheduled for September 18th. After an explanation by Mr. Webb, the Board took no position on the application.

Mr. Webb announced that in his previous position at Towamencin Township, he drafted a "Business Development Handbook" to provide Zoning and other Township guidance to those seeking to establish a business in West Goshen Township.

Mr. Abbas Rahbari asked if West Goshen had "Home-Based Businesses" in the Township's Zoning Code. Mr. Sander stated, yes, by Pennsylvania Law and that home-based businesses have very strict criteria.

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board unanimously approved the meeting minutes of July 17, 2018.

Ms. LaSota announced that as she is an employee of the Township's Special Counsel, High Swartz, she must recuse herself from approving payments to the firm.

On a motion by Mr. Purnell, seconded by Mr. Meakim, the Board unanimously approved the Treasurer's Report of June 30, 2018 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, except those invoices from High Swartz.

On a motion by Mr. Purnell, seconded by Ms. Stuntebeck, the Board approved the payment of the High Swartz invoices with a vote of 4-0-1 with Ms. LaSota abstaining.

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Mr. Sander reintroduced Ordinance No. 5-2018, establishment of a residential rental housing inspection program and fees, continued from the July 17, 2018 Board of Supervisors meeting. After a brief discussion, Mr. Purnell made a motion to approve the Ordinance, seconded by Ms. LaSota.

Ms. Margie Swart had several questions regarding the fees associated with this Ordinance.

Mr. Abbas Rahbari had several property maintenance Code questions. Mr. Webb responded to Mr. Rahbari's questions.

Following the discussion, on a vote of 5-0, the Board approved Ordinance No. 5-2018.

As part of the discussion of a Township Shade Tree Commission, Ms. LaSota stated that the Tree City USA program requires that a Shade Tree Commission be established by the Township. She stated that many Township residents are interested in participating in the Commission, and she has six resumes already. On a motion by Ms. LaSota, seconded by Mr. Purnell, the Board unanimously authorized Mr. Sander to begin drafting the appropriate Shade Tree Commission Ordinance.

Mr. Robert Brochet questioned why the Township has a snow clearing policy as part of Township Code.

Mr. Abbas Rahbari stated that there has been misconduct and racism by the Township staff and the Township Police Department. Mr. Pielli responded that Mr. Rahbari has repeatedly made very serious charges, but the charges are vague and unspecific accusations. Mr. Pielli stated that the Chief of Police is no racist. Mr. Pielli stated that he has asked Mr. Rahbari repeatedly to provide specifics, but no information has been forthcoming. Mr. Pielli stated that Mr. Rahbari continues to disparage Township individuals without providing any evidence.

A lengthy exchange occurred on this issue, so please see the Township YouTube channel link at www.westgoshen.org.

Ms. Margie Swart had extensive comments regarding Township officials, the Sewer plant upgrades and other topics. Please see the Township YouTube channel link at www.westgoshen.org.

Ms. Jeanne Anderson stated that she believes the Board of Supervisors has done nothing wrong. She stated that she comes to Township meetings to learn about the Township and that the Board of Supervisors are very patient people. Ms. Anderson thanked the Board for their service to the Township.

Dr. Doug White stated that his father worked diligently for eighteen years to ensure the Township was managed corrected and he hoped this Board would continue in that same regard. Dr. White also stated that the proposed development on the Agway site must still go through the Land Development process.

Mr. Robert Brochet had additional snow removal complaints regarding his property.

Ms. Maxine Richter countered Mr. Brochet's snow complaint comments. She asked that the public refrain from accusations against Township Board members and staff. She stated that meeting minutes are not to document every public comment made.

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. Meakim, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

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Casey LaLonde
Township Secretary