

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
TELECONFERENCE BOARD WORKSHOP MEETING
April 6, 2021**

Township Supervisors:

Mr. Shaun Walsh, Chair
Ms. Ashley Gagné, Vice-Chair
Ms. Robin Stuntebeck, Member
Mr. John Hellmann, Member
Mr. Hugh J. Purnell, Member

Township Officials:

Mr. Casey LaLonde, Township Manager
Mr. Derek Davis, Asst. Township Manager
Mr. Bill Webb, Zoning Officer
Mr. Rick Craig, Township Engineer

The April 2021 workshop meeting of the Board of Supervisors was called to order by Mr. Walsh, Chair of the West Goshen board, at 6:02 p.m. on Tuesday, April 6, 2021, virtually, via GoToMeeting due to the ongoing COVID-19 pandemic. Mr. Walsh opened the meeting with the Pledge of Allegiance to the Flag.

Mr. Walsh announced the meeting was being recorded via GoToMeeting and asked the public to mute themselves when not speaking to eliminate background noise. He also stated with each topic that requires a vote will be discussed by board members, followed by public comment, and finally a full roll call vote. He asked that people wanting to speak announce their name. He also stated there would be an opportunity for public comment at the end of the meeting.

Discussion and Possible Approval of Arbor Day 2021 Proclamation

Ms. Gagné started out by stating that the state-wide date for Arbor Day recognition would be the last Friday in April but that West Goshen has decided to do their observance on April 23rd since that is also Earth Day. Ms. Gagné stated that, if this slight change to the proclamation is acceptable, she feels that the proclamation looks good and is ready for passage.

With no questions from the board, Ms. Gagné motioned to approve the proclamation. Motion was seconded by Mr. Hellmann. Dr. Doug White, resident, asked who Dr. Rothrock is since his name was on the proclamation. The board, not having a clear answer on that subject, asked for a minute to research it. In the meantime, Mr. Hellmann asked if there would be a celebration happening on that day as well to which Ms. Gagné responded that there would in fact be a celebration at the Weeping Beech Tree on April 23rd at 5:00 PM.

Ms. Stuntebeck gave an explanation to who Joseph Rothrock was after a quick search of his name.

On a full vote of the board, the motion passed 5-0.

Update on Ravens Lane Stormwater Project

Mr. Craig gave an update and stated that the first section from Eagle to Ravens was complete. He also said the second section from Ravens to Mallard was also complete. Mr. Craig stated that the second section is where some issues were found as the pipe was not exactly where it was supposed to be per

the original plans. He said, as a result, new pipe was placed in the original alignment where the pipes were supposed to be and the old pipes were abandoned in-place and filled with flowable fill. Mr. Craig also indicated that some additional issues were seen with rock and having to hammer it out significantly in that area. Mr. Craig explained that all of this amounted to an increase in cost to the project.

Mr. Walsh wanted some clarification on the additional cost and wanted to know if there is expected to be even further changes on this front. Mr. Craig explained that an original change order for the pipe replacement and abandon in-place plan was quoted by the contractor in the amount of \$28,214. Mr. Craig also said that there is not a final number yet for the hammering of the rock that was needed but he approximated it to be around \$5800 in additional cost.

Mr. Walsh also asked about the overall contingency number that was put into the project for issues that arose to which Mr. Craig replied he thought it was around \$39,700 and that we are around two-thirds of the way through the project. Mr. Craig also indicated that, after some preliminary testing, it looks like the remainder of the pipe is where it is supposed to be as far as the original plans.

Mr. Hellmann expressed some concerns with the landscaping and getting the ground in the project area re-stabilized as it could be an issue if mud continues to get washed away in Spring storms. Mr. Craig said the contractor is aware of the areas that need to be stabilized and seeded and will be getting to that as soon as possible.

Ms. Tinamarie Smith, resident, asked about the 10% contingency as she did not see it itemized and wanted to make sure it was accurate that we actually had one. Mr. Craig stated that he would have to look but he thought it may be in the engineer's estimate.

Ms. Margie Swart, resident, asked if Carroll Engineering was the engineer involved on the project and if there were any other engineers involved. Mr. Craig replied that Carroll was in fact involved on the project and that the only other engineer involved was himself.

Discussion of Various Draft Ordinance Amendments

Ms. Kristin Camp offered an overview of how the various ordinance changes being proposed came to be and the processed that was followed in order to get all of these ordinances to this point. She then started to delve into the various types of ordinances. She also discussed procedure and advertising requirements of every ordinance based on what type of ordinance it is within the Second-Class Township Code.

Zoning Amendments

Ms. Camp started with the political sign definition changes and, more specifically, the changes that have been spoken about at previous board meetings due to the large size of certain political signs the past few years that have posed driving risks from a safety perspective. She also went over some concerns the county planning commission had with regard to taking the definition of political signs out and

defining it as a temporary sign as well as the different timeframe that was in there versus the other temporary signs. Ms. Camp stated the concerns have been addressed and this latest version has been vetted by both planning commissions (township and county) and it is awaiting action by the board at this point.

Mr. Hellmann asked Ms. Camp if the planning commission had to look at the ordinance again since they had those comments and did not recommend based on them. Ms. Camp indicated that the changes made reflected the recommendations and the changes are adhering to the planning commission's advice so there was no need to go back to them. Mr. Hellmann also asked about the new timeframe and about what the main differences were with this rendition versus what was deemed as not as defensible before. Ms. Camp went on to explain that before, the definition contained all of the regulations. Now, the treatment of a political signs like a temporary sign is the main difference and that she is now comfortable that this is a "reasonable restriction" on political signs and not restricting a person's right to partake in this activity.

Mr. Hellmann continued to ask Ms. Camp about the issue and whether or not she thought this ordinance could withstand a challenge. Ms. Camp said she thought it is in a better position now to withstand a challenge and that, although it is not a hundred percent content neutral, it is a reasonable restriction.

Mr. Walsh asked for a motion to advertise the zoning amendment for political signs. Mr. Hellmann made the motion. Ms. Stuntebeck seconded. There were no further comments or questions. By a full vote of the board, the motion carried 4-1. Mr. Purnell voted against the motion.

Ms. Camp asked if the board would like to have this on the agenda for the May workshop to which all members agreed.

Ms. Camp brought up the second topic under zoning amendments being discussed which was to address the fact that a subdivision with twenty-five or more dwellings should have more than one access in and out of the development. Ms. Camp also said the township does not currently have language about the "fee in lieu of open space" being able to be refunded to developers if not spent in a timely manner as allowed by law. She indicated it was the intention of this amendment to correct that as well.

Mr. Walsh asked about a section that appeared to be deleted and Ms. Camp explained it was moved to a place in the code where it made more sense.

Ms. Swart stated that when she read the ordinance she interpreted it as every residential lot shall front on a public street. Ms. Camp stated the board could change the definition to state public or private street but that she does read it as every lot needs to have frontage on a public street. Dr. White also made a comment about his interpretation of the language. Ms. Camp stated that it may not be a bad idea to add language allowing for frontage on a private street since they do exist in the township.

Mr. Walsh stated that they would leave this issue with Ms. Camp in order to get it back to the Planning Commission.

Mr. Walsh asked Ms. Camp about a comment from the county having to do with the consistency of apartment building versus apartment house definitions. Ms. Camp explained that it was not an issue since the inconsistent language would be in Chapter 66 for sewer usage and is a different part of the code than land development.

Ms. Camp and Mr. Webb took the lead on explaining the next issue. Ms. Camp explained that the issue had come up due to the new 12 lot subdivision across the street. Mr. Webb explained that a “through lot”, where there is a street in the front and back of the property, had never been properly defined in West Goshen Code. Mr. Webb further indicated that properly defining them would be helpful since the property is treated as having two front yards and causes issues with zoning and setbacks.

Ms. Gagné asked about further clarification on the definition of a “through lot” and Ms. Camp and Mr. Webb both reiterated specifically what it is and how it affects homeowner’s ability to fully make use of their property from a zoning perspective.

Ms. Swart indicated that this may be an issue in the new Woodlands at Greystone development since there are many properties that will have backyards on Aram Avenue to which Ms. Camp responded that this is the policy issue before the board. Ms. Gagné asked if the township is expecting that to be an issue to which Mr. Webb stated that he did anticipate people wanting decks and other things that are usually in the backyards of people’s properties. Ms. Camp states that the HOA may have restrictions as well. Mr. Hellman stated there needs to be an allowance for residents to have a backyard.

Mr. Webb stated that the Woodlands is actually in R3-B which could have slightly different regulations but Ms. Camp stated she believed this would also apply to R3-B as well since they do not call out specific districts in the language.

Ms. Camp stated that it may be a good idea to send this to the West Goshen Planning Commission first since they might have some comments as well before the County Planning Commission. Ms. Gagné asked if we would need to reach out to people at Greystone to which Ms. Camp responded that she did not think it was necessary. Mr. Walsh indicated he agreed with Ms. Camp’s suggestion to send it to the township’s Planning Commission first.

Ms. Camp moved on to the next subject which was a section of the code that dealt with the height of church steeples. Ms. Camp explained that, right now, there is no height limit for a decorative addition on a religious building if there is religious significance of the decoration. She indicated that the current ordinance is discriminatory because it only refers to “steeples” and, to make sure other religions and possible decorative additions could be included, the language should be expanded. Mr. LaLonde stated this issue stems from the *Freedom of Religion Act*. He also said, in responding to Mr. Walsh, that the only limitation for height would have to do with Federal Aviation Administration (FAA) regulations. Ms. Camp also stated that, if it ever came to a challenge, the religious institution would have to explain the decorative addition, the height, and the significance within their religion.

On the next subject, Ms. Camp explained that it was brought to her attention that specific area and height regulations for storage sheds were only in the definition and not in the actual regulation. Mr.

Hellmann asked about people that are not in compliance with this square footage and height after this gets passed to which Ms. Camp stated that it is technically in the code but just not in the correct location in her and staff's opinion so they would have to comply already and, since this ordinance has been in place for a while, there should not be many non-conforming conditions on this subject in existence.

Ms. Camp moved on to the next subject regarding West Goshen Code stating that a special exception or variance is only valid for six months and goes away if the applicant does not build at that point. Ms. Camp stated that the MPC states that a subdivision or land development approval is valid for 5 years so this was a correction to recognize that land developments that start with a special exception or variance have the right to build out that land up to five years. Ms. Camp went on to explain some more intricacies of the MPC language on this subject and how this change will allow West Goshen to mirror the correct language that must be followed.

Ms. Walsh asked about what we are taking the time-period to start the project where land development does not exist. Ms. Camp and Mr. Webb stated that it will go from six months to a year in cases that there is no land development. Mr. Webb also stated that, right now, he can give extension as Zoning Officer, but it is often arbitrary and he would like to have this time period to take the arbitrary nature out of the process and give people more time. Ms. Camp and Mr. Webb both gave examples of why giving more time in the development world makes sense.

Mr. Hellman asked if all of these amendments are going back to the County and Township Planning Commissions to which Ms. Camp responded that they are all going to go back.

The last topic on zoning amendments brought up by Ms. Camp was putting in the West Goshen Code a "catch-all" provision that designates a specific zoning district to allow uses that are not specifically called out in the code. Ms. Camp explained that this gives the township some level of control for new uses that are not spelled out in the code. In this case, Ms. Camp said that the Multi-Purpose District will be the designated district for the catch-all provision. Ms. Camp also gave an example of a specific use that could come in existence that the township does currently not spell out in the code.

Fire Alarm Ordinance

Ms. Camp explained that, after passing the false alarm fee for fire alarms, there was realization that a chapter already existed in the code that dealt with false burglar alarms. MS. Camp stated this section was updated by making reference to the fee schedule for the existing burglar alarms and creating an entirely new chapter dealing with the fire false alarms. She also indicated that, due to input from Assistant Fire Marshal Mike McCarthy, there were some language changes in the definitions section.

Mr. Hellmann asked about the fee schedule and whether or not it was included in their packet. Mr. LaLonde explained that the fee schedule is not typically put in the ordinance because a fee change would then necessitate an ordinance change. Mr. Hellman had some further question on the protocol

and process that will be followed for false alarms to which Ms. Camp and Mr. LaLonde briefly explained how the system would work and how fines would go out to people. Ms. Camp also elaborated on the enforcement mechanism in the ordinance. Mr. Walsh asked about a dollar amount specified in section 25 A-3 to which Ms. Camp replied that it was a reference based on the 2nd Class Township Code.

Mr. Walsh asked about possibly making a motion to advertise this ordinance change for the April 20th meeting. Mr. Davis and Mr. LaLonde both said they thought it is ready to be passed at the April 20th meeting. There was a discussion about the political sign and SALDO ordinances being ready for adoption but it was decided to hold off on those.

A motion was made by Mr. Purnell to advertise the fire false alarm ordinance for the April 20th meeting. It was seconded by Ms. Gagné. Ms. Stuntebeck asked a question regarding the remaining items on the agenda and how the board is proceeding to which Mr. Walsh explained. On a full vote of the board to advertise the fire false alarm ordinance, the motion carried 5-0.

Township Manager Ordinance Change

Ms. Camp stated that this was a proposed to change so that the Police Chief would report directly to the board members instead of the Township Manager. Ms. Gagné elaborated on the specific thinking behind the change and why she thought the board wanted to move forward on this matter. Mr. Purnell stated that the Police Chief had reported for the last 30-40 years directly to the manager but Mr. LaLonde stated that it was more like the last 20 years and, before that, the Police Chief did report to the board. Ms. Stuntebeck asked about Mr. LaLonde still communicating with Chief Carroll on administrative issues to which Mr. LaLonde stated that communication on that front would still happen.

Mr. Hellmann made the motion to approve the ordinance change to have the Police Chief report directly to the Board of Supervisors. Ms. Stuntebeck seconded. Mr. Purnell asked about the timing of this for the purposes of advertisement and actual adoption. Mr. Walsh explained it would be April 20th as well and Ms. Camp stated that the advertisement would be rolled into one for all the ordinances being proposed that night.

Ms. Swart made numerous comments about the specific ordinance up for advertisement for the Police Chief reporting change and suggested that the board perhaps more broadly review the ordinance and make further changes. There were further comments on Ms. Swart's suggestion by Ms. Gagné, Mr. Hellmann, and Mr. Davis (administration) but it was agreed upon by the board to just continue on this specific matter. Mr. Hellmann suggested Ms. Swart email the board her other suggestions so that they can be considered.

Ms. Swart also stated that she believed there was already a state law that said Police Chiefs had to report to the Board to which Ms. Camp replied that there was no such law.

On a full vote of the board, the motion carried 5-0.

Minimum Fine Decrease for Failure to Register Rental Property

Ms. Camp stated that this change was suggested by Mr. Webb as the \$300 minimum perhaps being too steep of a fine for someone who inadvertently forgets to register their rental property. Mr. Webb also suggested the amount was in conflict with another section and simply wanted the two sections to match.

A motion was made by Mr. Purnell to advertise this change. Ms. Gagné seconded the motion. Mr. Walsh asked about the advertising period for this particular change and when we should be putting it on the agenda.

On a full vote of the board, the motion carried 5-0.

Amendment to Chapter 70 "Streets and Sidewalks"

Ms. Camp stated that this issue came up when talking with Mr. Webb about plow truck drivers putting snow in public right-of-way and that the proposal here would give the township a mechanism to fine people for such violations. Mr. Webb reiterated that this was an issue stemming from private snowplow drivers who push snow in areas of public right-of-way and make it dangerous for traveling conditions in snowstorms. Mr. LaLonde elaborated on where this issue is usually seen within the township.

Mr. Walsh expressed some concern of having this change be too broadly applicable and, therefore, it would be an issue for residents just simply trying to clear out their driveway in addition to corporate parks and larger areas that are the main issue. Ms. Swart made a comment about how Township Public Works often pushes snow onto private property as well.

Ms. Camp stated that this was about trying to get snow off the roads so people can navigate them as safely as possible. Mr. Walsh stated he wondered if this could be handled by reaching out to properties where this specific issue is prevalent versus having to change an ordinance. Mr. LaLonde stated that they have reached out to corporate parks and other places this has been an issue in the past.

Ms. Camp stated that some homeowners may not even be aware of what is happening as they contract this work out to landscape companies and others that plow snow to which Mr. Walsh stated that we are going after the owner in this ordinance. Ms. Camp stated that, the way the ordinance is written, we would actually be fining the people that are doing the plowing versus the homeowner.

Ms. Gagné stated she thought this was a good idea based on public safety reasons. Mr. Davis stated that the focus could be more on plow trucks and contractors committing these acts rather than residents shoveling. Mr. Webb and Mr. LaLonde both gave examples of how this has been an issue in the past.

Ms. Stuntebeck asked about the logistics of how the township would go about warning people about the ordinance when it changes. She also asked how staff was going to manage and identify these people.

Mr. Davis explained that the enforcement would revolve around catching people in the act. Ms. Stuntebeck also asked about perhaps putting this aside for now and seeing what other communities do for this issue. She also expressed interest in some sort of list or database of companies that plow. Mr. Davis explained that this would probably not be feasible from an administrative perspective as the list would take too much time and the data would not be good for very long as many property owners switch companies quite a bit.

Ms. Gagné reiterated her support for the change. A discussion ensued on the particulars of the fine as well. Mr. Hellman asked about the changes to the width of the sidewalk having to be shoveled as well as the timeframe after a storm to keep sidewalks clear. Mr. Webb explained that it was mainly due to thinking about people with wheelchairs that are handicap as well as parents pushing strollers. Mr. LaLonde also stated that 48 hours is particularly long when dealing with freeze-thaw cycles.

Mr. Hellmann further asked about the process of issuing a citation to which Mr. Webb responded and explained. Mr. Walsh asked about going out to see if sidewalks were clear versus if it was complaint driven. Mr. Webb went into explanation on that as well.

Mr. Purnell made the motion to support the change to Chapter 70. Mr. Hellmann seconded the motion. MS. Swart made a comment that the easier solution would just be for the township to plow all roads so that private plows did not have to come in and plow certain areas.

On a full vote by the board, the motion carried 4-1 with Mr. Walsh in opposition.

Ms. Stuntebeck reiterated her desire to see the township make an effort to inform the community of this change. Mr. Davis said that an effort would be made to get this information in our newsletter and other forms of communication so that residents are aware. Ms. Camp made a comment regarding ways to inform people of this change as well. Ms. Swart made one last comment on the matter about a gentleman who used to come to meetings about snow being dumped on his property and whether this could be seen as a retaliatory measure against him. Mr. LaLonde and Mr. Davis reiterated that they were not the specific incidences the ordinance is trying to address.

Use and Occupancy Certificate for Re-Sale

Mr. Webb explained in thorough detail the idea behind the resale certificate and how this is already in place for many municipalities in the area. He also explained that it would mirror the rental inspection and that the inspections would be looking for basic life safety issues before a sale of a property. He also emphasized some sewer issues that can transpire when inspections such as this do not take place. Mr. Webb stated that a sale of a property cannot be held up because of U&O inspection issues per a new state law.

Mr. Hellmann stated that, while he supported the idea of such certificates and inspections, he had some concerns for people in certain circumstances that may find it difficult to repair such issues before a sale takes place. Namely, Mr. Hellmann emphasized issues that come up when someone passes away and

family members have to sell the home. Mr. Webb reiterated that some of the issues that are being looked at are very basic and that the township is here to work with people and do what we can to help.

Ms. Stuntebeck stated that she was also supportive of the initiative and believed it would be a benefit to the new homeowner coming in but also indicated she would allow room for tweaks based on feedback from residents. She stated that sewer issues, such as illegal sump pumps, are of particular concern to her as putting a strain on the sewer system. She also stated that she supports it mirroring the rental inspections which, in her opinion, has been effective.

Ms. Gagné shared her opinion that, while she sees how there can be some benefits to this, she is opposed to it as written and has received a lot of concerns and feedback from residents stating as much. She said that the main issue seems to lie with sewer and would rather focus on something more small scale that addressed this main issue of illegal sewer hook ups. Ms. Gagné did ask about the possibility of doing a dye or smoke test for sewer purposes during a property tax assessment process but Mr. LaLonde and Ms. Camp stated that this was handled at the county level.

Mr. Purnell stated that the only aspect of the ordinance he is supportive of is making sure residents do not have illegal sewer infiltration but, other than that, he stated he does not support it as a whole. Mr. Walsh stated the the reasons why he is generally not supportive of the inspection and certificate proposal. He said that there are ways to work with the Sewer Authority to prevent illegal infiltration without this ordinance.

Ms. Swart made comments on the issue and about her opposition to the proposal. She also gave examples of how sewer infiltration could be dealt with in different ways. The board ended the discussion by saying that it would be appropriate to work with Mr. Webb to get some more details and perhaps work through some of the issues discussed tonight and the concerns brought up.

Approval of Bill to be Paid

Mr. Purnell made a motion to pay the bills. Ms. Stuntebeck seconded.

Ms. Swart questioned legal fees regarding the Woodlands at Greystone as well as the elevator contract for the township complex. Mr. LaLonde gave explanations to both. Ms. Swart also asked about the Verizon cell phone bill and wanted to know if the township knew how many cell phones were out there being paid for to which Mr. LaLonde stated that it is monitored on a monthly basis. Ms. Swart asked about a sludge hauler for the sewer plant who is not the usual hauler. Mr. LaLonde explained exactly what the hauler was doing. Ms. Swart asked about the vehicles of the retiring Chief and Captain and who was driving their old vehicles to which Mr. LaLonde replied that he would have to look at it further. Ms. Swart expressed concern for taxpayer money going to pay for police officer's union materials. Lastly, Ms. Swart asked about the dry cleaner bill for police officers and stated that she thought there was a \$600 limit to that per year for every officer. Mr. LaLonde explained that the uniform allowance is not the same as dry cleaning.

On the motion and second to pay the bills, the full vote of the board passed 5-0.

Public Comment

No member of the public had comments.

Mr. Walsh asked for a motion to adjourn the meeting. Motion was made by Mr. Purnell and seconded by Ms. Stuntebeck. Full vote of the board passed 5-0.

The meeting adjourned at 8:21 PM.

Respectfully Submitted,

Derek Davis
Recording Secretary