

**WEST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS  
TELECONFERENCE BOARD MEETING  
March 16, 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. Derek Davis, Asst. Township Manager  
Mr. Bill Webb, Zoning Officer  
Mr. Dave Woodward, Public Works Director  
Mr. Rick Craig, Township Engineer

The March 2021 meeting of the Board of Supervisors was called to order by Mr. Walsh, Chair of the West Goshen board, at 7:00 p.m. on Tuesday, March 16th, 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 Adoption of Ordinance 01-2021 – Verizon Cable Franchise Agreement**

Mr. Tom Oeste, filling in as Solicitor for Ms. Kristin Camp, gave a brief description of the ordinance. Mr. Oeste explained that it is for an agreement to be entered upon with Verizon to continue receiving Cable Franchise Fees. He indicated it was negotiated on behalf of West Goshen by the Cohen Legal Group who are experts on these types of legal matters and it was in cooperation with several other Chester County municipalities. Mr. Oeste also explained that one of the major changes is that the agreement would now be 5 years instead of 10 as Verizon has decided to not do agreements beyond 5 years anymore. Mr. Oeste introduced the exhibits and stated that it would be appropriate for discussion and consideration.

Mr. Walsh opened it up for comments and questions from board members. Mr. John Hellmann asked if Mr. Oeste was part of the Cohen Group but he explained he was with Buckley Brion and a partner of Ms. Camp. Mr. Oeste told Mr. Hellmann he would still attempt to answer questions as best as he possibly could. Mr. Hellmann stated he wanted to make sure that, under this agreement, customers of Verizon could continue to contact the township if issues came up with Verizon. Mr. Oeste stated that this was correct and Mr. Hellmann followed up by stating he does not think most subscribers know that is an option. Mr. Oeste stated that it was correct this option is still in the agreement.

Mr. Hellmann wanted some more information about the past five years and asked how many complaints the township received and how many have been resolved. Mr. Davis let Mr. Hellman know that it does not come up on the administration's end much at all.

Mr. Hellmann asked when the last time an audit was done on Verizon by the township and if there were any violations found. Mr. Oeste said he does not know but that it is very unusual for a municipality to conduct such an audit. Mr. Davis stated that, in his seven years at West Goshen, there has not been one. Mr. Oeste said it might happen if there were significant revenue drop offs but that revenues have been dropping anyway due to “cord cutting.”

Mr. Hellmann asked a question regarding revenue drop offs and whether the quarters in the previous year have been trending down and whether there was a trend down overall. Mr. Davis stated that there has in fact been a drop off in revenues for the Cable Franchise Fees in the past few years but that he would have to get back to the board with the specifics of the down trend.

Ms. Gagné stated she was fine with the overall agreement and was comfortable with it. She inquired about the free service for townships and schools that is being revoked by Verizon and how it is being fought in the courts as of now. Ms. Gagné also stated that, perhaps another positive for the township in this agreement, Verizon is no longer able to apply the discount bundle rates to the fees and would now have to apply the entire pre-discount amount when calculating fees.

Ms. Stuntebeck asked if a decision has to be made tonight since there were still outstanding questions board members had that might be relevant to the decisions, including some of Mr. Hellmann’s questions. Mr. Walsh asked Mr. Hellmann if his questions had been answered to his satisfaction to which Mr. Hellmann replied that there would still be open data about the revenue trends he asked about. Mr. Walsh stated that Mr. Hellman’s question was more informational by nature to which Mr. Hellmann indicated that this was correct.

Mr. Hellmann also followed up by asking what the necessary timeline was to pass this ordinance. Mr. Oeste said he did not know when the current agreement expires but that he was pretty sure it does not expire before the next time the board meets if they wanted to delay a vote.

Mr. Walsh asked Mr. Davis about whether school district buildings in the township were currently receiving free service since it was indicated as buildings that could be receiving per the Cohen Group exhibits presented in the ordinance. Mr. Davis said he reached out to the school district but is awaiting an answer on that topic. Mr. Walsh also asked Mr. Davis when the Comcast Agreement expires to which Mr. Davis said that he believes it was 2022 but would check.

Mr. Walsh stated that, if the appeal on the FCC order to discontinue free service for buildings on Exhibit A were overturned, he simply wanted to know if the school district was interested in such a service if they are not receiving it. Mr. Davis indicated that this would probably be the only legal issue as far as holding up passage tonight.

Mr. Walsh opened up the floor for public comment on the matter. Dr. Doug White, resident, asked about whether or not anything in this agreement would increase pricing for residents. Mr. Oeste stated that there was not and that the township does not have control over what Verizon charges its customers. He reiterated that this agreement merely has to do with the 5% gross revenue the township is entitled to under law. Mr. Walsh also followed up and agreed with Mr. Oeste.

Ms. Margie Swart, resident, stated that she believed this topic could have been discussed two weeks ago at the previous board meeting and then put on the agenda for passage tonight. She indicated to the board that they may want to give direction to staff to present these topics in such a way.

Mr. Walsh asked if the board would like to make a motion or if they wished to wait until information on the outstanding topics were obtained. Mr. Purnell stated he would like to make a motion to table it to wait for information to which Mr. Walsh stated that the board did not need a motion to that effect but it was enough for the board to agree to table it.

Mr. Walsh stated that, since the rest of the board seemed to agree, the topic would be tabled. Mr. Hellmann asked whether another legal notice had to be put out again to which Mr. Oeste replied that, while technically the board could continue it, he would prefer to put out another legal notice.

Mr. Walsh concluded the discussion on the topic.

### **2021 Township Street Paving Program Bids**

Mr. Walsh handed it over to Mr. Woodward to lead the discussion. Mr. Woodward indicated that, for the 2021 paving bid, Allan Myers, Inc. was the low bidder. He also stated they were \$50,000 less than Di Rocco Brothers, Inc. who was the second lowest bid. Mr. Woodward said that the price came in cheaper than last year for slightly more work. Mr. Walsh asked how many miles we were proposing this year. Mr. Woodward responded that it is always around five miles but that the difference from year to year is the square yards due to the particular roads being earmarked for paving and the width of them.

Mr. Walsh asked about items 7 and 8 on the paving bid and was curious why Allan Myers was so much lower than the competitors on these items. Mr. Thomas Wilkes, Project Engineer with Carroll Engineering, responded that he had a call with Allan Myers to ensure the numbers were correct and that they understood the bid. He further went on to state that they did understand, and they were the correct numbers.

Mr. Walsh also asked whether Allan Myers was the low bidder last year to which Mr. Woodward and Mr. Wilkes both responded that they were.

Mr. Hellmann asked if Mr. Woodward could give the locations where the paving will be this year and Mr. Woodward went on to disclose those locations. Mr. Hellmann also asked if there was an indication when the work would start. Mr. Woodward stated that they had to be done the Box Elder development by end of May because of Aqua work but that the rest of the work would probably be the end of July but the ultimate schedule in that time frame would be up to Allan Myers.

Mr. Hellmann asked about notice to residents and Mr. Woodward indicated that the contractor is required to notify residents and that they have to post the streets as well. He also stated that the township itself puts out calls and posts on social media.

Ms. Gagné said she was pleased to see they came in at low bid given that they did a great job paving her neighborhood in 2020. Ms. Gagné also said they were very professional and were done quickly. Mr.

Purnell made the motion to award the 2021 paving project to Allan Myers as the low bidder. Ms. Stuntebeck seconded the motion.

Dr. Doug White indicated he appreciated the feedback from Ms. Gagné and was certain our Public Works people would stay on top of them to ensure the job was completed at a high level.

On the motion to award the 2021 paving project to Allan Myers, the full vote of the board was 5-0 in favor.

Mr. Hellmann finished the conversation by thanking Mr. Woodward and his crew for the job they did with snow removal over the winter season.

### **Possible Bid Award for the Idlewild Stormwater Basins Retrofit Project**

Mr. Craig explained that the low bid was Trio Excavating and that their bid was \$145,001.95 and that their low bid was substantiated by Herbert, Rowland, & Grubic (HRG) who were the design consultants on the project. Mr. Craig also explained that it was less than the cost estimate of \$152,860 and was recommending to the board that the low bid be accepted.

Mr. Walsh asked about Trio Excavating and whether the township had experience with them. Mr. Craig said there is no experience with them but that HRG did have a conversation with them to make sure they understood the project and that other projects that they have done were investigated and had come back with good recommendations.

Ms. Gagné inquired about the ten-percent contingency to which Mr. Craig replied that it was an amount built into the project in case any unforeseen event was to transpire during construction.

Mr. Hellmann asked about the location of this project. Mr. Craig explained that it will be in the Idlewild development and one of the basins is behind 951 Garlington Circle and the other is to the east of the same address. Mr. Hellmann asked about the impact of residents during the project to which Mr. Craig replied that it will be a little noisy during construction but that there were no direct impacts to private property. Mr. Craig elaborated on the project and stated the purpose was to retrofit the two basins to make them function better as a stormwater facility. Mr. Hellmann also asked about inspections to which Mr. Craig replied that both the township and HRG will be inspecting the work and that the project could start as early as April 20<sup>th</sup> and is expected to be completed by October of this year. After being asked about funding, Mr. Craig stated that the project, both design and construction, was being funded with a grant stemming from the Sunoco pipeline fine money as collected by the Commonwealth.

Mr. Hellmann inquired about the basins in the township and who was responsible for determining what has to be refurbished and what does not. Mr. Craig explained that the township is responsible for inspecting both private and public basins (only five owned by West Goshen) at least every five years and the township determines priorities and submits those priorities to the Department of Environmental Protection (DEP) under the MS4 permit. Mr. Craig explained that the township can do whatever projects they wish but, in order to count for credit under the permit, it has to be approved by DEP.

Mr. Walsh asked if this project was submitted with the original MS4 permit for this cycle to which Mr. Craig replied that it is not and, instead, an additional project. However, Mr. Craig explained that it is in a highly quality, exceptional value watershed and that he was confident credit would be given by DEP for the endeavor.

Mr. Walsh asked about the grant funding and whether, if the cost of the project goes up because of unforeseen events, the grant will cover the increased costs. Mr. Craig indicated it would since there is some room built into the grant funding as it will fund up to \$179,000 and the anticipated cost is \$145,000.

Mr. Walsh asked if there was anyone willing to make a motion. Mr. Hellmann made a motion to award the basin retrofit project at the Idlewild development to Trio Excavating as the low bidder. Mr. Purnell seconded the motion.

Ms. Nancy Lorback, owner of the home adjacent to the basin project, attempted to speak to the board but was having technical difficulties.

Ms. Swart asked if the township had reached an easement agreement with the HOA to which Mr. Craig replied that township did in fact reach that agreement. Ms. Swart also asked about an agreement with the adjacent homeowner to which Mr. Craig replied that there was no need for such an agreement because the project is not proposing to go on that property at all. Ms. Swart stated that she opposes any such projects that are on private property and done by the township citing the grant funding being taxpayer money as the reason.

Ms. Swart also commented that she was disappointed that Carroll Engineering, the appointed Consultant Engineer for the township, was not engaged for this project and also expressed her belief that the basins are already naturalized. Mr. Craig stated that the basins are in fact not naturalized. Ms. Swart expressed her opinion that the grant funding should have been used to fund a project already part of the MS4 plans and that this was a missed opportunity. Mr. Craig stated it was not a missed opportunity because credit will be received by DEP.

Another conversation and attempt transpired in order to hear Ms. Lorback through her computer and phone but the attempts were unsuccessful. Ms. Swart asked about the inspections of these two basins and whether past inspections would have showed a need to retrofit. Mr. Craig indicated that they would not have showed that and the inspections are to see how well basins are maintained in accordance with the original way they were intended to function.

Ms. Lorback was finally able to communicate with the board. Ms. Lorback wanted to know how the contractors will be accessing the easement since there is no road in the easement and it is quite a steep embankment on the HOA easement for access to the basins. Mr. Craig explained that the contractor would most likely put down a temporary stoned path to allow for construction equipment and restore the property at the end of the project.

On the motion to award the project to Trio Excavating as the low bidder, the full vote of the board passed 5-0.

### **Discussion of Plastic Bag and Single Use Plastic Ban for West Goshen Township**

Ms. Gagné took the lead in jumpstarting the discussion. She stated that this was solely about plastic bags and no other plastic products for tonight. Ms. Gagné explained that the state legislature and the Governor had put in place a law that prohibits local governments from enacting restriction or taxes on single use plastics. She further stated that it is being challenged in court. Ms. Gagné commended the Sustainability Advisory Committee (SAC) for its efforts thus far and stated she thought this was a good opportunity to bring up the single use plastic issue for discussion.

Ms. Gagné handed the discussion over to Melanie Vile, Chair of the SAC, for a presentation on the topic. Ms. Gagné shared Ms. Vile's education and expertise on this topic. Ms. Vile stated she had 10-minute presentation on the subject matter and what issues single use plastics present from an environmental standpoint.

Ms. Vile gave background on when plastics were first created and that the single use plastic bag popularity had skyrocketed by the 1970s. She stated that, in addition to being bad for the environment and the cause of significant pollution, these plastics are also made from fossil fuels and increase our carbon footprint. Ms. Vile spoke about the lifespan of these plastics bags and how they are truly not biodegradable and end up being around forever as "microplastics."

Ms. Vile went on to explain how education campaign are not always enough to change behavior and that some level of regulation can often be accepted on these plastics. She also said that, even though paper bags are better for the environment, the goal was to reduce dependence on all single use bags. Ms. Vile also spoke on different ways in which West Goshen and the community could promote reusable bags.

Ms. Vile continued on to speak of a fee or a tax on the plastic bag front as well as the municipalities in the area fighting to uphold their single use plastic bag ban which is currently not legal per Pennsylvania law. She also spoke of other products that use to be mostly plastic that are being made in different ways now and reiterated the fact that we have come a long way in more environmental-friendly manufacturing.

Ms. Stuntebeck started off comments by speaking about her preference for reusable bags and the fact that she would like to see more of an effort throughout the community on many different fronts to combat pollution that is seen with plastics.

Mr. Walsh asked Ms. Vile about the communities that have banned single plastic use bags and what the alternative they came up with for customers. Ms. Vile responded by stating that, after a period of phasing out, it varies depending on the area. She continued on to say that she has seen some communities be stricter and leave it up to the customer to bring their own bags but that other places have had periods of time where they give away reusable bags for free to help customers adjust.

Mr. Walsh stated that the larger issue is not the grocery stores where reusable bags are commonplace but rather places like Wawa where a "throwaway" culture is very much prevalent. Mr. Walsh wanted to know if there was any outreach on this issue so far to which Ms. Vile replied there has not been but that the thought was to start with grocery stores. Ms. Gagné spoke of single use plastic bags and how they have been implemented in other places, including Delaware. She also stated that it would now be useful for West Goshen to watch how the court case plays out on this issue.

Mr. Hellmann asked about such a plastic bag ban and whether or not Ms. Vile thought there were effects with regard to jobs. Ms. Vile responded that there could be some implications as some people in the community are employed by the plastics industry but she compared it to the coal industry and how that was also a large employment sector in the past but is now dwindling down. She spoke of retraining employees in the plastics industry in a different sector. Mr. Hellmann stated he agreed job training needs to be a central component to the discussion. Ms. Vile mentioned China did similar retraining in the past with coal industry employees.

Ms. Stuntebeck made a comment about the local CVS and how they have a surcharge for plastic bags and also stated she may start having conversations to learn more about their approach.

Mr. Walsh thanked Ms. Vile for the presentation. He also spoke of starting outreach on this topic locally as well as possibly incorporating these conversations into the township newsletter. Ms. Gagné stressed the need to continue to educate ourselves and the residents.

#### **Possible Approval of Resolution 07-2021 – Document Destruction for Township Codes**

Mr. Walsh turned the conversation over to Mr. Webb. Mr. Webb explained that the Codes Department is in dire need of removing documents in order to make room in storage areas within the administration building. He also said that it was being requested to destroy documents from 2008-2015 per what is allowed under the Pennsylvania Historical and Museum Commission (PHMC) document destruction schedule.

Mr. Walsh stated if it was correct that we had to retain these records for five years to which Mr. Webb replied that it was correct. Mr. Hellmann asked why there was only residential records being destroyed to which Mr. Webb replied that commercial must be retained as long as the buildings are still in place.

Mr. Purnell made the motion to dispose of the records as requested. Ms. Gagné seconded. Mr. Walsh opened the floor for public comments.

Ms. Swart followed up on an email she sent the board earlier asking that the records having to do with the Links (townhome community) be retained and released to the HOA before the township disposes of them. Mr. Davis explained that the requested information is being put aside for the Right-to-Know Officer upon his return but that there may be certain pieces of information that are not Right-to-Know related but that the RTK Officer would determine that. Mr. Webb reiterated what Mr. Davis said.

Ms. Swart asked what plans would not be public record. Mr. Webb described what would be exempt in these cases per the Uniformed Construction Code (UCC). Ms. Swart asked why certain things would not be given to homeowners. Mr. Davis reiterated that himself nor Mr. Webb will be making the decision on that subject and that it will be up to the RTK Officer. He also stated that the whole reason the conversation started to destroy records that were legally allowed to be destroyed was to free up much needed shelf space.

Mr. Walsh proceeded to make the motion again and Ms. Swart asked if the motion was to destroy all records except for the Links to which Mr. Walsh replied that it was.

On the motion to approve Resolution 07-2021 – “Document Destruction for Township Codes”, the full vote of the board passed 5-0.

#### **Discussion and possible approval of Resolution 08-2021 Establishing April 2021 as “PA Safe Digging Month”**

Mr. Woodward explained that *PA One Call* asks municipalities to do this every year to remind people to call before digging any utilities as a safety precaution. Mr. Walsh asked if there were any changes to the resolution to which Mr. Woodward replied that there was not and that it is obtained from *PA One call* and passed on.

Motion was made by Mr. Hellmann to pass the resolution. Seconded by Mr. Purnell. On the motion and the second, full vote of the board passed 5-0.

**Discussion and possible approval of Resolution 09-2021 – Establishing No Left Turn from Henderson High School Parking Lot on to Lincoln Avenue**

Mr. Craig explained that this was a request from the Traffic Safety Unit and Police Department and explained it is most likely for keeping exiting vehicles from going back toward the high school. Chief Carroll stated that traffic on Montgomery Avenue when kids are coming and going does get backed up quite a bit. Mr. Hellmann and Mr. Walsh wanted more clarity as far as which parking lot is was. Mr. Craig further explained exactly where it was located. Mr. Walsh asked if the students were being forced to make a right hand turn onto Garfield to which Chief Carroll explained that was his understanding.

There was a motion by Ms. Gagné to pass the resolution. Seconded by Mr. Purnell. Ms. Stuntebeck asked about communicating the resolution and the new requirements to Henderson High School and how that will be done. Mr. Carroll explained the sign itself is already in place so the school and the students are aware of it. Mr. Craig said that it is more of an enforcement issue and that the resolution had to be passed in order to enforce the existing sign. Mr. Hellmann asked if this would be put in an ordinance at the end of the year to which Mr. Craig replied yes.

On a roll call vote to pass the motion, the full vote of the board was 5-0.

**Discussion and possible approval of Resolution 10-2021 – Outdoor Dining for West Goshen Restaurants**

Mr. Webb explained that this is the continuation of relief given to restaurants in West Goshen back in the summer of 2020 due to COVID-19. It was designed to help restaurants do more things with seating outdoors since sitting capacity indoors has been limited due to COVID-19. Mr. Webb said this was an effort to be proactive since the resolution had expired and this was to be able to continue the relief from outdoor restrictions. Mr. Webb said he also added language that will allow the township to keep up with what the Commonwealth implements. He indicated that once Pennsylvania reaches 100% indoor dining this would go away.

Mr. Purnell asked if this was less restrictive than Commonwealth requirements to which Mr. Webb explained that it was not and we cannot be less restrictive. He explained that what it really is doing is allowing restaurants, in most cases, to have dining in their parking lots since technically that is not allowed under normal circumstances.

Mr. Walsh expressed some concerns about the November 15<sup>th</sup>, 2021 deadline for the ordinance and wondered whether it was more prudent to revisit it in 3 months since traffic would be higher in the summer and it would allow the board to revisit if it was still necessary. Mr. Purnell stated he would rather keep it as proposed. Mr. Stuntebeck stated she would also like to keep it the same but expressed some interest in being able to allow organizations to use some other wide-open areas in the township to have events, such as the old K-Mart parking lot so that events can have social distancing.

Mr. Walsh asked what places were taking advantage of this right now and which would likely continue through summer. Mr. Webb said he received three calls in the past week from Fiorello's café, Applebee's, and Pica's all wanting to continue outdoor dining. Ms. Camp, Township Solicitor, stated that there is

nothing to prevent the board from keeping the November 15<sup>th</sup> but rescinding it earlier if they choose. Mr. Walsh asked if Mr. Webb felt comfortable keeping an eye on this issue to make sure restaurants are following the ordinance to which Mr. Webb said he was.

Mr. Davis said that, regardless of when 100% capacity is again allowed indoors, it will be an enforcement issue to make sure restaurants are in compliance when going back to normal. Mr. Webb stated that there have been no issues so far with allowing this but that, if something comes up down the road, we will deal with it through zoning enforcement under our ordinance.

Mr. Purnell made the motion to adopt the resolution. Ms. Stuntebeck seconded. There was no public comment. On a full vote of the board, the motion carried 5-0.

### **Police Department Report for February 2021**

Police Chief, Michael P. Carroll, preceded to give the monthly report. Chief Carroll gave the February 2021 numbers on calls received, accidents responded to, alarms, total mileage traveled, traffic enforcement areas, and training.

Ms. Stuntebeck asked about assisting municipalities in other locations that were farther away from West Goshen to which the Chief explained that most of those are telephone and computer assistance rather than actually going to the location.

Mr. Hellmann asked about the asterisk next to false alarms on the report and what that signified. Chief Carroll stated it could mean that the owner (in this case NV Homes) has more than one property but he would have to check to be certain what the asterisk meant. Mr. Hellmann also asked about the false alarm fee and whether the Chief thought the fee structure is working. The Chief stated he thought the fee did curb some bad behavior but that increasing it might have a negative effect if people use their alarms less. He did say that more people have alarms than they did fifteen years ago so that has made false alarms increase.

Mr. Hellmann asked how a "selective enforcement area" is determined. Chief Carroll stated that the Traffic Unit is tasked with finding areas they receive a high number of complaints for or high accident areas every couple of weeks to focus more attention on with regard to enforcement. Mr. Hellmann also asked about a specific apartment building and a high number of ambulance calls to that building and did not know if it was the same apartment or different ones. The Chief explained it was different locations in the same apartment complex.

Ms. Gagné reported on their regular meeting with the Chief and stated that they talked about the data collection program that was started in the beginning of the year to help understand the specifics of who is being stopped (race, ethnicity, gender, etc.). Ms. Gagné also indicated they are still talking about some sort of citizens committee to help communicate with the police department on a regular basis.

Mr. Hellman asked how the body camera rollout was working to which the Chief replied that it was going well and they received good feedback so far. Mr. Hellmann also reported that they have also had discussions with the Chief about new job expectations and that the solicitor has also been involved in review of the new language as well. Mr. Hellmann also mentioned salary for new command staff to which Mr. Walsh asked Mr. Davis to poll the board for their availability for an executive session on the topic.

Mr. Walsh asked the Chief about the implementation of a Traffic Safety Committee and how he envisions working with the public and engaging them on that topic. Chief Carroll described how he would like any and all residents to be able to engage with the traffic safety unit on topics that are important to them.

On the topic of traffic, Ms. Stuntebeck asked Mr. Davis about the intersection of Route 3 and Five Points Road as she noticed a “Left Turn” signal for the first time ever there and wanted to know if any changes just came about. Mr. Davis said he would check with Mr. Craig but, to his knowledge, there had not been changes. Mr. Craig confirmed that this signal always came with a “Left Turn” signal and it was originally installed that way. He also said it was an adaptive light and it depends on traffic conditions to how that signal functions.

### **Board of Supervisors Announcements**

Ms. Gagné announced the Arbor Day celebration in West Goshen to take place on April 23<sup>rd</sup> at 5:00 PM at 700 Fernhill Road near the three-century old Weeping Beech Tree.

Mr. Hellmann announced that he attended a couple of webinars on the topics of stormwater fees and stormwater management that provided good information.

Mr. Walsh announced that the board met on March 11<sup>th</sup> to discuss personnel matters. He also announced that the Chester Ridley Crum Watershed cleanup for Goose Creek is this coming Saturday, March 20<sup>th</sup>, from 9:00 to 11:30 AM.

### **Township Manager Announcements**

Mr. Davis announced that all municipalities in Chester County were awarded funds under new legislation passed by the federal government as part of COVID-19 relief efforts. Mr. Davis also stated that it was based on population and that West Goshen was earmarked to received just over \$2.2 million to be spent on specific infrastructure issues. Mr. Walsh asked if it was true that we get 50% of the funds within 60 days of the President’s signature and the following 50% would be 12 months later. Mr. Davis said that was his understanding and that all monies have to be spent before the end of 2024.

### **Township Engineer & Stormwater Announcements**

Mr. Craig stated the Ravens Lane Project is about one third complete at this point. He also described various work progressing at the Greystone project.

Mr. Walsh asked if the Ravens Lane Project, to this point, had any issues come up that necessitated field changes. Mr. Craig said that the township was working on a field change order that just came up and categorized it as substantial. He also said the board would hear about it further very soon.

Mr. Purnell stated he wanted to thank Mr. Craig, Mr. Woodward and the entire crew for the work done last year in North Hill as the spillway was working very well and the neighbors were all appreciative.

Mr. Hellman asked about the status of the Pine Valley Circle/Amelia Drive stormwater project. Mr. Craig said they were in the process of finalizing the design plans. He also stated there would be a small amount of Right-of-Away that may have to be acquired but it is not significant.

Ms. Swart asked about what Mr. Craig had to share about the Ravens Lane change order and indicated she wanted to know more. Mr. Walsh stated that Mr. Craig will make the information available in public after more is known and understood about the nature of the issue. Mr. Davis stated they had just found out about it within the last 24 hours.

### **Zoning Officer Announcements**

Mr. Webb stated the Zoning Hearing Board (ZHB) did render a decision for the Luxor Apartments and the 1154 West Chester Pike applications and found in favor of both.

#### **Application 08-2021 1135 Pottstown Pike**

Mr. Webb explained the applicant is seeking a use variance for this three-lot subdivision that was approved by the board years ago and was owned by the Jerrehian family yet not a part of the Greystone development. The applicant, as Mr. Webb explained, would like to turn this into an antique shop which is a commercial use even though the area is zoned residential. He also indicated the applicant is representing himself without an attorney.

Mr. Webb stated it was his recommendation the board not take a position but that he did have some concerns about a left-hand turn coming out onto Pottstown Pike as it would be dangerous. He stated the board may want to send something to the ZHB indicating they should consider that. Mr. Webb stated that the ZHB solicitor, Mr. Mark Thompson, had made the recommendation for the ZHB to send the applicant back to the Board of Supervisors for Land Development if the variance was granted due to a use change. Ms. Camp stated she was not sure she agreed with Mr. Thompson about being able to put a condition on the application that they would have to go through land development.

Mr. Davis explained that the original proposal for these lots were houses. He also indicated that it was possible that, if the applicant does not get the variance, he could sell the lots and the new owner could revert them back to the original home idea. Mr. Davis stated he just wanted to make the board aware that something will probably get built there one way or another. Mr. Webb also indicated that the applicant has pointed out that other commercial, non-confirming uses are in that general area.

Ms. Gagné stated she was more inclined to agree with the variance knowing it would be an antique shop with low volume of traffic. Mr. Purnell asked how old the building was to which Mr. Webb replied that he was not sure but it was cited as the original hunting lodge for the Jerrehian tract. Mr. Purnell stated he thought the building should be preserved.

Mr. Walsh asked Mr. Webb is there was no driveway access to and from Aram Avenue to which Mr. Webb replied that was not. He also asked Mr. Webb about whether or not it was already a three-lot subdivision to which Mr. Webb replied that three lots have already been created but it was never recorded. Mr. Walsh also asked if it were fair to say that, if the ZHB does not grant the use, it would only have two houses on these three lots given that Greystone has a monument sign on one lot. Mr. Webb said that it was a fair statement.

The board collectively decided to remain neutral.

Application 09-2021 Stanbery Development on Paoli Pike (Old School District Property)

Mr. Webb explained this applicant sought to extend the time frame to which they had to file their land development after the relief was granted and that he gave them the six-month extension that was in his ability to do so per the ordinance. He also stated that the applicant found a sewer force main running through the property that they are currently figuring out what to do with long term which is why they needed the extension.

Application 10-2021 325 North Five Points (Goshen Walk)

Mr. Webb explained that the applicant was seeking relief to be able to extend the front porch beyond the building setback line in the front yard. He recommended the board not take a position.

Ms. Gagné stated she was comfortable remaining neutral.

Mr. Hellmann asked if any of the other lots will be needing similar relief. Mr. Webb explained that the builder would not be seeking front yard relief for any other lots but that the board would be seeing Zoning text amendments coming to them soon due to other zoning issues that will be coming up in this development, namely the lack of definition of a "through lot" in the ordinance. Mr. Walsh asked if lots one through four's back yards were considered front yards because they back up to Five Points to which Mr. Webb stated that was correct.

The board decided collectively to not take a position.

**Approval of Board of Supervisors Meeting Minutes for February 16<sup>th</sup> and March 3<sup>rd</sup>**

Ms. Stuntebeck made the motion to approve the minutes. Mr. Purnell seconded.

Mr. Hellmann and Mr. Walsh and some minor corrections they brought up.

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

**Approval of Treasurer's Report dated February 28<sup>th</sup>, 2021**

Mr. Wash asked if there was a motion to approve the report and pay the bills. Mr. Purnell made the motion and Ms. Stuntebeck seconded.

Mr. Walsh, along with Mr. Hellmann, did inquire about the franchise fees received for cable TV and if there was any other vendor besides Verizon or Comcast. Mr. Davis stated he believed it was just the two. Mr. Walsh stated that, given the discussion earlier regarding a revenue trend request for the last several years on this topic, he would like to see Comcast and Verizon broken out separately. Mr. Davis said he would talk to Ms. Christine Riffey, Finance Director, and get that done. Mr. Hellmann also made an inquiry about that line-item and what vendors made that up. Mr. Davis reiterated he would speak with Ms. Riffey to get the information.

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

**Public Comment**

Ms. Swart brought up a concern about zoning applications and the fact that the Zoning Officer recommends to the board what positions would be prudent to take on applications since, according to a transcript she had from a 2007 meeting, the practice of “influencing” the ZHB (or Vice Versa) was not advised by the former solicitor at the time and that this practice could be seen as influencing.

Ms. Camp stated she did not have the full context of the 2007 comment but that the board already has party status for any ZHB application and that it is consistent with the Municipalities Planning Code (MPC) for the board to determine whether they would want to take a position or not.

Ms. Swart made a comment about wanting a legal opinion on whether fire hydrants on private drives can be charged separately from taxes. She also stated that she continues to believe the way West Goshen charges for fire hydrants is inconsistent with the Second-Class Township Code. Ms. Camp responded by stating that, from a legal perspective, they have already investigated it and gave an opinion on the matter to the board.

Ms. Swart continued to ask about the hydrants and asked if it was possible to see how many hydrants are not being paid for with taxes in order to rescind the ordinance that prohibits the township from paying for hydrants on private property. She also reiterated that she would continue to bring this topic up in the future.

Mr. Walsh stated that this issue has been brought up before the board at least twice in the last 15 months and that the solicitor’s opinion was reviewed by the board, who did not want to change the situation at this time. Ms. Swart made a comment about the Greystone development and the fact that half of the hydrants will be public and half will be private. Mr. Walsh said he did not know the particulars as far as the percentage of private versus public fire hydrants in that development.

Mr. Walsh asked if there was any other public comment to which no one responded.

Mr. Walsh asked for a motion to adjourn the meeting. The motion was made by Mr. Purnell and seconded by Ms. Stuntebeck. On a full vote of the board, the meeting was adjourned 5-0 at 9:59 PM.

Respectfully Submitted,

**Derek Davis**  
**Recording Secretary**