

**WEST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS TELECONFERENCE MEETING  
MAY 18, 2021**

Township Supervisors:

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

Township Officials:

Mr. Casey LaLonde, Township Manager  
Mr. Richard J. Craig, Township Engineer  
Chief Michael Carroll, Police Department  
Mr. Bill Webb, Township Zoning Officer  
Ms. Kristin Camp, Township Solicitor

The regular monthly meeting of the Board of Supervisors of West Goshen Township was called to order by Chair Shaun Walsh, at 7:00 p.m. on Tuesday, May 18, 2021. The meeting was held via TeleConference due to the on-going COVID-19 situation.

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

Mr. Walsh announced that the meeting was being recorded.

Mr. Walsh announced the TeleConference meeting rules of conduct.

**504 South Concord Road Subdivision and Land Development Approval**

Mr. Craig introduced the plan to subdivide the existing Boy Scouts building at 504 South Concord Road into seven (7) single family homes. Mr. Craig stated that the plan has gone through several iterations with the main issue as sound attenuation from Rt. 202, which is at the rear of the project location. Mr. Craig stated that the developer dealt with the sound issue by placing additional landscaping, to be maintained in perpetuity by the new Home Owners Association for the development.

Mr. Craig stated that the developer proposed a cul-de-sac street, but the cul-de-sac does not meet the Township's length requirement, so the developer has requested a waiver.

He also stated that the existing Township street that extends beyond the project site will be abandoned past the existing cemetery.

Mr. Craig stated the Township Planning Commission has reviewed the plan and recommends its approval by the Board of Supervisors.

Mr. Hellmann asked if a Home Owners Association (HOA) would have a stipulation that the Township would not be held liable for any noise issues from the project.

Ms. Camp stated that the Township has sovereign immunity for issues like this and recommends a deed disclosure regarding the proximity of Rt. 202 to the individual lots. She also stated the HOA documents are currently under review.

Mr. Walsh asked when does a subdivision result in an HOA being formed. Ms. Camp responded that typically when there are shared facilities among the property owners, an HOA is typically formed under the Uniform Planned Community Act that defines the circumstances in which a property is to be owned and maintained by the HOA.

Mr. Walsh asked about the proposed landscaping buffer and who decides the buffer is acceptable for this development. Mr. Craig responded that the proposed landscape buffer will not lower the sound from Rt. 202 to a level that complies with the Township's Noise Ordinance. Ms. Camp added that there is not a standard to apply to this situation and that any buyer should beware when purchasing a home in this proposed subdivision due to its proximity to Rt. 202.

Mr. Walsh had several questions regarding the proposed stormwater drainage area and Mr. Craig responded.

Dr. Douglas White inquired on the difference between the proposed twenty-eight foot wide road versus a thirty-two foot wide road. Mr. Craig responded that the proposed twenty-eight foot wide road is now used most often in West Goshen due to stormwater concerns and has been used for about the last ten years.

After additional discussion, Mr. Purnell made a motion to approve the 504 South Concord Road residential subdivision project with a condition that the HOA documents are reviewed and approved by the Township Solicitor. Ms. Gagné seconded the motion.

Dr. Douglas White had concerns that the project was too close to Rt. 202.

The motion to approve the residential subdivision was unanimously approved.

### **Quality Inn Discussion**

Mr. Walsh introduced the continued discussion of public safety and quality of life issues at The Quality Inn, 943 South High Street. Mr. Walsh recounted the April 20, 2021 public discussion around the continuing issue of the amount of calls to the Township Police Department and the need to respond to incidents at the hotel. He stated that the Board heard from several resident concerned for their personal safety and the incidents that they have living close to the hotel property and general escalation of incidents over the last two or three years.

Mr. Walsh stated that at the April 20, 2021 Board meeting, the Board agreed to two or three actions. The first of which was to schedule a meeting with the hotel's owner, several Board members and Township staff to discuss the situation. Mr. Walsh stated that he, Ashley Gagné and Casey LaLonde, Bill Webb and Rick Craig met virtually with the hotel's owner on May 6, 2021. Mr. Walsh stated that the property owner was interested in selling the property to a developer if the Board was interested in possibly amending the property's Zoning to allow for other or additional uses. It was reconfirmed to the property owner that a residential apartment complex was not going to be considered due to the traffic situation. Mr. Walsh stated that he expressed the Board's position on the continuing crime issues and that the residents' concern for safety was something the Board took very seriously and that the Board needed to look into what next steps it should take.

Mr. Walsh stated that subsequent to the May 6, 2021 meeting, Mr. Webb contacted the corporate offices of Quality Inn to inform them that the Township was concerned about the issues at the property including the amount of crime experienced at this location.

Mr. Webb stated that he did not have an update regarding Quality Inn corporate, outside of the one email sent from corporate's general counsel, in which she asked for information regarding the property.

Ms. Camp stated that the Board could consider a licensing program for hotels and motels and also investigate the use of the existing Township Code Chapter under Nuisances.

Ms. Camp stated that the Board could also consider what the current Zoning Ordinance permits for uses and could discuss what uses the Board could add that may be appropriate for the site.

Mr. Walsh stated that he would consider the addition of a security fence to separate the hotel from the residences to the rear of the property very helpful for this situation.

Ms. Gagné stated that the owner has indicated he doesn't have the financial resources to install a new fence, but she believes the Township should take a more proactive approach to this issue.

Ms. Gagné stated that she recommends assisting potential buyers for the property and consider Zoning changes for the property.

Mr. Hellmann agreed with taking these several approaches in order to solve this issue, including having the Solicitor begin drafting an Ordinance to address hotel licensing with security considerations as part of the overall Ordinance.

Mr. Walsh suggested Township staff meet with the property owner to discuss possible Zoning uses changes to make the property more attractive for a sale.

Mr. Ben Goldthorp was recognized. Mr. Goldthorp stated that he and Mr. Sam Tarantini are under contract to purchase the property from the current owner. He stated that they would like to sit down with the Township to discuss possible additional uses for the property. Mr. Walsh responded affirmatively and asked Mr. LaLonde about his proposal to meet. Mr. LaLonde responded that Township staff would very happy to meet with him and Mr. Tarantini to discuss development alternatives for the property. Given the potential for a meeting with the prospective new owner, the Board agreed to hold off on any drafting of a new hotel licensing Ordinance for another month. Township staff will report back to the Board with the meeting's results.

### **Boot Road Corridor Improvements Project Bid Award**

Mr. LaLonde provided an overview and history of the Boot Road Corridor Improvement Project. Mr. LaLonde stated that the project was first discussed in 2008 with East Goshen Township. The project's goal is to improve traffic flow on Wilson Drive onto Boot Road. The project includes the restriping of the bottleneck that occurs with UPS delivery trucks from Wilson Drive entering Boot Road and the road is reduced from two lanes to one lane. The other set of important improvements is the addition of left turn arrows on northbound and southbound Greenhill Road at Boot Road. Traffic routinely backs up on northbound Greenhill Road from Airport Road due to the lack of a left turn arrow.

Mr. LaLonde introduced Jamie Graham from Carroll Engineering, who provided some additional details on the project. Mr. Graham stated that the new through lane will be added from Carriage Lane in East Goshen Township westbound, for a total of two westbound through lanes. The center turning lane will remain and the single eastbound lane will remain on Boot Road. Mr. Graham stated that the traffic signals at Greenhill Road are coordinated with the Rt. 202 ramp traffic signals.

Mr. Graham stated there were three bidders on the project with DiRocco Bros. being the low bidder at \$335,737.85. Mr. Graham has reviewed all three bids and recommends DiRocco Bros. as the low bidder.

Mr. LaLonde stated that East Goshen Township and West Goshen Township were splitting the construction costs and that West Goshen had budgeted \$175,000 for this project, so it came in slightly under budget for West Goshen's portion. Mr. Walsh asked if East Goshen Township was on board with their portion of the project. Mr. LaLonde responded affirmatively.

Mr. Hellmann asked if the project was split evenly at 50/50 to each Township. Mr. LaLonde responded that West Goshen's share is slightly lower, as East Goshen received some funding from Sunoco due to an inadvertent return East Goshen experienced during the Mariner Pipeline construction. Due to this funding, the project scope was slightly enlarged to cover this area in which the inadvertent return occurred, so East Goshen's portion of the project is slightly higher.

Mr. LaLonde stated that the contractor will bill each municipality separately for their portion of the project.

Mr. Walsh made a motion to approve the low bid from DiRocco Bros. in the amount of \$335,737.85 for the Boot Road Corridor Improvement Project, seconded by Ms. Stuntebeck. Ms. Stuntebeck asked if any residents were going to lose their road shoulder area with the project. Mr. LaLonde responded that the project was redesigned to ensure that shoulder paving area remained as is. The Board unanimously approved the motion.

Mr. LaLonde thanked the Board for this approval tonight, as the project has been under design since 2008 and that the project will commence construction as soon as possible and be complete by the end of this summer.

### **Sunoco / Energy Transfer Boot Road Pump Station Noise Quality of Life Issues**

Mr. Purnell asked to be excused from the meeting.

Mr. Walsh stated that residents in proximity to the Boot Road Pump Station have been experiencing a persistent problem with noise. He stated that the noise does not violate the Township's Noise Ordinance, but it is a harmonic at a frequency that is problematic for people and it is a constant irritation. Mr. Walsh asked Mr. LaLonde to provide a history and overview of the issue.

Mr. LaLonde stated that Sunoco, now Energy Transfer, operates Mariner I and Mariner II and IIX pipelines running through West Goshen. He stated that back in 2016 when the repurposed Mariner I line was brought online, almost immediately a harmonic humming noise began emanating from the Boot Road Pump Station. Sunoco then spent nine to twelve months conducting a sound study on the noise and found it to be a noise emanating from a pump or other device inside the station. Sunoco then acted to insulate the facility and the noise issue was eliminated. Move forward to startup of Mariner II and we have the same problem at the site. Mr. LaLonde stated that he had Mr. Craig investigate for a noise violation and the sound does not violate the Township's noise Ordinance.

Mr. LaLonde stated that nearby residents report the sound penetrating their homes and causing a decrease in their quality of life. Mr. LaLonde stated that Energy Transfer has not been supportive of the residents and Township seeking to find the cause and solution for this noise issue for many months. Mr. LaLonde stated that Ernie Holling, Director of the Chester County Association of Township Officials (CCATO) contacted Aqua, PA to inquire if the sound could possibly be emanating from their tank facility located to the rear of the Pump Station property. Aqua checked their equipment and property and found no sound emanating from their facility, so the Boot Road Pump Station is the only likely source.

Mr. Walsh agreed that upon his own inspection of the Boot Road Pump Station property, the sound was undoubtedly coming from the property, pumping operation and piping associated with it.

Mr. Walker Tompkins stated that this is a long-standing issue since startup of the Mariner II line and it is a harmonic sound issue from the station.

Mr. LaLonde stated he contacted the Chester County District Attorney's Office to inquire if this issue would be relevant to their recent agreement with Energy Transfer regarding "nuisances." The Board agreed to continuing this line of inquiry and follow up with a letter to Energy Transfer in coming weeks if no progress has been made.

Mr. Walker Tompkins suggested approaching the issue via the Township's Noise Ordinance. Mr. LaLonde stated he would review the model Ordinance submitted by Ernie Holling at CCATO to ensure it is applicable and enforceable.

Dr. Douglas White asked if the sound was coming through the air or was a ground vibration. Mr. Walsh responded that the sound is coming through the air and added that engineering solutions can be made with this situation.

### **COVID-19 Recovery Act Funding**

Mr. Purnell returned to the meeting at 8:19 PM.

Mr. Walsh introduced the COVID-19 Recovery Act funding and uses for those funds for Township needs.

Mr. LaLonde stated that the Township was eligible for funding from the Federal government for COVID-19-related expenses, including infrastructure projects such as stormwater facilities. He stated that the funding could also be used for COVID-19 related economic issues, but thankfully, West Goshen Township did not suffer economic harm due to the pandemic. Mr. LaLonde stated that the Township has been awarded \$2,200,000 under this program. He stated that the funds were to be distributed to the States, then Pennsylvania would forward fifty percent of the total proceeds in coming months with the other fifty percent in one calendar year.

Mr. LaLonde stated that all of the funding must be encumbered for specific projects by December 31, 2024 with project completion by December 31, 2026. He stated the Federal government and the Township's third-party auditors will audit the Township on the use of the funding. And as the Board suggested, a separate TDBank account will be established to track the revenue and expenditures.

Mr. Walsh asked if the funds may be used to pay for the various stormwater permit projects since they are already known and identified or do these funds have to be for as yet unknown or unspecified or undersigned projects. Mr. LaLonde stated that he attended a virtual PSATS meeting about use of the funding and the projects do not have to be shovel ready but may be used for a project that is already designed and ready to go.

#### **Resolution 12-2021 – Police Department Documents Destruction**

Mr. LaLonde introduced Resolution 12-2021, allowing for specific Police Department documents to be destroyed per the Pennsylvania Museum & Historic Commission documents destruction schedule. He stated this is a routine housekeeping item.

Mr. Purnell made a motion to approve the Resolution, seconded by Mr. Hellmann.

Dr. Douglas White asked if the documents include any accident reports that include fatalities.

Mr. Walsh responded that the accident reports listed are all non-fatal.

The motion passed unanimously.

#### **Monthly Reports**

Chief Carroll provided the monthly report for April 2021.

Mr. Walsh asked if we've had any service calls for the Quality Inn and where on his monthly report would he find the information. Chief Carroll responded that any calls for service to Quality Inn would be across the board, so they wouldn't be in one section. He stated that he can do a separate query on the exact numbers from that address, but the Police Department gets every kind of call for the location.

Chief Carroll announced that several months ago, the Pennsylvania Superior Court issued a decision allowing Police Departments to prohibit videotaping in the police lobby. He stated that some of the reasons that allowable and are experienced here and the fact that the dispatchers have protected information which may be seen right through the glass that the public should not see without specific certifications. He stated that the police conduct interviews with all kinds of people for all kinds of situations in a separate area of lobby. He stated that officers from other departments are there undercover and normal officers coming in and out of the lobby to access the Police Department, in addition to people seeking assistance from the Police Department in the lobby.

Chief Carroll therefore requested the Board to approve a no videotaping policy and allow for signage to be posted inside and outside the lobby stating the policy. Specific permission would have to be granted from an officer in attendance to allow videotaping under the policy.

Chief Carroll stated that he had Mr. LaLonde and the Township's labor counsel review the policy and it was approved.

Mr. Hellmann stated that he had met with Chief Carroll and reviewed the new policy and thought the new policy was reasonable.

Mr. Walsh made a motion to approve the new "no videotaping" policy for the Police Department lobby, seconded by Mr. Hellman. The motion was unanimously approved.

Mr. Hellmann inquired about various electric vehicle (EV) models available for use by the Police Department. Chief Carroll responded that he has had some contact with the Tesla dealer in Devon and is allowing the Department to test a Tesla Model Y, which would be the ideal Tesla model with the Department were to go that route and be used as a police vehicle.

Mr. Hellmann stated that he and Ms. Gagné are working with Chief Carroll to investigate the possibility establishing a citizens advisory committee to seek ways to better engage with the community.

### **Supervisors Announcements**

Ms. Gagné stated that she was able to check out the Tesla on loan to the Police Department.

Ms. Gagné announced that the Arbor Day event at the Historic Weeping Beech tree went really well. She stated we had good attendance for the event and it was covered by The Daily Local News.

Ms. Gagné announced that the Township is still pursuing Tree City USA designation and the Township has met two of four criteria so far.

Mr. Hellmann announced he is attending the online 2021 PSATS Conference and is in the graduate certificate program.

Mr. Hellmann announced he attended the Ramadan celebration on May 13<sup>th</sup>.

Mr. Purnell announced that the classic car show is scheduled for Community Park on May 22<sup>nd</sup>.

Ms. Stuntebeck announced that the Township Historic Commission has begun reengaging with residents on the proposed Historic Resources Ordinance.

Mr. Walsh announced that the Board held an Executive Session on May 14<sup>th</sup> to discuss personnel.

Mr. Walsh announced that the Township Sewer Authority is conducting a ten-year modeling exercise and is looking to host a joint meeting between the Township and Authority in late July or early August to discuss the modeling.

### **Township Manager's Announcements**

Mr. LaLonde introduced the idea of going back to pre-COVID-19 in-person public meetings. After a brief discussion, the Board unanimously agreed to resume in-person public meetings for the June 1<sup>st</sup> Board workshop meeting. For those who are vaccinated, no masks will be required but with adequate social distancing.

**Township Engineer Stormwater Update – Woodlands at Greystone Update**

Mr. Craig announced that the Raven’s Lane Stormwater Project is complete. Paving of Eagle Road is scheduled for this week. He stated the contractor has a punch list of several items to complete.

Mr. Craig announced that Carroll Engineering is finalizing plans for the Pine Valley Circle Stormwater Project and the Township is planning on communicating with the residents soon in the project area.

Mr. Craig announced that various infrastructure items are under construction in The Woodlands at Greystone and that residential home construction continues.

**Zoning Officer’s Announcements**

Mr. Webb announced that the Zoning Hearing Board approved several variances for the new antique store to be located on Pottstown Pike, adjacent to Aram Avenue and Lambert Park.

Mr. Webb announced that the Zoning Hearing Board will hold hearings for applications 14 and 15 on July 1, 2021 in-person at the Township building.

Mr. Webb announced that the Residential Resale Ordinance will be up for adoption at the June 15<sup>th</sup> Board meeting.

**April 30, 2021 Treasurer’s Report**

Mr. Purnell made a motion, seconded by Ms. Gagné, to approved the April 30, 2021 Treasurer’s Report and the bills to be paid from the various Township Funds. The motion passed unanimously.

**Public Comment**

Dr. Douglas White asked if the \$2,200,000 Recovery Act funding could be used to pay down debt. Mr. LaLonde responded no.

**Please view this meeting’s video recording via YouTube with the link located at [www.westgoshen.org](http://www.westgoshen.org).**

There being no further business, on motion by Mr. Purnell, seconded by Mr. Walsh, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Casey LaLonde  
Township Secretary