

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 2, 2023**

Township Supervisors:

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

Township Officials:

Mr. Christopher Bashore, Township Manager
Ms. Kristin Camp, Esq., Township Solicitor
Mr. Bryan Kulakowsky, P.E., Township Engineer
Mr. David Woodward, Public Works Director

The regular monthly meeting of the Board of Supervisors of West Goshen Township was called to order by Chair Shaun Walsh, at 6:00 p.m. on Tuesday, May 2, 2023.

This meeting was advertised in The Daily Local News on December 19, 2022.

The meeting agenda was posted on the West Goshen Township website and at the Township Building on Friday, April 28, 2023.

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

Mr. Walsh announced that the meeting may be recorded by 3rd parties.

Public Comment.

Mr. Walsh opened the floor to Public Comment for items not listed on the agenda. No public comment was noted.

Discussion regarding maintenance and upgrades to the shooting range for the West Goshen Township Police Department.

Mr. Bashore stated that before the Board of Supervisors this evening is discussion regarding maintenance and upgrades to the shooting range for the West Goshen Township Police Department. Recently, it has been brought to our attention that the shooting range is need of repair due a variety of noted safety issues. Dave Woodward, Public Works Director, and Mark Bertolami, Streets Superintendent, prepared information outlining the potential costs for the work that would be needed. Mr. Bashore stated that the estimated cost of \$29,711.62. This information has been reviewed with Chief Carroll. Please be advised that the costs are not definitive and may change prior to work commencing. In order to ensure that the proposed improvements are the best course of action, we asked Carroll Engineering Corporation to evaluate the information and the plan for the range. Unfortunately, the structural engineer in their office was away until May 1, 2023. As such, we are still awaiting the results of their review, which may also change the cost depending on the recommended quantities for the project. Mr. Bashore stated that the Township's 2023 budget allocated \$23,000 in line-item 01410-30373 which could be utilized; however, this includes costs towards ammunition. As such, this cost would need to be authorized by the Board.

Ms. Smith asked if the cost estimate was based on the Township's Public Works Department completing the work. Mr. Woodward stated that it was. Mr. Bashore noted that they wanted Carroll Engineering Corporation's structural engineer to evaluate the design for safety reasons in order to determine that this was the best option.

Mr. Hellmann asked about the proposed equipment in the cost estimate before the Board and if this would need to be rented. Mr. Woodward stated that the equipment outlined would need to be rented.

Mr. Walsh asked about the repair time estimate. Mr. Woodward stated that the estimate is for the work to take approximately three (3) weeks, but that is dependent on the weather.

Mr. Hellmann asked about the estimate for the stone that was outlined. Mr. Woodward stated that would reuse any stone that was not contaminated.

Ms. Smith asked about the beams at the shooting range. Mr. Woodward outlined the replacement that would be made to beams. Ms. Smith asked about the design and if this was the best option. Mr. Woodward stated that this part of what Carroll Engineering Corporation is evaluating.

Mr. Hellmann asked if pressure-treated lumber would be utilized. Mr. Woodward stated that it would.

Mr. Walsh asked about the cost estimate and if the Board should consider a not-to-exceed cost at this time. Mr. Bashore recommended that the Board delay any action until the Township receives a report from Carroll Engineering Corporation as the cost estimate may change.

Mr. Bashore stated that he and Mr. Woodward would follow-up with Carroll Engineering Corporation and follow-up with the Board at either the May 18, 2023 or June 6, 2023 Board of Supervisors meeting.

No action was taken.

Discussion regarding false alarm fees associated with the West Goshen Township Police Department.

Mr. Bashore stated that before the Board of Supervisors this evening is discussion regarding false alarm fees/fines assessed by the West Goshen Township Police Department. Currently, fines associated with false alarms are outlined in the Township's fee schedule and the rates for the Police Department are as follows:

- 1st false alarm per calendar year – Warning
- 2nd & 3rd false alarm per calendar year – \$50 per alarm
- 4th thru 7th false alarm per calendar year – \$100 per alarm
- 8th & subsequent alarms per calendar year – \$200 per alarm

Mr. Bashore stated that he reviewed the fines imposed by other comparable communities in Chester County in order to assess the Township's false alarm fees/fines, including West Chester Borough, East Goshen Township, Tredyffrin Township, East Whiteland Township, Westtown Township, and Willistown Township.

Mr. Bashore stated that certain municipalities provide for different fees depending on dwelling unit or property type; however, Chief Carroll stated that the response was the same regardless of property type.

Ms. Smith noted a desire to have a separate fee structure of residential and non-residential properties, noting that the majority of false alarm calls are at non-residential properties. Mr. Bashore stated that a different fee structure would be difficult to justify if the Township is not using additional resources. Ms. Camp stated that if the goal is to have property owners address their alarms, then it would be the same regardless of property type.

Mr. Walsh noted that he believes that residents are more likely to address alarm issues quicker than non-residential properties.

Ms. Gagné discussed the structure in East Goshen Township and stated that she would like to see a warning for the first and second alarm, with a higher fine for a third false alarm call.

Mr. Hellmann discussed the revised fine structure for false fire alarms and noted that it was designed to not be a revenue generator, but rather a way to encourage people to address the issue and change behavior. Mr. Hellmann reviewed the false alarm history and recommended adopting the same fee structure for the false calls for the Police Department. Mr. Bashore reviewed the fine structure for false alarm for fire alarms.

Ms. Camp stated that she did not believe that having separate fee structures for residential and non-residential properties would withstand a legal challenge.

Mr. Walsh proposed the following fine structure:

- First and second alarm in a calendar year – Warning
- Third alarm in a calendar year – \$100
- Fourth and fifth alarm in a calendar year – \$250 per alarm
- Sixth and all subsequent alarms in a calendar year – \$500 per alarm

Mr. Hellmann noted Chief Carroll's recommendation to increase the fine for alarms beyond two (2) in a calendar year.

Ms. Smith asked how this would work with assists to other departments. Sgt. Holman stated that it would depend on the location of the call.

Mr. Walsh made a motion to amend the West Goshen Township Fee Schedule in order to establish the following fine structure for false calls responded to by the West Goshen Township Police Department:

- First and second alarm in a calendar year – Warning
- Third alarm in a calendar year – \$100
- Fourth and fifth alarm in a calendar year – \$250 per alarm
- Sixth and all subsequent alarms in a calendar year – \$500 per alarm

Ms. Smith seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion.

Mr. Hellmann asked when this would be effective. Mr. Bashore stated that he will make the necessary updates tomorrow.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 5-0.

Presentation from Shawn Fabian, P.E. from HRG, Inc. regarding the results of the Corrugated Metal Pipe Analysis completed for West Goshen Township.

Shawn Fabian, P.E., from HRG, Inc. appeared before the Board in order to discuss the analysis of the corrugated metal pipe (CMP) videos that were completed by the U.S. Army Corps of Engineers (USACE). Mr. Fabian discussed the meetings with the Township staff and what could not be evaluated, noting that additional data was obtained from USACE that helped fill in certain missing data. Mr. Fabian reviewed the analysis completed and the results of the data that was obtained. Mr. Fabian noted that some missing data still remains, but they have been able to relate certain missing pieces of data to locations in the field. Mr. Fabian reviewed additional areas for projects identified by the Public Works Department. Mr. Fabian noted that he believes that everything has been identified based on the data received and recommended moving forward with the input of the Public Works Department. Mr. Fabian stated that certain additional information is needed to finalize the cost estimates, but noted that there might be good candidates for lining based on the videos that were analyzed.

Ms. Gagné asked about the areas on the map outlined in blue indicating that the condition is unknown. Mr. Fabian stated that those areas indicate that there is no information to relate a video received to a data point.

Mr. Kulakowsky noted certain overlap with the Stormwater Feasibility Study currently being completed by Carroll Engineering Corporation.

Mr. Fabian noted that the Fresh Meadows and Stoneybrook subdivisions would be worth evaluating based on the input from the Public Works Department. Mr. Fabian noted certain deficiencies with some of the analysis based the use of a pole camera to collect the videos as it may not have captured all the issues. Mr. Walsh asked if it would be Mr. Fabian's recommendation that these top projects be investigated further to outline a more detail estimate of work. Mr. Fabian stated that it would and this may allow for additional opportunities for repairs. Mr. Walsh asked if all the top projects contain structural issues. Mr. Fabian stated that they do.

Mr. Hellmann asked if any of the projects outlined represent an emergency situation in need of immediate repair. Mr. Fabian stated that any pipe where the bottom is rusted out has lost all structural integrity and should be addressed.

Mr. Walsh asked if the view from the pole camera may result in more extensive issues further down in the CMP line. Mr. Woodward stated that the first area of failure is typically at the inlets and then further down at the connecting bands. Mr. Woodward stated that a camera would need to be run through the line to fully assess.

Mr. Woodward discussed the televising and repair process, outlining the work done for the Township's sanitary sewer system. Mr. Walsh asked if the next step would be to conduct more extensive videoing of these proposed project areas. Mr. Woodward stated that it would and this would also involve jetting and vacuuming the lines. Mr. Fabian discussed issues in other municipalities running cameras through lines where the bottom of the pipe has deteriorated.

Mr. Kulakowsky noted that jetting and vacuuming the line is the only way to determine if the CMP can be lined. Ms. Smith asked if the existing equipment in the Wastewater Department could be utilized for this work. Mr. Woodward recommended renting equipment so as to not constrain the existing equipment from the work being done for the sanitary sewer system.

Mr. Walsh asked if the dataset from USACE has been exhausted and the Township should not expect to receive anything further. Mr. Fabian stated that he believes that it has. Mr. Fabian outlined the process of the analysis and how he arrived at the proposed projects. Mr. Kulakowsky stated that he agreed that the dataset has been exhausted and recommended proceeding forward with further analysis with the priority projects that Mr. Fabian has identified. Mr. Kulakowsky noted that it would be better if most of the areas could be lined. Mr. Fabian noted that this would eliminate utility conflicts.

Mr. Hellmann asked if the projects were listed in order of priority. Mr. Fabian stated that they were listed based on map location from north to south, but they could be outlined based on need. Mr. Hellmann asked if any project should be prioritized. Mr. Fabian stated that any area identified as having a rusted bottom should be prioritized.

Mr. Walsh asked for the price estimate to jet and video approximately 1,700 linear feet of pipe. Mr. Fabian stated that it would vary based on the size of pipe, but estimated it would be approximately \$18/linear foot on the average.

Mr. Bashore noted that the Board could authorize an allocation of the funds from the American Rescue Plan Act funds that were received for the work in televising the proposed lines. Mr. Kulakowsky stated that a bid package could be prepared or it could be done through COSTARS if possible. The Board determined that Greystone Drive, Fresh Meadows subdivision, and the Stoneybrook subdivision should be added to the 12 priority projects outlined by Mr. Fabian.

Mr. Walsh opened the floor to public comments.

Steve Crum asked about the age of the videos taken. Mr. Fabian outlined when the video data collection was conducted by USACE.

The Board directed the Township staff to obtain pricing for jetting and televising through COSTARS if possible for jetting and televising the 15 project areas that have been identified.

Discussion and possible awarding of the contract for Pension Advisor Services for the West Goshen Township Pension Funds.

Mr. Walsh stated that before the Board of Supervisors this evening is consideration to award the contract for pension advisor services for the Township's pension funds. There were ten (10) responses to the Request for Proposal (RFP) that was issued. The Pension Committee undertook a review of the proposals received, which including reviewing the proposal documents, scheduling interviews, conducting site visits, and evaluating rates of return. At the conclusion of this process, it was recommended to remain with Vanguard at this time. Mr. Walsh noted the following as it pertains to this process:

- The recommendation to stay with Vanguard was not unanimous; however, there was not a compelling reason to change advisors.
- There are certain aspects of the working relationship with Vanguard that we believe can be worked through. That being said, if there it is determined that the issues cannot be addressed, there is nothing preventing the Township from issuing another RFP.

Ms. Smith asked if the issues with Vanguard have been put in writing. Mr. Walsh stated that they have and discussed the conversations that have occurred with Vanguard to date.

Mr. Walsh made a motion to award the contract for Pension Advisor Services for the West Goshen Township Pension Funds to Vanguard. Ms. Smith seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion. No additional discussion was noted.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 5-0.

Discussion and possible awarding of the 2023 Pavement Marking Bid.

Mr. Bashore stated that before the Board of Supervisors this evening are the bid results for the 2023 pavement marking project. The bids were advertised in the April 13, 2023 and April 20, 2023 editions of the Daily Local News. The bids were opened on April 27, 2023 via PennBid. Two (2) bids were received as follows:

<u>Company</u>	<u>Address</u>	<u>Bid Amount</u>
Alpha Space Control	1580 Gabler Road Chambersburg, PA 17201	\$177,221.75
D.E. Gemmill, Inc.	85 N. Belmont Street York, PA 17403	\$468,551.86

Mr. Bashore stated that this project is shared among the following municipalities:

- West Goshen Township
- East Goshen Township
- Westtown Township

- Uwchlan Township

Mr. Bashore outlined differences between the 2022 bid and the 2023 bid and provided a comparison on the unit pricing to the bid awarded for 2022.

Mr. Bashore estimated that the Township's proportionate share would be approximately \$68,000, which would be approximately \$10,000 more than budgeted.

Mr. Walsh asked if the authority to award the bid has been delegated to the Township by the other participant municipalities. Mr. Bashore stated that it has been.

Mr. Hellmann asked about the significant difference between the bid amounts and if there was any insight into this difference. Mr. Kulakowsky reviewed the variations in the unit pricing. Mr. Bashore stated that it could be variations in labor costs and where the materials are acquired from. Mr. Hellmann asked if there have been any issues with Alpha Space Control in the past. Mr. Woodward stated that there have not been.

Mr. Hellmann made a motion to award the 2023 Pavement Marking Bid to Alpha Space Control in the amount of \$177,221.75 based on their bid dated April 27, 2023. Ms. Smith seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion. No additional discussion was noted.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 5-0.

Discussion regarding an application before the Zoning Hearing Board of 1126 Grove Road.

Mr. Bashore stated that before the Board of Supervisors this evening is an application before the Zoning Hearing Board for 1126 Grove Road. The applicant is appealing a Notice of Violation issued for the construction of a wall without following the requirements of section 84-47 of the Township's Zoning Ordinance. Please find attached a copy of the application and documentation regarding the current situation. The applicant has claimed non-conforming status; however, evidence indicates that there was not a wall previously on the property. This application is scheduled to be heard on May 22, 2023 at 7:00 pm. As the application involves the appeal of a Notice of Violation, the Township Solicitor would attend the hearing.

Mr. Bashore stated that he would like to meet with the property owner to try and resolve this matter outside of the Zoning Hearing Board process. Mr. Bashore noted that even if there were an existing non-conformity, there would still be a Zoning Permit required from the Township. Mr. Bashore stated that it has been confirmed that the wall is within the right-of-way is Grove Road.

Mr. Hellmann asked what the potential resolution would be. Mr. Bashore stated that in addition to the required permits, they would also need a variance to allow the wall to be closer than 10 ft. from the right-of-way.

Ms. Smith asked when the wall was constructed. Mr. Bashore stated that the construction occurred within the last month.

Ms. Camp outlined the process for appealing a Notice of Violation to the Zoning Hearing Board and stated that she believes it would be beneficial to explain the situation further to the property owner.

Ms. Camp asked if the Board would oppose the variance request to have the wall closer to the right-of-way. Ms. Camp stated that she would recommend that the property owner execute an indemnification agreement if a variance were to be granted. Ms. Gagné stated that she would not oppose the variance if an indemnification

agreement were executed by the property owner. Ms. Smith asked if there were indemnification agreements for other structures in the right-of-way. Ms. Camp stated that those structures most likely predate the Township's ordinances. Ms. Camp outlined what would be included in the indemnification agreement. Mr. Walsh stated that the indemnification agreement would need to include the Township as a named insured on the policy.

Mr. Bashore stated that an extension will be required in order to have the hearing at the scheduled June meeting of the Zoning Hearing Board. Mr. Bashore stated that he will schedule a meeting with the property owner and report back to the Board.

No action was taken.

Discussion and possible authorization to advertise the following amendments to the West Goshen Township Code of Ordinances:

- a. **Amendment to Chapter 36 (Dogs)**
- b. **Amendment to Chapter 78 (Vehicles & Traffic)**

Mr. Bashore stated that before the Board of Supervisors this evening are two (2) proposed amendments to the West Goshen Township Code of Ordinances. The proposed ordinances before the Board are as follows:

- **Amendment to Chapter 36 (Dogs)**: This proposed ordinance would amend section 36-6 of Chapter 36 of the Township's Code of Ordinances in order to make the violations criminally enforceable. Currently, violations under this chapter of the Township's Code of Ordinances are enforced through a civil penalty. Mr. Bashore stated that he discussed this matter with Chief Carroll and since the Officers in the West Goshen Township Police Department enforce these provisions, it made more sense to have this chapter enforced through criminal law to allow for citations to be issued. Mr. Bashore advised that the Board could increase the fine up to \$1,000 under the PA Second Class Township Code if desired.
- **Amendment to Chapter 78 (Vehicles and Traffic)**: This proposed ordinance would amend sections 78-9, 78-12, and 78-21 of Chapter 78 of the Township's Code of Ordinances. Dave Woodward, Public Works Director, identified a number of stop intersections that were not properly codified and updated those accordingly. In addition, certain stop intersections are proposed to be removed and the direction of travel in certain areas would be revised. Finally, the proposed ordinance would add three (3) areas where parking would be prohibited at all times.

Both ordinances are before the Board for authorization to advertise. If authorized, the ordinances could be considered for adoption at the May 18, 2023 meeting.

Ms. Smith asked what would constitute a "dog violation." Ms. Camp stated that there are three (3) sections of chapter 36 that outline the specific violations. Ms. Camp reviewed the ordinance enforcement criteria outlined in the PA Second Class Township Code and what may be enforced criminally or civilly. Ms. Smith asked about what it would mean for these regulations to be enforced criminally. Ms. Camp explained the process, noting that the charged party would need to plead guilty or not guilty and could be arrested and/or fined.

Mr. Hellmann stated that he discussed this matter with Chief Carroll and asked if this would appear in an individual's criminal record. Ms. Camp stated that summary judgments do not; however, it may appear if someone does a search through the Clerk of Courts.

Mr. Walsh asked how other municipalities handle enforcement of dog regulations. Ms. Camp stated that she believes that they are being handled criminally as her office has not been involved in drafting civil complaints for these issues.

Mr. Hellmann asked if this would become an issue where an individual may need to apply for expungement from their record. Ms. Camp stated that she did not believe that would be necessary.

Mr. Walsh asked about the various sections being amended. Mr. Bashore outlined the provisions outlined in chapter 36 and the requirements therein, noting that continuous barking sets forth its own violation provisions. Mr. Walsh discussed the fine structure, noting that the fine could be increased up to \$1,000 for an ordinance enforced in a criminal manner. Mr. Bashore reviewed the current fine structure. Mr. Walsh proposed increasing the maximum fine to not more than \$1,000.

Mr. Hellmann noted concern with increasing the maximum fine to \$1,000. Mr. Walsh stated that it would only establish a range. Ms. Camp stated that it would be rare for a District Justice to impose the maximum fine.

Discussion turned to the proposed amendment to chapter 78. Mr. Bashore commended Mr. Woodward on his effort to have this updated. Mr. Woodward explained the work that was completed.

Mr. Walsh asked about the restrictions on parking proposed. Mr. Woodward stated that this would address the newly designed cul-de-sacs with gardens in the center, noting that parking impacts the ability of fire trucks and snow plows to enter the area. Mr. Kulakowsky reviewed the designs in question.

Mr. Hellmann asked if there have been citations issued for individuals parking in the cul-de-sac. Mr. Woodward stated that he was unsure.

Mr. Walsh made a motion to authorize the advertisement of the proposed ordinance to amend chapter 36 of the West Goshen Township Code of Ordinances, with the maximum fine of up to \$1,000. Ms. Smith seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion.

Mr. Hellmann stated that he was not opposed to making this section criminally enforceable, but did oppose increasing the maximum fine to \$1,000.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 4-1, with Mr. Hellmann voting "nay."

Ms. Gagné made a motion to authorize the advertisement of the proposed ordinance to amend chapter 78 of the West Goshen Township Code of Ordinances. Mr. Walsh seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion. No additional discussion was noted.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 5-0.

Discussion and possible approval of Resolution No. 15 – 2023, declaring the week of May 21, 2023 to May 27, 2023 as National Public Works Week.

Mr. Walsh stated that before the Board of Supervisors this evening is proposed Resolution No. 15-2023. This resolution would designate the week of May 21, 2023 to May 27, 2023 as National Public Works Week in West Goshen Township. The purpose of this designation is to recognize the contributions that our public works professionals make to the community. Mr. Walsh stated that this year's theme is "Connecting the World Through Public Works" and the American Public Works Association outlines the theme as follows:

Whether it's through infrastructure or first responder services, public works professionals always enhance the lives of the communities they serve. This idea is reflected in the theme "Connecting the World Through Public Works."

Mr. Walsh commended the work of the Public Works Department and it is a pleasure to be associated with the good work that they do. The Board concurred with these sentiments.

Mr. Walsh read the proposed resolution. Ms. Smith proposed adding certain language to the resolution. The Board agreed with the proposed additions.

Mr. Hellmann recommended holding a lunch to recognize the Public Works Department for their efforts. The Board concurred with this recommendation.

Ms. Smith made a motion to adopt Resolution No. 15-2023, declaring the week of May 21, 2023 to May 27, 2023 as National Public Works Week. Mr. Hellmann seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion. No additional discussion was noted.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 5-0.

Approval of the bills to be paid for the General Fund, the Sewer Revenue Fund, the Waste and Recycling Fund, and the Capital Reserve Fund.

Mr. Walsh made a motion to approve the bills to be paid for the General Fund, the Sewer Revenue Fund, the Waste and Recycling Fund, and the Capital Reserve Fund. Ms. Stuntebeck seconded the motion.

Mr. Walsh asked if there was any further discussion from the Board on the proposed motion. No additional discussion was noted.

Mr. Walsh asked if there were any public comments on the proposed motion. No comments were noted.

There being no further discussion, the motion passed by a vote of 5-0.

Adjourn

At 8:01 p.m., Ms. Gagné made a motion to adjourn the meeting. Mr. Walsh seconded the motion. There being no further discussion, the motion adjourning the meeting passed by a vote of 5-0.

Respectfully submitted,

Christopher Bashore
Township Secretary