

Park Commission
Agenda
Thursday, June 6th, 2013
7:00 PM

- A. Call to Order
- B. Pledge of Allegiance
- C. Ask if anyone is recording the meeting
- E. Approval of Minutes from May 2nd, 2013 meeting
- F. Chairman's Report
- G. Old Business
 - 1. Community Day Update and Volunteer organization
 - 2. Farmer's Market update
- H. New Business
 - 1. Rick Smith Memo on BOS review of goals from ABC Planning Session
- I. Recreation Director Report and Mark Miller's report
- J. Liaison reports
- K. Any Other Matter
- L. Public Opinion
- M. Adjournment

draft
EAST GOSHEN TOWNSHIP
Park & Recreation Board Meeting
May 2, 2013

The regular meeting of the East Goshen Township Park and Recreation Commission was held on Thursday, May 2, 2013 at the Township Building. The meeting was called to order by Chairman Heidi Karpa at 7:00 pm.

Commission members present were:

Ann Marie Fletcher-Moore
Betsy Williams
Erich Meyer
John Jamgochian
PJ Viloski
Joseph Zulli

Others present were:

Frank Vattilano, Director of Recreation
Thom Clapper, Township Supervisor
Phyllis Marron, Resident

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Heidi led the Pledge of Allegiance.

Heidi asked if anyone would be recording the meeting. There was no response.

APPROVAL OF MINUTES

The Chairman noted that the minutes of April 4 and April 16, 2013 were approved as corrected.

CHAIRMAN'S REPORT

1. Heidi reported that next Thursday May 9, 2013 will be the opening day of the Summer Farmers Market. There are 26 vendors signed up and 5 or 6 crafters will be there. They plan to feature crafters on the 1st Thursday and chefs on the 3rd Thursday each month. She is pleased with the support from the community. She asked the Commission members to volunteer to help once a month. She, John and Ann Marie plan to be there every week.

OLD BUSINESS

1. Community Day - Frank reported that there will be a petting zoo, pony rides, parachute, helicopter from Jefferson Hospital, laser tag, Paoli Hospital, face painting, food vendor and more. Thom explained that he and Frank are investigating the possibility of installing a permanent sound system in the park. There would be 4 zones that could be used all at one time or just one zone. Also there would be a wireless microphone. Unfortunately the Public Works Department is very busy now and can't dig the trenches etc. that are needed. Thom is waiting for the cost of a contractor to do this work, then he will present the proposal to the Board of Supervisors. It may not be done for this Community Day.

Light Ups - Ann Marie reported that the Boy Scout Troop will not be able to sell the Light Ups this year. She has another non-profit, the color guard team from East High School, that could do this. Heidi wants the decisions about sales in the park to be consistent. She feels it should be explained that no sales are allowed in the park except when sponsored by the Township at a Township sponsored event. Ann Marie commented that the scouts had about 20 people at the table and throughout the crowd. They made about \$800 - \$1,000. They bought the lights for \$1 each/50 per box and sold them for \$2 - \$5 depending on the style. Ann Marie also has a group of volunteers that will sell the lights and all of the profit will go to the township. Thom mentioned that he is having a difficult time getting funds from sponsors this year. Joe made a motion to proceed to get a volunteer group to sell the lights on behalf of the Township. If not, then get another group to sell them with 50% of the profits going to the Township. Betsy seconded the motion. The motion passed. Ann Marie recused herself from the vote.

Several Commission members feel the people attending Community Day would be willing to make a donation toward the expenses. Ideas for collecting the donations were \$5/car to park, or donation tables throughout the area. Thom commented that this is a free event and he doesn't think the Board of Supervisors will approve it for this year.

1 Frank distributed a copy of a letter from Brad Roberson, Scout Leader, who proposes to have the scouts do
2 demonstrations, such as, teamwork race, orienteering, etc. The Commission asked Frank to contact him.

3 2. 5K Race and Fund Raiser – The commission reviewed the comments from Rick Smith, Township
4 Manager, regarding allowing fund raisers in the Park. Since there are currently no guidelines for fund raisers, Heidi
5 made a motion to authorize the 5k run only and start to consider guidelines for the future. Betsy seconded the
6 motion. The motion passed unanimously. Joe will start to work on some guidelines.

7 3. Farmers Market – Heidi, John and Ann Marie have committed to be at the market every week.
8 However, they will need another person to help. The time would be from 2:30 pm to 7:30 pm. This could be
9 broken into 2 shifts. Heidi will send out a calendar.

10 WCHE 1520 AM – On Wednesday May 8, 2013 at 9:15 am Heidi will be interviewed on our local radio station
11 WCHE about the Farmers Market.

12 The Farmers Market is going to need some initial equipment. Jon Altshul, Township CFO, suggested changing the
13 budget line name for the amphitheater to community events. The \$5,000 allocated to that budget item could then be
14 used for any of the events the PRC sponsors. Heidi made a motion to rename the line item for the amphitheater to
15 community events. Ann Marie seconded the motion. The motion passed unanimously.

16 4. Amphitheater – Frank reported that the plans need to be approved by the Township engineers for ADA
17 compliance. The cost of the project will be more than originally anticipated.

18 5. Comprehensive Plan – Eric reported that at the April 22, 2013 meeting, the schedule of meetings was
19 reviewed. The next meeting will be held on Thursday, May 30, 2013 because of the holiday on Monday. June 3
20 was selected for the Visioning Session, which gives the residents the opportunity to speak about their ideas for the
21 future and concerns.

22 6. Recycling Bins – See Mark Miller's report.
23

24 **NEW BUSINESS**

25 1. Summer & Fall Event Dates – Joe suggested using the pages from the Newsletter to make a handout for
26 the Farmers Market. Frank mentioned that registrations for the Summer Camp are down. He will make a flyer for
27 the Farmers Market.

28 2. Dog Park Proposal – Frank went back through the previous Park Board minutes and found where dog
29 parks had been discussed and/or denied (May 2004, August 2006, Oct 2006, Aug 2007 and Sept 2007). Frank has
30 a proposal that needs a response. After review and discussion, John made a motion to deny the request for a dog
31 park. Ann Marie seconded the motion. The motion passed unanimously.

32 3. Wedding – Frank received a request to have a wedding at the bridge in Applebrook Park. Applebrook
33 is a passive park and no organized events are allowed there. Frank will let them know.
34

35 **RECREATION DIRECTOR REPORT**

36 Frank reported that the Spring session of Aerobics, Yoga, Pilates, Zumba Toning and Line Dancing classes
37 are in progress.

38 Our "Bridges" class, where gifted high school students help senior citizens with their personal tech devices,
39 was a great success. We had 2 sessions – Sundays April 7 and 14 – and the classes were at capacity. His idea is to
40 get Hershey's Mill, Wellington and Bellingham to commit to use of an office in their respective buildings on
41 Sundays for this kind of help. The high school students could show up to help anyone who stops in.

42 The Mature Driver Ed class did not receive enough registration commitments and was cancelled.

43 The Township Yard Sale and Youth Summer Camp registrations are coming in.

44 With Youth Camp promotion and registration, Community Day details, Township Yard Sale, field and
45 pavilion permits, Applebrook golf, ongoing classes and general rec questions and concerns, it is an exciting and
46 extremely busy time, as it is for the Commission with the Farmers Market.

47 Frank needed to schedule a date for the Pumpkin Festival. He suggested Saturday, October 19, 2013 with a
48 raindate of Sunday, October 20, 2013. The Commission agreed.
49

50 **PUBLIC WORKS DIRECTOR REPORT**

51 Mark reported that they installed 60 yards of "Soft Fall" material at the Tot Lot and the Exercise Station.
52 The Township's insurance company did an inspection of the park facilities. The representative recommended that
53 we install hand rails on the bleachers. The materials have been ordered and all work will be done in-house. Ms.
54 Sanchez inspected the Tot Lot. She reviewed our maintenance inspection logs and said we did a great job with the
55 inspections. Three of our employees will be attending a 3-day seminar on playground safety. At the end of the

1 course, they will take a test to become certified playground safety inspectors. We currently have one inspector
2 whose license is due to expire.

3 Frank and I met the representatives from Great Valley Little League to go over maintenance of all the
4 fields. We installed Diamond Tex on all fields. We replaced bases on B field and the Mill Creek ball field. The
5 drainage problem at the exercise station was corrected by installing piping and creating a swale.

6 All painting of the speed humps and handicap parking was done last week. We have one employee
7 dedicated to the geese and he has been busy oiling and shaking the eggs. Mary Dell seems to have more geese than
8 any of the other ponds. We built decoy dogs which were installed at each pond.

9 The fenced in area for the dumpster was expanded to accommodate the recycling dumpster. The recycling
10 bins were put out this week.

11
12 **ANY OTHER MATTER**

13 Eric is concerned about people with dogs crossing Paoli Pike at the original East Goshen Park entrance.
14 Some cross on the top of the rise in the road, but he has seen several who do not. He is concerned that they will be
15 hit by a car that can't see them until the car is at the top of the rise in the road. He suggested not mowing the grass
16 on the Applebrook side. He will talk to Mark Miller.

17
18 **ADJOURNMENT**

19 There being no further business, Heidi made a motion to adjourn the meeting. PJ seconded the motion.

20 The motion passed unanimously. The meeting adjourned at 9:00 pm. The next meeting will be Thursday,
21 June 6, 2013 at 7:00 pm.

22
23 Respectfully submitted,

24
25
26 Ruth Kiefer, Recording Secretary
27

5/29/13

Report

To: Park Commission

RE: June 6, 2013 Commission Meeting

From: Frank Vattilano, Director of Recreation

Spring session Aerobics, Yoga, Pilates, Zumba Toning and Line Dancing classes are in progress. The May Twp Yard Sale went very well. The May golf outing at Applebrook went well. Registrations for the June 25th outing are coming in as are pavilion permits.

Youth Summer Camp registrations are arriving daily. I have hired an excellent and experienced music teacher for camp. The rest of the camp staff has been hired also. First aid training is scheduled as is Staff Training and School Move in Day. I have had one volunteer orientation for the camp and have another scheduled for 4pm on June 12th at the twp bldg. All volunteers must attend one of these sessions.

Community Day details are a daily job albeit an enjoyable one in that I can see a great event shaping up- will talk more about it at June meeting. I have distributed promo flyers in all the local schools, on community bulletin boards, and information websites. We will start promoting the event in earnest 2 weeks prior with the large sandwich signs at intersections and on Goshen Fire Marquee sign. I will send you the latest promo flyer asap. I have no doubt the Park Commission will make sure all the volunteer slots are filled for the event. I will have 2 orientation meetings at the park for the volunteers the week before the event- Monday, June 17th and Tuesday, June 18th at 7pm at the Ira Hicks Pavilion. Volunteers must attend one of them.

Frank Vattilano

recdirector@eastgoshen.org

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: May 30, 2013

To: Planning Commission
Conservancy Board
Historical Commission
Park Commission ✓
Municipal Authority
Commerce Development Commission

From: Rick Smith, Township Manager

Re: Annual Planning Session Goals

At their meeting on February 5, 2013 the Board of Supervisor reviewed the goals presented by the each ABC at the Planning Session and determined that there may be a miscommunication in terminology. Some of the proposed goals would be typically considered a task or an action item that needs to be completed in order to achieve the "goal".

Attached are the "goals" as agreed to by the Board of Supervisors.

The Board requests that each ABC provide a brief quarterly report on their progress toward achieving their goals as listed on the attached.

It would be appreciated if you could review your respective "goals" and generate such report at your June Meeting. Thanks.

Goals for 2013

Conservancy Board

Continue control of invasive plants species in Township wetlands, while leveraging past work with the Park & Recreation Commission and Public Works Department on reforestation, understory and meadows efforts in Applebrook Park.

Create environmental education for residences around storm water control, such as rain gardens and rain barrels. Specifically, look at having rain barrels installed at the East Goshen Township building.

Historical Commission

Work with Chester County and the local townships to complete the state funded Battle of the Clouds project.

Complete entry of all Blacksmith Shop and Plank House historic items into the township's archival database.

Municipal Authority

Marydell Pump Station Elimination Project– Complete construction

Hershey Mill Pump Station Diversion Project – Complete construction

Reserve Pump Station Elimination Project – Complete construction

Park and Recreation Commission

Develop a marketing plan for East Goshen Park.

Expand and enhance East Goshen Farmers Market

Continue to increase revenue opportunities: for example:

- a. A ball field signage/sponsorship plan
- b. Mobile food vendors
- c. Community events

Develop a community health and wellness program that addresses the needs of our township's demographics. (Long Term Goal)

Planning Commission

Consider developing and implementing solar energy regulations that provide appropriate safeguards for screening, storm-water, setbacks, etc.

Finalize Zoning Ordinance Amendment recommendations made to the Board of Supervisors by the Commission as a result of the 2012 Zoning Ordinance review.

Commerce Development Commission

Update commercial business community directory list for inclusion on township website. To be rolled out in February 2013. Theme: Support businesses supporting EGT with their taxes.

Conduct fact finding interviews with landlords and develop recommendations to issues effecting shopping centers.

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

FYI

May 28, 2013

Dear Property Owner:

The purpose of this letter is to inform you that the owner of 1637 Manley Rd., West Chester, PA 19380, has submitted a subdivision sketch plan for review and comment by the Township Planning Commission. The owner, Patricia O'Neill, proposes a 2 lot subdivision of her property. The existing parcel has an area of approximately 5.84 acres and has an existing single family home and accessory structures. The sketch plan proposes the subdivision of one new 1.23 acre lot to the east of the existing home for a new residential single family use.

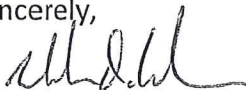
Pursuant to Township policy, property owners and residents within 1000 feet of the subject property are notified of sketch plan submissions.

The meeting dates and times scheduled for the review and discussion of this application are outlined below and subject to change.

June 5, 2013 - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm) **(Presentation of Sketch Plan)**

All meetings are held at the Township Building and are open to the public. The plans are available for review at the Township building during normal business hours. Please give me a call at or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions



STATE ETHICS COMMISSION
309 FINANCE BUILDING
P.O. BOX 11470
HARRISBURG, PA 17108-1470
(717) 783-1610
1-800-932-0936

RECEIVED

MAY 23 2013

BY _____

ADVICE OF COUNSEL

May 21, 2013

Louis F. Smith, Jr., Township Manager
Board of Supervisors
East Goshen Township
Chester County
1580 Paoli Pike
West Chester, PA 19380-6199

13-535

Dear Mr. Smith:

This responds to your letter dated March 25, 2013 (received April 1, 2013), by which you requested an advisory from the Pennsylvania State Ethics Commission.

Issue: Whether, pursuant to the Public Official and Employee Ethics Act (the "Ethics Act"), 65 Pa.C.S. § 1101 et seq., and the Regulations of the State Ethics Commission, 51 Pa. Code § 11.1 et seq., the following East Goshen Township entities would be considered purely advisory boards: (1) the East Goshen Township Park and Recreation Commission; (2) the East Goshen Township Planning Commission; (3) the East Goshen Township Historical Commission; (4) the East Goshen Conservancy Board; (5) the Commerce Commission; and (6) the Pension Committee.

Facts: You request an advisory from the Pennsylvania State Ethics Commission on behalf of the East Goshen Township Board of Supervisors. The narrow question that you have posed is whether, pursuant to the Ethics Act and the Regulations of the State Ethics Commission, the following East Goshen Township entities would be considered purely advisory boards: (1) the East Goshen Township Park and Recreation Commission ("Park and Recreation Commission"); (2) the East Goshen Township Planning Commission ("Planning Commission"); (3) the East Goshen Township Historical Commission ("Historical Commission"); (4) the East Goshen Conservancy Board ("Conservancy Board"); (5) the Commerce Commission; and (6) the Pension Committee.

(1) The Park and Recreation Commission.

You have submitted a copy of Chapter 51 of the Code of the Township of East Goshen ("East Goshen Township Code"), which provides, in pertinent part, as follows:

§ 51-5. Duties

The Park and Recreation Commission shall have the following responsibilities:

- A. Elect a Chairperson, Vice Chairperson, and Secretary from the Commission's members and establish a schedule of public meetings.
- B. Recommend rules and regulations to the Supervisors for the governance and use of park and open space facilities and equipment.
- C. Recommend and conduct approved educational and recreational programs and special events that are fun, safe, economical and generally accessible....
- D. Promote activities/events within the parks and open spaces that do not damage the environment, preserve natural resources and wildlife.
- E. Recommend additional facilities and uses for Township parks and open spaces.
- F. Stay current with trends in recreation by reading appropriate journals, magazines, etc., and/or attending workshops.
- G. Keep residents informed of Commission activities.
- H. Investigate, apply for and follow up on grant opportunities.
- I. Develop and sustain positive and cooperative relationships with other Township boards and commissions.
- J. Develop and sustain mutual and beneficial collaborative relationships with community businesses, organizations, civic groups, school districts, colleges and universities and other municipalities.
- K. Develop an ongoing plan to recruit and retain volunteers to help with recreation activities/events.
- L. Staff Park and Recreation Commission committees as directed by the Board of Supervisors and as adopted by resolution.
- M. Submit a suggested annual budget to the Supervisors by September 15 of each year.
- N. Recommend to the Supervisors a fee schedule for the rental of park facilities and recreational programs.
- O. Submit an annual report to the Supervisors indicating the progress toward current goals and formulation of future goals consistent with the Comprehensive Plan of the Township.
- P. Submit an annual report to the Supervisors that includes an analysis of the adequacy and effectiveness of the community recreation areas, facilities and leadership.

East Goshen Township Code, § 51-5.

(2) The Planning Commission.

You have submitted a copy of Chapter 63 of the East Goshen Township Code, which provides, in pertinent part, as follows:

§ 63-4. Qualifications of members; powers and duties.

The qualifications of members of the Commission and its duties and powers shall be as prescribed in the Pennsylvania Municipalities Planning Code Act of July 31, 1966, 247, Article II, Sections 201 through 211, provided that the Board of Supervisors may assign to said Commission such other duties as it may deem appropriate which are not inconsistent with the powers and duties provided by said Code.

§ 63-5. Expenditure of funds.

The Commission shall not have the power to obligate the township or expend township funds without the expressed consent, in writing, of the Board of Supervisors.

East Goshen Township Code, §§ 63-4, 63-5.

(3) The Historical Commission.

You have submitted a copy of East Goshen Township Resolution No. 94-21, which provides, in pertinent part, as follows:

Section 2. Duties and Responsibilities

The East Goshen Township Historical Commission (hereinafter referred to as "Commission") shall have the following duties and responsibilities:

- a. To conduct a survey of historic resources for the purpose of determining those of historic and/or architectural significance and the pertinent facts about such resources; to act in collaboration with the Planning Commission of East Goshen Township and other groups with respect to such survey; to maintain and periodically revise a detailed inventory and map or maps of such historically and/or architecturally significant resources and the data collected concerning the said resources, appropriately classified.
- b. To research and record the history of East Goshen Township.
- c. To research significant historic objects, sites, structures, buildings and districts, and to recommend to the Board of Supervisors the nomination of same to the National Historic Register of Historic Places.
- d. To propose from time to time to the Board of Supervisors the establishment of historic districts in

accordance with the then applicable statutes and rules and regulations of the Commonwealth of Pennsylvania.

e. To formulate regulations for the establishment of an appropriate system of markers for selected historic and/or architectural resources, including proposals for the installation and care of such historic markers and to recommend adoption of the same to the Board of Supervisors.

f. to prepare and publish books, maps, brochures, and descriptive materials about the Township's history and historic and/or architectural resources.

g. To cooperate with and advise the Board of Supervisors via the Planning Commission in matters involving historically and/or architecturally significant resources, during the review of zoning and/or subdivision and land development proposals, and to determine the extent to which the same have the likelihood of impacting upon historic and/or architectural resources.

h. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical Museum Commission and other local, state and national historic societies, conservancies and other agencies, public and private, concerned with historic and/or architectural preservation.

i. To advise owners of historic and/or architectural buildings and resources on problems in connection therewith and methods of preservation thereof.

j. To keep abreast of technical literature reports and documents relevant to historic and/or architectural preservation in East Goshen Township.

k. To promote public interest in the work of the Commission, by carrying on a public relations program by other appropriate means.

l. To advise the Board of Supervisors on the acquisition, whether by gift, purchase, grant, bequest, easement, devise, lease, or otherwise, and/or restoration of historic and/or architecturally significant properties and other resources, historical records and other data and material within the purview of the Commission.

m. To make plans for the establishment of a permanent archive of Township records and documents, and to make recommendations to the Board of Supervisors concerning the same.

n. To perform such other duties and undertake such other responsibilities as may be delegated to the Commission from time to time by the Board of Supervisors.

...

Section 7. Funding

The Commission may, with the consent of the Board of Supervisors, utilize any funds, personnel or other assistance made available by Chester County, the Commonwealth of Pennsylvania, or federal government or any of its or their agencies, or from any other private or public sources. Accounting for the receipt of such funds and for the expenditure thereof shall be pursuant to such regulations as the Board of Supervisors may adopt. Unless specifically authorized by the Board of Supervisors, the Commission shall not establish any separate bank or other account for the deposit or accumulation of funds. The Board of Supervisors may enter into agreements or contracts regarding the acceptance or utilization of such funds or other assistance as may be available. The Commission shall submit a plan of activities and a proposed budget to the Board of Supervisors during the regular Township budget process. Funds for the expenses to be incurred by the Commission shall, at the discretion of the Board of Supervisors, be appropriated by the Board of Supervisors. The Commission may expend monies for such administrative, clerical, printing and legal services as may from time to time be required to, but its expenditures shall be limited to the amount of funds appropriated to it by the Board of Supervisors or otherwise obtained from other sources as set forth above and, at all times, expenditures of the Commission shall be subject to the approval of and regulation by the Board of Supervisors.

East Goshen Township Resolution No. 94-21, Sections 2, 7.

(4) The Conservancy Board.

You have submitted a copy of Chapter 13 of the East Goshen Township Code, which provides, in pertinent part, as follows:

§ 13-2. Advisory duties of Board.

The Board shall advise the Board of Supervisors, the Planning Commission, the Park and Recreation Board and other agencies, officials and employees of East Goshen Township on matters dealing with conservation, management, protection and use of natural resources in the Township of East Goshen.

§ 13.3. Powers of the Board.

The Board shall have the power:

A. To make recommendations on the use and management of open land areas within the township to ensure that sound conservation concepts and ecological values are considered in decisionmaking. Particular emphasis shall be placed on the ecological evaluation of water and land resources (including meadowlands, woodlands and wetlands) in township parks and recreation areas and developing recommendations to the Park and

Recreation Board on ecological approaches to use and management plans for such areas.

B. To keep an index of all open areas, publicly or privately owned, including but not limited to flood-prone areas, lakes and ponds, wetlands, woodlands, unique geological features and other unique natural areas for the purpose of establishing open space preservation priorities, identifying appropriate land management and use plans and identifying existing or potential conflicts between such open areas and adjacent land uses, existing or proposed.

C. To identify methods by which priority open space areas or other property, real or personal, can be acquired (including by gift, purchase, grant, bequest, easement or lease) by the township or charitable conservation organizations and, as appropriate, provide such information to the owners of identified properties.

D. To identify important environmental or conservation issues requiring analysis or regulatory action and provide review and comment to the Board of Supervisors and the Planning Commission on any studies or regulations of such problems which may be initiated or developed by the township or other public or private entities.

E. To provide review and comment to the Board of Supervisors and the Planning Commission on the natural resources impact of subdivision and land development plans.

...

§ 13-7. Appropriation of funds.

Funds for the expenses incurred by the Conservancy Board shall be appropriated at the discretion of the Board of Supervisors. The Board may expend moneys for such administrative, clerical, printing and legal services as may from time to time be required, but its expenditures shall be limited to the amount of funds appropriated to it by the Board of Supervisors.

East Goshen Township Code, §§ 13-2, 13-3, 13-7.

(5) The Commerce Commission.

You have submitted a copy of East Goshen Township Resolution No. 2013-64, which changed the name of the "Commerce Development Commission" to the "Commerce Commission." It is administratively noted that East Goshen Township Resolution No. 2012-64 provides that the aforesaid Commission "shall be tasked with developing and recommending programs to the Board of Supervisors that support the growth and enhancement of existing business and encourage and promote the redevelopment and use of commercial properties in East Goshen Township."

(6) The Pension Committee.

You have submitted a copy of a memorandum ("Memorandum") dated March 24, 2011, from you to the Township Board of Supervisors, regarding the Township's defined

benefit pension plan ("Plan"). Attached to the Memorandum is a document (hereinafter referred to as "the Plan Document") which provides, in pertinent part, as follows:

**ARTICLE VII
ALLOCATION OF RESPONSIBILITIES – NAMED
FIDUCIARIES**

...

7.4 The Committee – Plan Administrator

The board of supervisors of the Township shall appoint an administrative Committee consisting of no fewer than three individuals who may be, but need not be, Participants, officers, supervisors, or Employees of the Township. If the board of supervisors does not appoint a Committee, the Township shall act as the Committee under the Plan. The members of the Committee shall hold office at the pleasure of the board of supervisors and shall service [sic] without compensation. The Committee shall be the Plan's "administrator" and shall be responsible for establishing and implementing a funding policy consistent with the objectives of the Plan. This responsibility shall include establishing (and revising as necessary) short-term and long-term goals and requirements pertaining to the financial condition of the Plan, communicating such goals and requirements to the persons responsible for the various aspects of the Plan operations, and monitoring periodically the implementation of such goals and requirements. The Committee shall publish and file or cause to be published and filed or disclosed all reports and disclosures required by federal or state laws.

7.5 Committee to Construe Plan

(a) The Committee shall administer the Plan and shall have all discretion, power, and authority necessary for that purpose, including, but not by way of limitation, the full and absolute discretion and power to interpret the Plan, to determine the eligibility, status, and rights of all individuals under the Plan, and in general to decide any dispute and all questions arising in connection with the Plan. The Committee shall direct the Trustee concerning all distributions from the Trust Fund, including the purchase of annuity contracts, in accordance with the provisions of the Plan, and shall have such other powers in the administration of the Trust Fund as may be conferred upon it by the Trust agreement. The Committee shall maintain all Plan records except records of the Trust Fund.

(b) The Committee may adjust the Account of any Participant, in order to correct errors and rectify omissions, in such manner as the Committee believes will best result in the equitable and nondiscriminatory administration of the Plan.

7.6 Organization of Committee.

The Committee shall adopt such rules as it deems desirable for the conduct of its affairs and for the administration of the

Plan. It may appoint agents (who need not be members of the Committee) to whom it may delegate such powers as it deems appropriate, except that the Committee shall determine any dispute. The Committee may make its determinations with or without meetings. It may authorize one or more of its members or agents to sign instructions, notices, and determinations on its behalf....

7.9 Conclusiveness of Action

Any action taken by the Committee on matters within the discretion of the Committee shall be conclusive, final and binding upon all participants in the Plan and upon all persons claiming any rights hereunder, including Alternate Payees and beneficiaries.

...

Plan Document, at 1-3.

Discussion: It is initially noted that pursuant to Sections 1107(10) and 1107(11) of the Ethics Act, 65 Pa.C.S. §§ 1107(10), (11), advisories are issued to the requester based upon the facts that the requester has submitted. In issuing the advisory based upon the facts that the requester has submitted, the Commission does not engage in an independent investigation of the facts, nor does it speculate as to facts that have not been submitted. It is the burden of the requester to truthfully disclose all of the material facts relevant to the inquiry. 65 Pa.C.S. §§ 1107(10), (11). An advisory only affords a defense to the extent the requester has truthfully disclosed all of the material facts.

The definition of the term "public official" set forth in the Ethics Act excludes members of advisory boards lacking authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or a political subdivision:

§ 1102. Definitions

"Public official." Any person elected by the public or elected or appointed by a governmental body or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or any political subdivision thereof.

65 Pa.C.S. § 1102 (Emphasis added).

The Regulations of the State Ethics Commission similarly define the term "public official" and set forth the following additional criteria that are used to determine whether the advisory board exception applies:

(i) The following criteria will be used to determine if the exception in this paragraph is applicable:

(A) The body will be deemed to have the power to expend public funds if the body may commit funds or may otherwise make payment of moneys, enter into contracts, invest funds held in reserves, make loans or grants, borrow

money, issue bonds, employ staff, purchase, lease, acquire or sell real or personal property without the consent or approval of the governing body and the effect of the power to expend public funds has a greater than de minimis economic impact on the interest of a person.

(B) The body will be deemed to have the authority to otherwise exercise the power of the Commonwealth or a political subdivision if one of the following exists:

(I) The body makes binding decisions or orders adjudicating substantive issues which are appealable to a body or person other than the governing authority.

(II) The body exercises a basic power of government and performs essential governmental functions.

(III) The governing authority is bound by statute or ordinance to accept and enforce the rulings of the body.

(IV) The body may compel the governing authority to act in accordance with the body's decisions or restrain the governing authority from acting contrary to the body's decisions.

(V) The body makes independent decisions which are effective without approval of the governing authority.

(VI) The body may adopt, amend and repeal resolutions, rules, regulations or ordinances.

(VII) The body has the power of eminent domain or condemnation.

(VIII) The enabling legislation of the body indicates that the body is established for exercising public powers of the Commonwealth or a political subdivision.

(ii) The term does not include judges and inspectors of elections, notary publics and political party officers.

(iii) The term generally includes persons in the following offices:

(A) Incumbents of offices filled by nomination of the Governor and confirmation of the Senate.

(B) Heads of executive, legislative and independent agencies, boards and commissions.

(C) Members of agencies, boards and commissions appointed by the General Assembly or its officers.

(D) Persons appointed to positions designated as officers by the Commonwealth or its political subdivisions.

(E) Members of municipal, industrial development, housing, parking and similar authorities.

(F) Members of zoning hearing boards and similar quasi-judicial bodies.

(G) Members of the public bodies meeting the criteria in paragraph (i)(A).

51 Pa. Code § 11.1.

In applying the above provisions to the narrow question posed, you are advised as follows.

Based upon the submitted facts, you are advised that, for purposes of applying the Ethics Act, the Planning Commission, the Historical Commission, and the Commerce Commission are purely advisory boards.

Based upon the submitted fact that the Park and Recreation Commission has the authority to investigate, apply for and follow up on grant opportunities, the Park and Recreation Commission is not a purely advisory board. The aforesaid authority exceeds a purely advisory function.

Based upon the submitted fact that the Conservancy Board has the authority to expend moneys for administrative, clerical, printing and legal services, the Conservancy Board is not a purely advisory board lacking authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or a political subdivision.

In considering the powers and duties of the Pension Committee, the necessary conclusion is that the Pension Committee is not a purely advisory board. Pursuant to the Plan Document set forth above, the Pension Committee has the authority to, *inter alia*: (1) establish and implement a funding policy consistent with the objectives of the Plan; (2) establish and revise short-term and long-term goals and requirements pertaining to the financial condition of the Plan; (3) administer the Plan, interpret the Plan, determine the eligibility, status, and rights of all individuals under the Plan, and decide any dispute and all questions arising in connection with the Plan; (4) direct the Trustee concerning all distributions from the Trust Fund, including the purchase of annuity contracts, in accordance with the provisions of the Plan; (5) adjust the account of any Plan participant to correct errors and rectify omissions; (6) adopt such rules as it deems desirable for the administration of the Plan; and (7) appoint agents to whom it may delegate such powers as it deems appropriate. Given the foregoing powers, it is clear that the Pension Committee is not a purely advisory board.

This Advice is limited to addressing the narrow question posed under the Ethics Act.

Conclusion: Based upon the submitted facts, the following East Goshen Township entities would be considered purely advisory boards for purposes of applying the Public Official and Employee Ethics Act (the "Ethics Act"), 65 Pa.C.S. § 1101 *et seq.*: (1) the East Goshen Township Planning Commission; (2) the East Goshen Township Historical Commission; and (3) the Commerce Commission.

Based upon the submitted facts, the following East Goshen Township entities would not be considered purely advisory boards for purposes of applying the Ethics Act: (1) the East Goshen Township Park and Recreation Commission; (2) the East Goshen Conservancy Board; and (3) the Pension Committee.

Pursuant to Section 1107(11) of the Ethics Act, an Advice is a complete defense in any enforcement proceeding initiated by the Commission, and evidence of good faith

conduct in any other civil or criminal proceeding, provided the requester has disclosed truthfully all the material facts and committed the acts complained of in reliance on the Advice given.

This letter is a public record and will be made available as such.

Finally, if you disagree with this Advice or if you have any reason to challenge same, you may appeal the Advice to the full Commission. A personal appearance before the Commission will be scheduled and a formal Opinion will be issued by the Commission.

Any such appeal must be in writing and must be actually received at the Commission within thirty (30) days of the date of this Advice pursuant to 51 Pa. Code § 13.2(h). The appeal may be received at the Commission by hand delivery, United States mail, delivery service, or by FAX transmission (717-787-0806). Failure to file such an appeal at the Commission within thirty (30) days may result in the dismissal of the appeal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robin M. Hittie".

Robin M. Hittie
Chief Counsel



FYI

East Goshen Township Community Visioning Event

East Goshen Township residents: An exciting opportunity exists for you to help establish a preferred vision for our community. The Township Comprehensive Plan Task Force invites you to join them and their planning consultant, the Brandywine Conservancy, to step back from your day-to-day activities on the evening of June 3rd and look with them at the big picture for East Goshen. By attending this meeting, you will help us answer questions such as..... "Where is our community now? Where is it going? Where do we want it to be in the future? And how can we help get it there? Together we will explore our residential neighborhoods, shopping centers, office parks, open space, trails, our natural and historic resources, economic development, traffic and parking, and energy conservation, as well as other features you believe are important to the future of our community. Staff from the Conservancy will summarize comments at the end of the session. A draft community vision will then be formed and posted on the Township website for public comments. A final community vision, to be adopted by the Board of Supervisors, will be used to guide the Township's comprehensive plan and referred to by all of the Township's committees and commissions for future decision-making. Please join us for this important community event.

Who: All East Goshen Township Residents

What: Community Visioning Event

Where: East Goshen Township building

When: June 3, 2013 @ 7PM

Visit the Township website to see what the Comprehensive Plan Task Force has discussed to date.

<http://www.eastgoshen.org/boards/comprehensive-plan-task-force.php>

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

FYI

August 26, 2012

Dear Property Owner:

The purpose of this letter is to inform you that John T. Nicholson, owner of 10 Broad Street, West Chester, PA 19382 has submitted a Zoning Hearing Board application requesting relief from the 20 foot side yard requirement of the Township Zoning ordinance in order to construct an addition to their home at 10 Broad Street.

Pursuant to Township policy, property owners within 1000 feet of the subject property are notified of Zoning Hearing Board applications.

The application will be reviewed and discussed at the following meetings. These meeting are subject to change.

May 1, 2013 - Planning Commission (7:00 pm)
Presentation of the application to the Planning Commission

May 7, 2013 - Board of Supervisors (7:00 PM)
Presentation of the application to the Board of Supervisors

June 11, 2013 - Zoning Hearing Board (7:30 pm) **(Zoning Hearing)**

All meetings and hearings are held at the Township Building and are open to the public. The Zoning Hearing Board Application is available for review during normal business hours. If any person who wishes to attend the hearing has a disability and/or requires an auxiliary aid, service or other accommodation to observe or participate in the proceedings, he or she should contact East Goshen Township at 610-692-7171, to discuss how those needs may be accommodated.

Please give me a call if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer