

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
June 5, 2007 – 7:00pm**

**Present:** Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio, Marty Shane and Joe McDonough. Also present were Township Manager Rick Smith, Kathryn Yahraes and Linda Gordon (Historical Commission), Jim McRee (Planning Commission), Phyllis Marron (Park & Rec), Jane Fava (Conservancy Board) and Elaine Blair (Hershey's Mill rep).

**WORKSHOP**

**Review of Minutes**

The minutes of May 23 were reviewed and corrected.

**Living History Day**

Marty commended Kathryn Yahraes and Linda Gordon for the outstanding job they did organizing Living History Day on June 2. He was especially impressed by the open hearth cooking demonstration.

**Bills**

Current invoices were reviewed.

**Agenda Review**

The agenda for the formal meeting was reviewed.

**Bow Tree Pathway Fence**

Resident Paul Canavin of 1652 Eldridge Drive was present to discuss his request for the Township to install fencing to prevent people using his property to cut across to the Bow Tree path. The Supervisors told Mr. Canavin the Township cannot legally install a fence on private property. Marty suggested the Township create a path on the open lot next door to Mr. Canavin that would hook up with the Bow Tree path. Mr. Canavin said he thought this would create even more traffic on his property, and said he would install fencing along his property to keep trespassers out. Rick advised him not to close up the gap between his property and the Township open space. The Supervisors said the Township would be willing to fence in the gap for him. Rick will have Yerkes survey the property lines to clearly delineate Mr. Canavin's property from the open space to help him install his fencing. Joe will draft a letter to the Bow Tree HOA advising them of the matter.

**Proposed Super Wawa in Westtown Twp.**

The Supervisors reviewed and edited the draft letter to Westtown containing East Goshen's comments.

### **Update on 1419 Center Street**

Rick said the property has been posted, and the Public Works Dept. is cutting the grass regularly. Jeff Sommer has filed charges against the property owner for the money owed to East Goshen.

## **FORMAL MEETING**

### **Call to Order & Pledge of Allegiance**

The Chairman called the meeting to order at 8:04pm and led everyone in the Pledge of Allegiance to the flag.

### **Recording of Meeting**

Don asked if any resident would be recording the meeting. Mr. Abbas Rahbari said he would be recording the meeting and also "transmitting."

### **Approval of Minutes**

Carmen moved to approve the minutes of May 23 as corrected in the Workshop. Marty seconded the motion. There was no public comment and no discussion. The motion passed unanimously, with Joe abstained from voting as he was not present at that meeting.

### **Living History Day**

Kathryn Yahraes of the Historical Commission reported that Living History Day on June 2 was very successful in spite of the oppressive heat. Approximately 250 people came out, and 30 volunteers participated. A memorial bench and two trees were dedicated to the memory of Nancy Hayward. The dedication ceremony included Revolutionary War reenactors who gave a musket salute. Marty reiterated his comments made in the Workshop praising the fabulous job the Historical Commission did in making the day a success.

### **Chairman's Report**

Don announced that the Deer Management Committee will make its initial report to the Supervisors during the June 19 meeting, but the Board will take no action that evening.

## **PUBLIC HEARING**

### **Comcast, 1354 Boot Road, Curative Amendment**

Don opened the Curative Amendment hearing and announced it will be continued until August 7, 2007 at 8pm at the request of Comcast counsel Lou Colagreco, Esq. A court reporter was present and will provide a complete transcript of the proceedings.

## **FORMAL MEETING (Resumed)**

### **Treasurer's Report**

The Treasurer's Report for June 5, 2007:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>	
<b>GENERAL FUND</b>			
Real Estate Tax	\$ 96,430.57		
Earned Income Tax	\$ 383,293.57		
EMS TAX	\$ 77,000.00	Accounts Payable	\$ 330,026.27
Transfer Tax	\$ 0.00	Debt Service	\$ 29,664.01
Codes, Park & Rec, Etc.	\$ 103,357.28	Payroll	\$ 80,000.00
<b>Total Receipts</b>	<b>\$ 660,081.42</b>	<b>Total Expenditures</b>	<b>\$ 439,690.28</b>
Zoning Hearing Fund	\$ 0.00		\$ 0.00
State Fund	\$ 0.00		\$ 0.00
Capital Reserve	\$ 0.00		\$ 11,975.29
Transportation Fund	\$ 0.00		\$ 0.00
Sewer Operating	\$ 0.00		\$ 159,695.62
Refuse	\$ 0.00		\$ 206.91
Capital Projects	\$ 0.00		\$ 0.00

Marty moved to accept the Treasurer's Report and the receipts and to approve the expenditures pending the Board's review. Joe seconded the motion. There was no discussion or public comment. The motion passed unanimously.

**Comcast, 1354 Boot Road, Zoning Variance Application for Fence**

Alyson Mamourian, Esq. was present for Comcast. Resident Bill Egan was present to represent the Mill Creek residents opposed to the variance.

Thom asked Mr. Egan what negative impact the residents anticipate if a fence is installed. Mr. Egan said it will cut down on their view of a pastoral hill. He added that Comcast proposes installing a cyclone fence topped with barbed wire, which will be very unattractive.

Thom asked Ms. Mamourian if Comcast is able to demonstrate that there will be a negative impact to them if a fence is not installed. Ms. Mamourian said there would be trespassing and vandalism. She said the new Facilities Director for Comcast has recently called the police a couple of times to report such incidents. Marty asked her if it isn't true that the real reason Comcast wants the fence is to limit their liability. Ms. Mamourian agreed. Thom asked Ms. Mamourian if it would still be their intent to install a 6-ft high fence if they get the variance. Ms. Mamourian said yes.

Carmen asked Ms. Mamourian to report on the status of Lou Colagreco's meeting with the residents to discuss fencing options. Ms. Mamourian said the property owners were unable to come to a consensus, so no progress was made. Mr. Egan said that Comcast did not present a formal proposal to the residents, as they had expected. The residents could not come to a consensus and therefore, still oppose the variance request. Carmen asked Mr. Egan if it would have made a difference if Comcast had presented a formal proposal. Mr. Egan said probably not, as one of the residents felt Mr. Colagreco was trying to coerce her into agreeing to the fence. Thom asked Ms. Mamourian if Comcast would be willing to install a more aesthetically pleasing fence, instead of a cyclone fence. Ms. Mamourian said Comcast plans to install a cyclone fence.

Marty noted for the record that Mr. Egan provided the Supervisors with a petition signed by 31 out of 34 households in Mill Creek in opposition to the variance.

Marty asked Ms. Mamourian to restate Comcast's position and their reason for requesting the variance. Ms. Mamourian said the berm creates a hardship as it is a unique condition. It prevents Comcast from policing activities on their property because they cannot see beyond the berm. Marty pointed out that Comcast never raised this issue during the Conditional Use or Land Development process. Ms. Mamourian said it was unforeseen that it would turn into a security issue. Marty asked if there aren't other ways to prevent trespassing besides a fence. Ms. Mamourian said they discussed these during a previous meeting with the Board, and all of the alternatives presented issues. Marty pointed out that a fence presents an issue to the residents. He asked why Comcast believes the berm on their property is different from any other berm on commercial properties throughout the Township, that it would require a variance. He said it is incumbent on Comcast to show the Board why their berm is unique and unlike any other situation in the Township. Ms. Mamourian said it's unique because Comcast has trespassers. Marty pointed out that Comcast has never provided reports of police being called because of a trespassing problem.

Thom asked Ms. Mamourian why increasing the vegetative screening would be a problem. Ms. Mamourian said it would be an issue because it would be difficult to maintain the plantings. Thom then asked how a fence negates the purpose of a buffer. Carmen said Comcast was approved to build without a fence. Joe said that putting a structure in a buffer yard defeats the whole purpose of the buffer.

Don asked Ms. Mamourian how Comcast expects a straight-line fence, that doesn't enclose anything, to provide security against trespassers.

Carmen then moved to oppose the zoning variance request of Comcast Communications at 1354 Boot Road, granting relief to §240-C(2)(e) in order to install a fence within the required buffer yard for the following reasons:

1. The requested relief would negatively impact the adjoining properties and the hardship is self-imposed.
2. The applicant has not satisfied the conditions for a variance as outlined in §240-58 of the Township Code.
3. No evidence was presented to document the harm caused by the alleged trespassers.
4. We believe there are reasonable and viable alternatives (to a fence) which are available.
5. Significant opposition from the adjoining neighborhood in response to the variance, which has been documented via petition, and public comment in opposition at our meeting.

The Township Engineer should also confirm that the plantings required by the approved land development have been installed. A member of the Board shall be present with the Township Solicitor at the Zoning Hearing Board meeting to represent the Board's position.

Joe seconded the motion.

*Public Comment: Linda Gordon, Line Road* – Asked when the pertinent zoning ordinance was written. Rick said the buffer yard provision has been in place since 1983. Linda said that when she was a Supervisor, the Board did not think it a problem to have a fence on a property line.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Said it's a "stretch" for Lou Colagrecio to purport that a berm is a unique characteristic of this property. He said Comcast could install a security camera to monitor their property for trespassers. He said he believes there is more to Comcast's position on this issue than meets the eye, and said that if they are having a security issue with trespassers, they should provide the police incident reports to back up their claim.

There was no further discussion or public comment. The Board voted 4:1 to carry the motion, with Thom opposed.

#### **Comcast Landscaping at 1354 Boot Road**

Carmen put forth a motion on this issue that was seconded by Joe, but the Board could not agree on the wording. The motion was withdrawn. Joe recommended that Township staff meet with Comcast's attorneys to develop an appropriate motion the Supervisors can approve at a future meeting.

#### **In-Law Suite at 509 Barker Drive (Landis)**

Thom moved to authorize the Chairman to execute the agreement between East Goshen and residents Irvin Landis III and Sharon Landis, allowing an in-law suite at their home at 509 Barker Drive. Joe seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

#### **YMCA Offer to Construct Pavilion in Township Park**

Don announced that this matter would be tabled because the Board had not had time to review the matter. It will be discussed during the workshop.

#### **Correspondence & Reports of Interest**

None.

#### **Meetings & Dates of Importance**

Don noted Municipal Authority meeting scheduled for June 11 has been rescheduled to June 18.

#### **Public Hour – Hearing of Residents – Receipt of Petitions**

*Public Comment: Harold Rennard, 410 N. Chester Road* – Said he would like all five Supervisors to visit his property on N. Chester Road so he can show them how the Township Engineer's recommendations regarding stormwater for the site are erroneous. The Board agreed to meet at Mr. Rennard's property on June 12 at 6:30pm. Rick will ask Yerkes to be present. Don announced that it would be a public meeting, and would be followed by a regular workshop at the Township building.

*Public Comment: Bill Egan, 1422 Mill Creek Drive* – Volunteered to work with Township staff and Comcast to revise the landscaping motion. He told the Board there is still no grass growing on the Comcast path yet. He asked Rick if an as-built plan of the Comcast building exists which

would show the 100-ft. buffer yard. Rick said he is welcome to come to the Township building to look at the plan.

Mr. Egan reported that there had been no trash pickup on his street on June 1. He asked that the Township newsletter publish phone numbers residents can call to report such incidents.

Mr. Egan said that the agenda for tonight was never posted to the Township website. Rick said the staff is still having some issues posting things to the site.

Mr. Egan asked if Rick or the Board had any additional information about the diesel fuel spill at Boot and Wilson Roads. Rick gave a recap of what happened, and said the spill had been contained. Carmen said DEP has been contacted and they will investigate the matter.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Asked Rick if the Township has received the indoor air quality test results yet. Rick said he had the report and would send a copy to Mr. Rahbari.

Mr. Rahbari then asked why work has come to a stop at the YMCA site on Airport Road. Rick said the Y's contractor is busy finishing up work at Wellington. He said they are conducting soil testing at the Airport Road site, but they still have not awarded a contract to an excavator.

Mr. Rahbari then asked how much the Township had spent on the aerial deer survey. Carmen said it was approximately \$17K after a 10% discount. Jim McRee said that per Mark Gordon the final cost was \$15,900. Mr. Rahbari said he is puzzled why the Township has the funds for a deer count but cannot find the money to construct a functional website. Don said he is planning to work on the website in July with a Township staff person.

Mr. Rahbari commended Jim McRee for doing an outstanding job as Chairman of the Deer Management Committee.

### **Adjournment**

There being no further business, the formal meeting adjourned at 9:37pm.

### **WORKSHOP (Resumed)**

#### **YMCA Offer to Construct Pavilion in Township Park**

The Board reviewed the plans for the pavilion. Thom would like something larger to accommodate more people, and he wants more space between the pavilion and the restrooms. Marty thinks it's too late to ask the YMCA to change the plans now. Rick will check into the possibility of enlarging the pavilion, and what an appropriate size would be.

#### **Deer Management Committee**

Marty recommended conducting a statistically valid sampling of residents to find out what they would like the Township to do to address the deer problem. He says he needs this information to move forward with a deer control program. Don recommended hearing the DMC's recommendations first.

### **Meeting Agendas**

Marty asked that the Board address topics listed on the agenda during meetings. Joe requested that Board members not introduce new topics at the last minute, which then take precedence over agenda items he spent time preparing to discuss. The Board agreed to start winding down future meetings at 10pm, and spending the remaining time after that focused on items which absolutely must be acted upon that evening.

### **Adjournment**

There being no further business, the formal meeting adjourned at 10:30pm.

Respectfully submitted,

Anne Meddings  
Recording Secretary