

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
October 2, 2007 – 6:30pm**

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

**WORKSHOP**

**Review of Minutes**

The minutes of September 11 and 18 were reviewed and corrected.

**Super Wawa in Westtown**

Skip Brion, Esq. (for Wawa) was present to discuss East Goshen's concerns with the project.

*Widening of Manley Road* - Mr. Brion said Wawa will contribute to rebuilding and repaving Manley Road to make it 3 lanes if East Goshen agrees to put in \$40K to do the overlay work and striping. Wawa will escrow the funds for this work with Westtown. The Board was agreeable to this, and will send a formal letter to Westtown accepting Wawa's offer.

Marty asked how the process will be handled. Mr. Brion said Westtown will grant final approval of the project subject to receiving a letter from East Goshen agreeing to do the overlay and striping.

*Curbing on Manley Road* - Mr. Brion said Westtown's traffic engineer McCormick Taylor does not want full curbing on the south side of Manley Road as it would impede efforts to control stormwater runoff in the vicinity. Joe said he doesn't want any curbing on the south side either, because if there is no curb, landscapers will probably choose to park on Westtown's side of the road instead of East Goshen's side. Mr. Brion indicated he didn't think roadside parking would be an issue, as there will be plenty of parking in the lot, even for oversize vehicles.

*Monument Sign* - Mr. Brion said Wawa will install a 10-ft monument sign which will include 4'7" of signage.

*Right In/Right Out on Manley Road* - Mr. Brion said Wawa will escrow funds as part of their Alternate Access Agreement which they will revert to if, 12 months after opening, the Police Chief determines the entrance/exit is unsafe as originally constructed. Marty said he does not personally believe the entrance/exit will need to be reworked, but expressed concern that the decision will be left up to one individual's subjective opinion.

Mr. Brion told the Board that Wawa carefully considered the three letters East Goshen sent to Westtown outlining their concerns, and has done their best to accommodate East Goshen's requests. Don asked Mr. Brion to convey the Board's appreciation.

**Sorrell Hill (Harlan) Subdivision, 56 Line Road**

Developer George Harlan was present.

Don asked Mr. Harlan about the access easements. Mr. Harlan said he believes that has been taken care of.

Marty wants it made clear to buyers, in the HOA documents and in the agreement of sale, that there are restrictions on the size of swimming pools, shed placement, etc. because the setbacks cannot be intruded upon. Marty wants to avoid having all the homeowners coming to the Township seeking variances. Carmen agreed with Marty. Mr. Harlan said he believes if someone wants to be granted an exception, they will have to go before the HOA first before coming to the Township. Carmen does not think it would be right to grant exceptions or variances allowing the homeowners to encroach on the development's open space. Designated open space should be kept as open space. Mr. Harlan said he could have some language added to the documents per Marty's request.

Rick then looked at the plans for the development and said there would not be adequate room for the homeowners to build swimming pools.

Linda Gordon of the Historical Commission agreed with Marty and Carmen that the HOA documents should have a place for buyers to sign stating they understand they cannot build in the setbacks. That way, when they seek a variance from the Township they cannot claim to have a "hardship."

Jim McRee said the Planning Commission also discussed adding language to the documents to make buyers aware of the restrictions.

*Public Comment: John Schorn, 1401 Larch Lane* – Said the homeowners will have a "hardship" caused by the way East Goshen is treating the property lines in this development. He said the 25-ft setback is unreasonable where the lots will abut open space. Carmen said that is the way the ordinance is written, so it must be followed. Joe told Mr. Schorn that the builder could have elected to build fewer units with larger lots, but chose not to.

Carmen said he would be willing to responsibly tweak the ordinance for this unique type of development. Marty agreed and said the Township should change the ordinance section that addresses swimming pools in open-space developments. Jim McRee said if the Board wishes, the Planning Commission could begin reviewing the ordinance for appropriate changes at their next meeting.

Regarding the issue of the sewer lateral, Don told Jim McRee that the Planning Commission should not be making recommendations for sewer line placement; that is the job of the Municipal Authority's engineer.

Carmen asked Mr. Harlan to have a chainlink fence installed outside the dripline of the large gum tree in the ROW during construction, to ensure the tree is preserved.

Don asked Mr. Harlan if the plan shows tree driplines. Mr. Harlan said yes, Yerkes added that information to the plan. Don asked about the plantings that were not shown on the plan. Mr. Harlan said the plan has been revised to include that information, and resubmitted to Yerkes.

Don asked Linda Gordon if the Historical Commission needs anything further from this applicant. Linda said no.

## **FORMAL MEETING**

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

The Chairman called the meeting to order at 8:13pm and led everyone in the Pledge of Allegiance to the flag.

### **Recording of Meeting**

Don asked if any resident plans to record the meeting. There was no response.

### **Approval of Minutes**

Thom moved to approve the minutes of September 11 and 18 as corrected in the Workshop. Marty seconded the motion. There was no public comment and no discussion. The Board voted and the motion passed unanimously.

### **Introductions**

Carmen introduced Daniel Egan to the Board. Daniel is a Boy Scout working toward his "Citizenship in the Community" merit badge. Carmen also introduced Shelly McLeod, Chester County's 2007 selection to participate in the Anne Anstine Excellence in Public Service program.

### **Chairman's Report**

Don announced the following:

- Chester County Day is Saturday, October 6.
- A free Golden Years Expo will be held at the West Chester Area Senior Center on Tuesday, October 9 from 10am to 1pm. The event will be hosted by State Rep. Barb McIlvaine Smith.

### **Change in Township Holiday Schedule**

The Township would like to adjust the 2007 holiday schedule and remain open on November 12 (Veterans Day) but close for December 24 (Christmas Eve). Marty moved to accept the change in schedule. Joe seconded the motion. There was no public comment. The motion passed unanimously.

## **Treasurer's Report**

Rick read the Treasurer's Report for October 2, 2007:

	<b>RECEIPTS</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>		
Real Estate Tax	\$ 1,694.85	
Earned Income Tax	\$ 200,908.31	
EMS TAX	\$ 1,000.00	Accounts Payable \$ 265,400.45
Transfer Tax	\$ 0.00	Debt Service \$ 28,705.07
Codes, Park & Rec, Etc.	\$ 77,288.36	Payroll \$ 80,000.00
<b>Total Receipts</b>	<b>\$ 280,891.52</b>	<b>Total Expenditures \$ 374,105.52</b>
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 11,539.45	\$ 18,660.90
Refuse	\$ 7,067.90	\$ 17,769.98
Capital Projects	\$ 0.00	\$ 0.00

Marty moved to accept the Treasurer's Report and to approve the expenditures pending the Board's review. Joe seconded the motion.

Linda Gordon of the Historical Commission asked how the Township is doing keeping to the budget. Rick said that per Kathy Glass, the Township is on target for the year so far.

There was no further discussion or public comment. The Board voted and the motion passed unanimously.

### **Sorrell Hill (Harlan) Subdivision, 56 Line Road**

Developer George Harlan was present.

Don moved for the Board of Supervisors to approve the final subdivision and land development plan for Sorrell Hill dated June 22, 2006, and last revised September 7, 2007 with the following conditions:

1. All of the conditions cited in the Sept. 17, 2007 Yerkes review letter are satisfactorily addressed.
2. The written stormwater management agreement in the Homeowner's Association documents will reference Township Ordinance Chapter 195 and require inspections as outlined in the ordinance for all of the stormwater management seepage beds.
3. The Board will not sign final plans until the financial security escrow is submitted and accepted by the Township.
4. The applicant shall develop and construct the site in accordance with all federal, state and local laws and regulations.
5. The Homeowners Association documents and purchase agreements shall reflect the limited available space on the lots for auxiliary structures including pools.

6. The retaining wall and tree, comment #43 in the Yerkes letter, will be the responsibility of the Homeowner's Association and so noted on the plan and in the HOA documents.
7. Harlan Corporation shall create and record the sewer easement for the proposed sanitary sewer extension to the southwest area of the site in the event that the Township needs to extend the sewer service in the future, however Harlan Corporation is not required to construct the extension.

Marty seconded the motion. Mr. Harlan said he was agreeable to the conditions.

Carmen asked Mr. Harlan if there are plans to provide a water source or irrigation system for the area where there will be common plantings. Mr. Harlan said yes, that has been budgeted.

*Public Comment: John Schorn, 1401 Larch Lane* – Urged the Board to change the restrictions on swimming pools in setbacks to accommodate homeowners in Sorrell Hill. He said the development plan is very nice, and he doesn't see that having swimming pools in the setback area will adversely affect anyone.

*Public Comment: Bill Egan, 1422 Mill Creek Drive* – Asked the Board if any more thought has been given to the requirement to having the HOA maintain the seepage beds to avoid flooding onto Jackie Weber's property. Don said Ordinance Chapter 195 covers that. Marty added that was a condition in the motion.

Marty asked Jackie Weber, who was present, if she is comfortable with the plan or if there are any outstanding issues for her. Ms. Weber said the plan looks good right now, but you never know what might come up after a project is completed. She added that Mr. Harlan has been very pleasant and easy to work with.

Ms. Weber asked the Board if she will have to fence in her pond to protect children from the new development who might stray onto her property. Rick said there is no requirement for her to fence the pond. Carmen said he doesn't think Jackie should have to pay for liability insurance in case someone has an accident at her pond. Mr. Harlan said the Township cannot require the Sorrell Hill HOA to pay liability insurance for someone else's property.

Jim McRee of the Planning Commission asked when the clock will start for the HOA to maintain the seepage beds. Rick said the clock will start when the project is completed. The builder is responsible to monitor the seepage beds during construction.

There was no further discussion or public comment. The Board voted unanimously to pass the motion.

### **Super Wawa in Westtown**

Don announced that East Goshen will send a letter to Westtown's Board of Supervisors accepting Wawa's offer to contribute to rebuilding and repaving Manley Road to make it 3 lanes. Joe moved to have the Chairman send the letter to Westtown. Carmen seconded the motion.

The Board agreed to send a separate letter to Westtown thanking them for working with East Goshen on this matter.

*Public Comment: John Schorn, 1401 Larch Lane* – Asked how this road work will be handled. Will it sit for a year unpaved like Reservoir Road? Carmen said no, this is a different situation. Mr. Schorn asked how much Wawa is contributing to the road work. Don said Wawa's contribution will probably end up around \$143K. East Goshen will contribute \$40K.

Linda Gordon of the Historical Commission asked if the \$40K was budgeted. Don said yes.

There was no further public comment or discussion. The Board voted unanimously to pass the motion.

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

Don acknowledged receipt of the following:

- Letter from Site Engineering Concepts informing the township they have applied for an NPDES permit for the Mita residence on Strasburg Road.
- 2008 WEGO budget.

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

Don noted the upcoming meetings as listed in the agenda.

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

*Public Comment: John Schorn, 1401 Larch Lane* – Asked the status of the stormwater sewer at Rt. 352 and Anne Drive. Don said the Township is awaiting a report from Pennoni, which is due November 13. Mr. Schorn asked the status of the paving on Larch Lane. Rick said it's on the list to get done. Mr. Schorn asked about the WEGO budget and how the amount of Thornbury's contribution is determined. Carmen said Thornbury pays a negotiated amount based on their past use of the service, with an escalation factor built in. Don said that Thornbury is paying their fair share. Marty agreed and said East Goshen is not underwriting any services for Thornbury. Finally, Mr. Schorn said he supports the Township providing Class A uniforms to the police officers.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Stated he reserves the right to record and transmit the meeting proceedings. Mr. Rahbari said he supports the Township providing Class A uniforms to the police officers. Mr. Rahbari asked about the circumstances surrounding the resignation of Officer Scott Roth and the retirement of Officer Darren Stocker. Carmen reminded Mr. Rahbari that he asked the same question at the Police Commission meeting where he received an answer from Chief Dumond which will be captured in the minutes. Thom advised Mr. Rahbari it is inappropriate to discuss personnel matters in a Supervisors meeting, and for Mr. Rahbari to imply that Officer Roth has done something inappropriate. Don agreed. Joe told Mr. Rahbari that East Goshen has delegated to the Police Commission the responsibility of operating the Police Department, and that he should take his questions to a Police Commission public meeting. Don agreed the Police Commission is responsible for the daily operation of the police department.

*Public Comment: Bill Egan, 1422 Mill Creek Drive* – Asked the status of the drain ordinance change for Keystone Foods. Rick said the change will be discussed at the October 16 meeting. Mr. Egan then asked about the proposed horse trail along Line Road. He expressed concern about runoff from horse manure left on the trail, as there is no ordinance covering this issue. Rick said there is a requirement for animal owners to clean up after their animals. Carmen suggested Mr. Egan call the police if he observes someone not cleaning up after their animal. Mr. Egan asked if the trail has to be constructed, as he would prefer it not be put in. The Board said yes, it was part of an agreement with Applebrook. Marty said the Township will check if the horses will be allowed to go over the bridge or not.

*Public Comment: John Schorn, 1401 Larch Lane* – Asked who was the attorney representing Wawa. The Board told him it was Skip Brion. Mr. Schorn asked Carmen if the Police Commission has to abide by the Sunshine Act. Carmen said yes, and they are also permitted to hold Executive Sessions not open to the public.

*Public Comment: Stefin Sobel, General Manager of McCusker & Ogborne* – Asked when the Board will award the contract for trash hauling. Don said the announcement will probably be made in 2 weeks at the next formal meeting of the Board.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Asked how East Goshen protects its electronic data as required by law. Rick said the Township backs up its data on a daily basis and follows the state retention policy. Mr. Rahbari asked if any data has been lost during the last five years. Rick said there was probably some data lost when the Township migrated from Outlook Express to regular Outlook. Mr. Rahbari asked who performs the daily backups. Rick said a Township employee. Mr. Rahbari asked if the employee has been trained for that. Rick said yes.

### **Adjournment**

There being no further business or public comment, the formal meeting adjourned at 9:20pm.

### **WORKSHOP (Resumed)**

#### **Bills**

Current invoices were reviewed.

#### **Leaf Bags**

The Board discussed how the leaf bags should be distributed to residents. Joe and Marty said they are not happy with the current method, but had no alternative to suggest.

*Public Comment: Abbas Rahbari, 1613 Manley Road* – Suggested the Township have residents show ID and initial a form when picking up their leaf bags. He recommended the Township not store the bags in the vestibule as in the past, as they are a fire hazard, emit dangerous VOCs, and present a liability issue.

Joe suggested putting the bags on a pallet around the back of the building, and posting a sign on the front door directing residents to the back.

*Public Comment: John Schorn, 1401 Larch Lane* – Suggested the Township purchase a portable shed to install in front of the building to keep the bags in. The shed could be moved and used for other purposes the remainder of the year.

Rick suggested that for now, they could put out a limited number of leaf bags each day in front of the building, under the overhang. The Board was agreeable to this.

### **Refuse Bids**

Marty said he and Joe reviewed the bids and various options in great detail, and recommend maintaining the status quo. There is no justification to make any changes. The Township should continue to pay the tipping fee. The low bidder would therefore be McCusker & Ogborne. Joe said Hershey's Mill has used this firm for three years and they do a good job.

Phyllis Marron of Park & Rec asked what will happen to rates. Don said rates would stay the same, or increase slightly.

*Public Comment: John Schorn, 1401 Larch Lane* – Asked if the landfill might be willing to set the tipping fee rate for the next 3 years, so East Goshen can lock it in. Carmen said the landfill sets their rates annually. Mr. Schorn says he likes the current hauler.

The Board decided to advertise in time to make the award announcement on October 9, not on October 16 as they had told Mr. Sobel.

### **DMC Issues**

Jim McRee said the DMC would like to know the Board's intentions for the long-term administration of the program. The members originally signed on with the impression the Committee would disband after 6 months or so. Don said he would like to set aside an hour or so to discuss this at the October 23 workshop meeting. Other members of the DMC are welcome to attend that discussion. The Board will also set aside time that evening to watch a deer video the DMC has asked them to view.

### **Presidential Primary**

The Board agreed to tell Andy Dinniman that East Goshen is not in favor of moving the primary from April to February. The Board does not want to incur the cost of having 2 primaries, and Marty is concerned that bad weather in February could limit turnout.

### **Newsletter Article about Variances**

Marty reported that the ZHB is upset the recent Planning Commission newsletter article about variances made no mention of the ZHB.

### **Occupancy Inspections – Garage Door Openers**

The Board discussed Rick's September 27 memo on this topic. Thom wants to make it a requirement that garage door openers to be equipped with safety sensors. Joe said he would agree with Thom if there is a legal way to do it. Carmen said this issue is not in the Property Maintenance Code and therefore could not be enforced.



Linda Gordon of the Historical Commission said she is opposed to this requirement.

*Public Comment: John Schorn, 1401 Larch Lane – Agreed with Thom that it should be required.*

*Public Comment: Abbas Rahbari, 1613 Manley Road – Agreed with Carmen that this issue has to be in the Property Maintenance Code to be enforceable.*

The Board agreed to have the Township solicitor advise them on this matter.

### **Cingular Wireless – West Chester Pike Facility**

Rick said Cingular's attorney has advised that the old facility will be taken down and the new one installed by the end of 2007.

### **Connect CTY**

Joe said he learned at a TMACC meeting of another firm offering the same type of service as Connect CTY, and suggested the Board take a look at them. The Board agreed to look at the other firm and then discuss East Goshen's need for this type of service, and whether it is warranted.

Jim McRee of the Planning Commission suggested the Township make a list of the times in the past few years where this type of service would have been beneficial. He added that he personally prefers an email alert service, rather than a phone service.

### **Liaison Reports**

None.

### **Meeting Schedule**

At Marty's suggestion, the Board agreed to hold a special meeting on October 30 to discuss sewer issues and rates.

### **Adjournment**

There being no further business, the workshop adjourned at 10:36pm.

Respectfully submitted,

Anne Meddings  
Recording Secretary