

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
March 4, 2008 – 7:00pm**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Don McConathy, Joe McDonough and Thom Clapper. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission & DMC), Kathryn Yahraes (Historical Commission), Phyllis Marron (Park & Rec) and Jane Fava (Conservancy Board).

WORKSHOP

Applebrook Walking Trail

The Board reviewed Rick's January 25 letter to residents within 1,000 ft of the proposed trail, and the spreadsheet summary of the responses received in response to that letter. They also briefly reviewed Rick's January 11 memo regarding the cost of installing the trail.

The Board discussed the possibility of applying for a grant. The Supervisors unanimously supported applying for a grant. The Township will apply for a grant through the Pennsylvania DCNR, and also through Chester County. Joe would like the Township to schedule work on the trail and not wait to hear back about the grant first.

Marty polled the Board and the Supervisors were all in favor of installing a full-length, paved trail.

Minutes

The draft minutes of February 19 were reviewed and corrected.

Bills

Current invoices were reviewed.

PLGIT Policy Manual

Marty thanked Don for his work editing the PLGIT policy manual. This item was tabled until a future meeting.

Resolution 08-45 Approving Transfer of Funds from the Rossmore HOA Escrow Account

The Board reviewed the draft resolution allowing the Rossmore HOA to transfer interest money from their escrow account to their operating account. Don added a final sentence stating that "Notification of this interest transfer shall be made annually to the Township in writing." The Supervisors agreed this Resolution will supersede the motion made at the February 19 Board meeting.

Agenda Review

The Board reviewed the agenda for the formal meeting.

Hershey's Mill Final Plan

The Board agreed to take no action on this matter until the Township Engineer reviews the final plan and the Township Solicitor reviews the Second Restated Declaration of Covenants and Easements.

Replacement Equipment for Public Works

The Board reviewed Mark Miller's March 3 memo regarding replacement equipment needed for the Public Works Department. Marty noted that all the items being replaced are past their useful life.

Stone Bids

The Board reviewed Mark Miller's February 28 memo on stone bids.

Deer Management Committee

The Board reviewed Rick's February 29 memo on what is necessary to turn the DMC into an ABC. Joe would like to delay making the DMC an ABC until after their final report has been submitted and the Board has taken action on it. He also thinks that budgeting and staffing requirements for the DMC should be decided before it is made a formal ABC. Thom agreed with Joe and said the DMC should complete their current task before Supervisors take action on this matter. He suggested the Board consider making the DMC a subcommittee of Park & Rec. Don said the DMC needs to be made into a formal ABC because the deer problem is not going away. Carmen thinks the DMC should function as an advisory committee to an ABC or as a subcommittee of Park & Rec. Marty believes the DMC should function as a standalone body, and that the Board should act now to make them an ABC. He does not agree they should be part of Park & Rec.

Phyllis Marron (Park & Rec) said she had no objection to the DMC operating as a standalone body, as long as they work with Park & Rec the same way the Conservancy Board does.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:06pm. He introduced the Board members to the audience and led everyone in the Pledge of Allegiance to the flag.

Moment of Silence

Carmen called for a moment of silence in honor of the men and women serving their country in the armed forces, and their families.

Recording of Meeting

Marty asked if any resident planned to record the meeting. Abbas Rahbari of 1613 Manley Road said he would be making an audio & video recording and reserved the right to record and transmit the meeting.

Approval of Minutes

Don moved to approve the minutes of February 19 as corrected in workshop. Thom seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Thanked the Board for including the Treasurer’s Report information in the minutes. Don told Mr. Rahbari the information is included in every set of minutes.

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

Public Comment on Non-Agenda Items

Marty announced that he was changing the agenda to put the public comment period at the end of the meeting, and comment would only be taken if time allowed. Otherwise, it would be taken at the next meeting.

Chairman’s Report

Marty announced that the Board met in Executive Session on February 26 to discuss a real estate matter and a personnel matter. He also announced there will be no workshop on March 25.

Freehand Legal Fees

Marty announced that he had the information on legal fees incurred for the Freehand suit that was requested by resident Art Polishuk at a previous meeting. The fees paid to Buckley, Brion, McGuire, Morris & Sommer LLP as of the end of 2007 totaled \$46,889. In addition, a \$10,000 deductible was paid to Scottsdale Insurance. Marty directed Rick Smith to mail the information to Mr. Polishuk, who was not present.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked why Mr. Polishuk did not have to fill out a request for public document form to get this information. Marty said Mr. Polishuk asked a question at a public meeting; he did not request a copy of a document. He pointed out that Mr. Rahbari is free to do the same.

Treasurer's Report

The Treasurer's Report for March 4, 2008:

| | RECEIPTS | EXPENDITURES | |
|-------------------------|----------------------|---------------------------|---------------------|
| GENERAL FUND | | | |
| Real Estate Tax | \$ 46,878.00 | | |
| Earned Income Tax | \$ 49,172.80 | | |
| EMS TAX | \$ 0.00 | Accounts Payable | \$ 11,604.55 |
| Transfer Tax | \$ 0.00 | Debt Service | \$ 28,470.43 |
| Codes, Park & Rec, Etc. | \$ 69,652.00 | Payroll | \$ 41,000.00 |
| Total Receipts | \$ 165,702.80 | Total Expenditures | \$ 81,074.98 |
| 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 | \$ 11,860.16 | \$ 4,312.08 |
| Refuse | \$ 10,214.39 | \$ 4,293.34 |
| Capital Projects | \$ 0.00 | \$ 0.00 |

Joe moved to accept the Treasurer's Report as submitted, and the receipts, and to approve the expenditures reviewed in workshop. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Resolution 08-41 Authorizing Issuance of Procurement Cards

Marty announced that this matter would be tabled until a future meeting.

Resolution 08-46 Supporting the WCRPC's Housing Affordability Study

Don moved to adopt this resolution in support of the WCRPC's Housing Affordability Study. Carmen seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the Township is obligated to help fund this study. Marty said no. Don explained that the Township pays an annual membership fee to belong to the WCRPC.

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

Resolution 08-45 Approving Transfer of Funds from the Rossmore HOA Escrow Account

Don moved to adopt this resolution allowing the Rossmore HOA to transfer interest money from their escrow account to their operating account. Don noted that an additional sentence was added during the workshop which reads "Notification of this interest transfer shall be made annually to the Township in writing." This Resolution will supersede the motion made at the February 19 Board meeting. Joe seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Applebrook Walking Trail

Marty announced that the Township received 32 responses to the January 25 letter sent to residents within 1,000 ft of the proposed trail. A total of 249 letters were sent, but about 49 of those were to undeveloped Pulte properties. Of the 32 responses, the breakdown was as follows:

- 5 against the trail
- 13 for the trail
- 1 for a trail of wood chips only
- 13 for a paved trail
- 32

Marty noted the Township is still waiting for ACOE permission to build the bridge over the creek near the pump house.

Public Comment: Skip Carroll, 194 Applebrook Drive – Said he was speaking on behalf of the Applebrook Golf Club. He displayed a drawing of the area of the proposed trail to refer to while

he spoke. Mr. Carroll is concerned about the safety of having a path near the intersection of Boot and Line Roads, as the intersection is dangerous. Also, there is poor sight distance on Line Road as it rises going up to Boot Road. He is concerned about non-Applebrook residents using the trail to access the Applebrook development. He is also concerned that walkers will use the trail to walk near the golf course, especially near the 18th hole where flying golf balls can be a hazard – not to mention that the golf course is private property. Mr. Carroll said that if the trail is constructed, a wood chip path would be more in keeping with the terrain. Mr. Carroll pointed out that a split rail fence, phone poles, and large trees would interfere with the trail construction. He suggested several “logical” spots for the trail to terminate before it reaches Boot Road, any of which he said would be preferred by the Golf Club.

Marty thanked Mr. Carroll for his comments and told him he made some valid points, and that other residents have indicated the same stopping points for the trail before it reaches Boot Road.

Thom asked Mr. Carroll to comment on how residents of Thorncroft and Hunt Country would access the trail system if the proposed path is terminated before it reaches Boot Road. Mr. Carroll said he can't imagine anyone wanting to walk down Boot Road to reach the trail, as it's not safe to walk along that road. He said he couldn't remember ever seeing a pedestrian along that stretch of Boot Road.

Carmen asked Mr. Carroll if it appears there was not enough space allowance made for the trees when they were planted, considering the path was shown on the original plan. Mr. Carroll said he believes they may have been put in too close, and he understands from Rick Smith that they encroach on some parts of the ROW. Rick said the area will have to be surveyed before the trail can be constructed. Joe said perhaps the Conservancy Board should look into the tree situation before a decision is made.

Marty told Mr. Carroll that trails are very important in Chester County, and any trail that's constructed will get a lot of use. Marty said the Township has a commitment to construct the trail but understands Mr. Carroll's points.

Public Comment: John Scofield, 356 Applebrook Drive – Mr. Scofield is president of the Applebrook HOA. He said it won't be attractive for people to walk along a steep hill up Line Road while facing the backs of the garages in Applebrook. He also noted that folks from Thorncroft Therapeutic will bring a child on horseback along the trail, with an adult walking along either side of the horse. He said the path will not be wide enough to accommodate that. He also noted that many people park their cars along Line Road (where the trail will be) when events are held at the soccer fields. The illegal parking is poorly policed, which is another issue. Also, Applebrook irrigates their property three seasons of the year, including the area where the trail will be located. A wood chip path will be sodden most of the time, and the Township needs to consider the irrigation system when installing the trail. Mr. Scofield also expressed concern about the safety of Applebrook residents, Club members, and pedestrians using the trail where it will cross the entrance to Applebrook. He said that bicyclists and kids on skateboards will come down Line Road at a high rate of speed and there may be collisions. Also, the traffic light at Paoli Pike & Line Road is another big safety issue. Mr. Scofield recommended terminating the

trail at the PECO substation, and said he doesn't think a trail would get much use above that point anyway.

Carmen told Mr. Scofield he served as Police Commissioner last year when there was the incident with illegal parking along Line Road. The soccer league never informed East Goshen about their tournament – an oversight which will not happen again. Carmen said when the police learned of the problem they did come out and ticket 90 vehicles. He assured Mr. Scofield that the police actively patrol that area and will be ticketing illegally parked cars. Mr. Scofield said the illegal parking problem occurs when there is an event at the fields when a parking fee is charged. Carmen noted it's cheaper to pay for parking than to pay for a traffic ticket.

Don said he believed Mr. Scofield was referring to more than one event, not just the soccer tournament; Mr. Scofield confirmed this. Carmen said East Goshen is now notified by Willistown whenever there is a large event to be held at the fields. He advised Mr. Scofield to call 9-1-1 whenever he sees illegal parking in the area, and to tell his neighbors to do the same.

Marty told Mr. Scofield that East Goshen is aware of the problems created by the traffic light at Paoli Pike & Line Road. However, there has been a delay in fixing the situation because Willistown is still waiting for the developer of Bryn Mawr Rehab to fund their portion of the project. Unless Willistown agrees to pay their portion of the project and not wait for Bryn Mawr's developer, the project is at a standstill. Marty also commented that Carmen worked very hard on the parking enforcement issue for this area.

Public Comment: Chuck Homer, 379 Applebrook Drive – Noted that people park not just along Line Road but also on Applebrook property. He said that people park some very nice cars there for convenience and he doesn't believe the cost of a ticket will deter them.

Public Comment: Bob Ellis, 1705 Paoli Pike – Said he has lived in East Goshen for 10 years. The Applebrook property was used by walkers and horseback riders before it was developed. Having a trail along Line Road is preferable to the safety issues of having people walk directly on Line Road. He urged the Board not to change the rules as they go along – the path was put into the approved plan and should be constructed. Mr. Ellis then had a question about the funding of the trail, which Marty answered.

Public Comment: Shirley Fox, 1711 East Boot Road – Said her recollection was that the trail was supposed to curve around Boot Road down to her property. She asked why the trail can't just be a grass path. Marty said the Township has a commitment that would preclude a grass path. Joe said he too recalled that originally the trail was supposed to go around Boot Road to Ms. Fox's property line. Ms. Fox then made several comments about her displeasure with having Applebrook as a neighbor. She finished her comments by saying that a trail is needed along Line Road where the steep hill is.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked how the impervious coverage issue of a paved trail will be handled. Rick said the Township will find a way to address that issue. Mr. Rahbari asked if the Township is prepared to absorb the additional liability arising from Thorncroft Therapeutic's use of the path for their equine therapy clients. Rick said the path

will be in the public ROW, and he doesn't believe the Township's liability will change. Mr. Rahbari asked if the Township can prohibit cyclists or skateboarders from using the trail. Rick said the Township could amend the ordinance if necessary. Mr. Rahbari asked if signs would be posted to that effect. Rick said if signs would be required, the Township would post them. Mr. Rahbari said the Township could use pervious pavers for the path. Marty said the Township is aware of that option.

Public Comment: Bill Egan, Mill Creek Drive – Said if the trail is built, it should be constructed according to the approved plan. If the Township deviates from that plan, the Board should go through the proper steps to have public meetings, etc. Mr. Egan said if the Township deviates from the approved plan, he is worried it will give Comcast the rationale to deviate from their approved plan too. Mr. Egan also noted that the Township ordinance makes no provision to address the issue of horse manure left on trails. Only dog waste is addressed.

Public Comment: Jim McRee, Oneida Lane – Said safety is a big issue on Line Road. Putting in a trail will get folks off the roadway. In addition, the trail will open up the views of Applebrook for all residents to enjoy.

Public Comment: Chuck Homer, 379 Applebrook Drive – Said the Applebrook HOA would like the trail to be constructed at the least intrusive time to residents, i.e. winter. Marty said it would definitely not be constructed in the spring or summer. Mr. Homer then asked when the trail work would commence. Marty said the Township is planning to apply for a couple of grants, which would delay things a bit. If a grant is approved, construction would probably take place next winter into early spring. If the Township decides not to pursue a grant for some reason, work could start right away. Carmen pointed out the Township is still awaiting ACOE approval to put in the bridge over the wetland area near the pump house. The approval is still 6 to 8 months away.

Public Comment, Kathryn Yahraes, Vista Drive – Said the traffic light at Paoli Pike & Line Road should have a pedestrian crossing button.

Public Comment: Skip Carroll, 194 Applebrook Drive – Said he would be willing to go to Willistown and encourage them to fund their portion of the traffic light, as it really is a safety issue. Marty said that would be fine, and in the meantime he believes the East Goshen Supervisors should talk to Willistown's Supervisors about the issue. He told Mr. Carroll that he would be in touch with him after the two Boards discuss this.

Public Comment: Paul Williamson, 330 Applebrook Drive – Asked if the path is part of the plan or if it's on the deed. Rick said it's on the approved plan, and it wouldn't be on Mr. Williamson's deed.

Public Comment: John Scofield, 356 Applebrook Drive – Said there is clearly a consensus to at least run the trail up to the PECO substation, and asked if the Township can divide the project into phases. They can put in the trail up to the substation as "Phase I." Marty said that's a possibility; however, that's the portion of the project that is to be funded by Applebrook. Joe said the Board needs to see a plan showing the trees that must be removed before a decision can

be made. Joe said he would also like to see something on the impact of running the trail to Shirley Fox's property before he can make a decision. Joe then said he is in favor of installing a full trail, but he wants to apply for a grant and see what happens with that.

Carmen said he is in favor of a full trail too, and of it wrapping around the corner of Boot Road. He is also in favor of applying for a grant.

Thom said he is concerned about the folks of Hunt Country and those living south of Thorncroft not having access to the trail. Also, he thinks it inadvisable to put the trail in before the traffic light situation is addressed. Thom said he is in favor of applying for a grant for the trail.

Don said he too recalls the original plan having the trail wrapping around Boot Road, and he is in favor of installing a full trail. He too would like to apply for the grant. Don said he agreed with Bill Egan that the trail must be built according to the approved plan. He said it's important for safety concerns be addressed.

Marty moved that the Township apply for a grant to construct the trail (including the bridge) from Paoli Pike up Line Road and around to Boot Road. Joe seconded the motion.

Thom said that more research needs to be done about the grant, because if the Township can get some partners involved and provide more specifics, the chances of approval will be better.

Public Comment: John Scofield, 356 Applebrook Drive – Agreed with Thom's earlier comment that building the trail without addressing the traffic light problem is ill advised. Marty said he does not think the two issues are related.

Don said the Board needed to decide now whether the trail will be made of wood chips or paved with macadam since that is germane to the grant application. Marty agreed and withdrew his motion. Marty said more data is required. Don said the recharge issue also needs to be looked at. Joe agreed and withdrew his second to Marty's motion.

The Board agreed to vote on the trail issue at the first public meeting in April. Thom noted that the grant application deadline is April 28.

At this point resident Saunders Dixon came in, and Joe gave him a recap of the discussion thus far. Marty told Mr. Dixon that he was the only respondent in favor of a woodchip path.

Public Comment: Skip Carroll, 194 Applebrook Drive – Said the golf course strongly prefers a wood chip trail. Joe said that is one of many factors the Supervisors have to carefully weigh.

Public Comment: Abbas Rahbari, 1613 Manley Road – Said wood chip trails are a nightmare to maintain – ask the other municipalities that have them.

Hershey's Mill Final Plan

Ed McFalls was present. Marty told him the Board agreed earlier in the evening to table the Hershey's Mill issue until the Township Engineer reviews the final plan, and the Township

Solicitor reviews the Second Restated Declaration of Covenants and Easements. Mr. McFalls asked if the Board wanted to briefly go over the final plan while he was here. They said yes. Mr. McFalls showed the final plan on the easel and reviewed it briefly with the Board.

MS4 Report for Permit Year 5

Rick Smith gave a verbal report on the Municipal Separate Storm Sewer System for Permit Year 5. A copy of his written report is appended to these minutes.

Public Comment: Bill Egan, Mill Creek Drive – Asked if the Township has grant money available to residents who want to create their own rain garden. Rick said no, each resident would have to apply on their own.

Joe moved to make Rick's report a part of the public record. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Replacement Equipment for Public Works

Thom moved to approve the purchase of replacement equipment for the Public Works Department as requested by Mark Miller in his March 3 memo. This includes one pull-behind mower, two zero-radius mowers, and one John Deere Gator. Don seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Wanted to know the procedure if a resident is interested in purchasing the old equipment. Marty said the items will be listed for bid on the internet. Rick told Mr. Rahbari he would let him know personally when they're online.

Public Comment: Bill Egan, Mill Creek Drive – Asked if the Public Works Department cuts grass at the highest possible height, as residents are encouraged to do. Rick said it depends on the use of the property. For example, the ball fields are always cut low. Carmen said that passive open space is always cut fairly high.

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

Stone Bids

Marty announced the 2008 stone bids received:

Pyramid Materials, Haines & Kibblehouse Inc.

\$26,015.00 FOB Total
\$40,154.00 Delivered Total

Allen Myers, Independence Construction Materials

\$24,775.00 FOB Total
\$36,057.00 Delivered Total

Martin Limestone, Inc.

\$17,520.50 FOB Total
\$34,780.50 Delivered Total

Glasgow, Inc.

\$23,100.00 FOB Total

\$32,240.00 Delivered Total

Carmen moved to award the bid to Glasgow, Inc. in the amount of \$32,240.00 delivered. Thom seconded the motion. There was no discussion and no public comment. The Board voted and the motion passed unanimously.

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- Email from resident Fran Cunnane opposing the deer hunt.
- Email from resident Sue Cunnane opposing the deer hunt.
- Notice from E.B. Walsh Associates of Hershey's Mill Springton Lane application to the DEP.
- Announcement from the Malvern Fire Company of the election of John Rychlak, Jr. as President, as well as a thank you to the Township for financial support.
- A report from Mark Miller on the activities of the Public Works Department for January and February 2008. The Board agreed that these reports are useful and they would like Mark to submit them on a regular basis.

Meetings & Dates of Importance

Marty noted the upcoming meetings as listed in the agenda.

Public Comment

Marty announced that due to the late hour, the public comment period would be held until the next meeting.

Adjournment

There being no further business, the formal meeting adjourned at 10:13pm.

EXECUTIVE SESSION

The Board met in Executive Session until 10:35pm to discuss a personnel matter, a legal matter, and contract negotiations.

Respectfully submitted,

Anne Meddings
Recording Secretary

East Goshen Township
Municipal Separate Storm Sewer System (MS4)
Report for Permit Year 5 (March 10, 2007 to March 9, 2008)
March 4, 2008

Public Education and Outreach Programs

October 9, 2007 – Sent a cover letter, video and info to the three schools in the Township on what people can do to keep our streams clean.

October 13, 2007 – Distributed info stormwater information at the “Festival of Trees” event held at East Goshen Township.

November 13, 2007 – Sent out a cover letter and info to ten restaurants in the Township regarding good housekeeping practices

November 13, 2007 – Sent out a cover letter and info to six vehicle maintenance facilities the Township regarding good housekeeping practices

December 4, 2007 – Adopted resolution acknowledging Matt Steinberger, who stenciled over 200 storm sewer inlets and wrote a newsletter article for his Eagle Scout project.

February 26, 2008 – Sent a letter to the East High School and Fugett Middle Schools explaining how they can have car washes in an environmental friendly manner.

Placed stormwater articles in each of the four Township Newsletters

Maintained stormwater links on Township Web Page

Member of Chester Ridley Crum Watershed Association.

Public Participation and Involvement

February 9, 2007 – Co-sponsor of “Rain Gardens and More Workshop” at Penn State Brandywine Campus

April 14, 2007 – Keep East Goshen Beautiful Day

April 21, 2007 – Co-sponsor 2nd Chester Creek Earth Day – Volunteers planted trees and shrubs along the Chester Creek.

May 5, 2007 – Co-sponsor of 10th Annual CRC Streams Cleanup

Co-sponsor of the Chester County Household Hazard Waste and Computer Collections on April 21, May 19, September 15, and October 6, 2007

Illicit Discharge Detection and Elimination

April & May 2007 - Inspected 79 outfalls for illicit discharges

May 24, 2007 - Tested 9 outfalls that had running water for illicit discharges (none found)

Construction Site Runoff Control

Distributed E&S info sheet with permit applications

Inspected E&S control measures at construction sites on an as-needed basis.

Post Construction Stormwater Management in New Development and Redevelopment

Reviewed plans for compliance with Stormwater Management Ordinance.

Inspected infiltration basins on five properties to ensure that they are operating as designed.

Pollution Prevention and Good Housekeeping for Municipal Operations and Maintenance

April & May 2007 - Swept all Township streets and inspected all inlets

Repaired +- 80 inlets

Cleaned +- 50 inlets

Spring of 2007 – Implemented Canada Geese Program to reduce fecal matter in ponds

February 27, 2008 – Co-sponsored a “Municipal Operation Training Program at East Goshen Township

Continued to implement O&M Program for vehicle maintenance, fueling and washing