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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
GOSHEN FIRE HOUSE
June 23, 2009 – 7:00pm
MINUTES**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Don McConathy, Joe McDonough and Thom Clapper. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Jim McRee (DMC), and Kathryn Yahraes (Historical Commission).

WORKSHOP

Call to Order & Pledge of Allegiance

Chairman Marty Shane called the meeting to order at 7:06pm and led everyone in the Pledge of Allegiance to the Flag.

Recording of Meeting

Dave Eitzen of Fox News said he would be videorecording the meeting.

Introduction

Marty introduced members of the Board to the audience, and also introduced Pat Laubenstein, Legislative Assistant to Barbara McIlvaine Smith. Marty noted that both Barbara McIlvaine Smith and Andy Dinniman were invited to attend the meeting this evening.

Moment of Silence

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

Hershey's Mill Dam

Marty shared that the Natural Resources Conservation Service (NRCS) has granted preliminary approval to East Goshen for a grant to breach the Hershey's Mill dam. The Board will have to make a decision whether or not to accept the grant by September. The NRCS will be coming to meet with the Township in July, but the date and time has not been determined. Any residents interested in attending that meeting should let Rick Smith know. Both Barbara McIlvaine Smith and Andy Dinniman will be talking to the DEP on East Goshen's behalf and checking to see if there are any state funds available in Hershey to save the dam. Marty stated that all of the Supervisors would of course prefer to see the dam saved and restored but may have no choice but to go with breaching due to financial considerations.

Presentation by Neil DeRiemer, 1034 Hershey Mill Road

Mr. DeRiemer, who owns the home next to the mill, gave a brief presentation of an alternative way to save the dam which he had Edward B. Walsh & Associates prepare. This alternative would involve creating two new spillways and using geotech fabric. It would cost the Township only \$27,000. Thom asked what the width of each of the two spillways would be, and Mr. DeRiemer said 45 feet. Rick Smith said that DEP would have to determine if this alternative is

1 viable. If it is determined to be viable, the Township would have to get a permit, which means
2 having engineered drawings prepared and bidding out the work at the prevailing wage. The cost
3 therefore would most likely be more than \$27,000. Marty said East Goshen would have the
4 Township Engineer (Yerkes) review the alternative before submitting it to DEP.

5
6 *Public Comment: Joe D'Antonio, Sr., 1564 Millrace Lane* – Said he is concerned the
7 Supervisors are rushing to breach the dam without being careful to make sure DEP will cover all
8 the costs involved. He said the Board needs to take more time to consider the alternatives to
9 breaching. Marty said DEP wants the Township to get a permit by September, leaving little
10 time.

11
12 *Public Comment: Joe D'Antonio, Jr., 1564 Millrace Lane* – Said breaching the dam will cause
13 property values to go down, and this would adversely affect the Township. Marty said it is
14 difficult to document that property values would go down, and said conservationists might argue
15 that done property, breaching the dam would be an asset to the area since it would create
16 wetlands.

17 *Public Comment: Reed Bailey, 1515 Tanglewood Drive* – Presented a petition to the Board
18 signed by 196 Hershey's Mill Estates residents in favor of saving the dam. He said he has been
19 in contact with DEP, who told him there is no rush for the Township to act. Marty said the last
20 time he heard from DEP they wanted the Township to choose what to do with the dam and get a
21 permit this year. Mr. Bailey said in his opinion, the Township is not doing enough to try and
22 save the dam. Marty said the Township has not been dragging its feet on this, and cannot turn
23 down the NRCS grant without having a valid alternative. Don said he is concerned that DEP
24 will take too long to review the Edward Walsh plan to determine if it is viable or not. Marty said
25 that with Barbara McIlvaine Smith and Andy Dinniman working on this, DEP will probably
26 move faster than normal. Mr. Bailey then read aloud part of a publication from the American
27 Rivers website entitled *Dam Removal and Historic Preservation: Reconciling Dual Objectives*.
28 The portion he read pertained to the requirements the Township would have to meet as a
29 condition of accepting the NRCS grant money. Marty said the Board is familiar with the
30 American Rivers organization; in fact they're the ones that let the Township know about the
31 possibility of a stimulus grant. Rick said the conditions Mr. Bailey read aloud are part of the
32 process for getting approval for the grant. Mr. Bailey said he does not understand how the DEP
33 can impose an unfunded mandate like this (forcing the Township to do something with the dam).
34 He said he would prefer the Township take no action and let DEP impose a fine or sue, if they
35 wish. Marty said the DEP comes out with many unfunded mandates, and this is just one of
36 many.

37
38 *Public Comment: Jim Ruggler, 1538 Millrace Lane* – Said he is upset the Board seems dead set
39 on taking the grant money. He would like the Board to consider saving the dam and pond. The
40 Board should slow down and evaluate all the alternatives, and budget the money to save the dam
41 just like they budget for everything else. Just because grant money is available does not mean
42 the Township has to take it if it is not in the best interest of the community. Sometimes good
43 things cost money. Mr. Ruggler said the deadline for action is not September; instead, the Board
44 has five years to make a decision. If the Board believes the dam is worth saving, they should
45 agree it is worth paying for. Mr. Ruggler then expressed concern about property values. Marty

1 said the Township's the financial situation today is quite different than in the past. For example,
2 transfer taxes from real estate transactions are down by \$600K this year. Marty said the Board
3 would be meeting on Thursday to discuss the budget and is working hard to be responsible with
4 Township funds.

5
6 *Public Comment: Bob Dirita, 1514 Tanglewood Drive* – Asked if an assessment has been done
7 on what would happen to the pond on Tanglewood Drive if the dam is breached. Rick said the
8 upstream ponds, such as those on Tanglewood and Fairway, will not be impacted by a breach.

9
10 *Public Comment: Neil DeRiemer, 1034 Hershey Mill Road* - Had a question about the rate of
11 runoff if the dam is breached.

12
13 *Public Comment: John Schorn, 1401 Larch Lane* – Asked if the dam is within an historic
14 district. Rick said that Mr. DeRiemer's home is, but not the dam itself. Mr. Schorn said the
15 Township is looking for an easy way out. In the past the Township has forced developers to save
16 historic structures, regardless of the cost, but now that the shoe is on the other foot the Township
17 is not willing to step up to the plate. This dam issue should have been taken care of in 2007
18 since the Township was aware of the issue back then.

19
20 *Public Comment: Sarah Credeur, 1331 E. Strasburg Road* – Asked if a study has been done to
21 make sure there are no snail darters, bog turtles, etc. located at the dam. Rick said that DEP will
22 do a PINDI search to look for endangered species. In addition, PMHC will have the Township
23 look at the historical aspect of things.

24
25 *Public Comment: Abbas Rahbari, 1613 Manley Road* – Had a question about whether Mr.
26 DeRiemer's proposal complies with Title 25 of DEP regulations. Mr. Rahbari then said it will be
27 insulting to the DEP if the Township approaches them with a \$27K solution, since it's unrealistic
28 to think that Mr. DeRiemer's cost estimate is accurate. The Township has a history of waiting
29 until the 11th hour to deal with problems, and the dam is just another example of that. Marty said
30 that Mr. Rahbari's comments were disingenuous, and said the \$27K proposal is a long shot but
31 the Township will present it to DEP and see what happens.

32
33 *Public Comment: Jim Brandolini, 1200 Burning Bush Lane* – Asked if the Township has
34 approached Rep. Jim Sestak or Senator Arlen Specter for assistance. Marty said the Township
35 has contacted everybody. Carmen noted there is a political protocol, and East Goshen has to
36 start with the local politicians before going higher. Mr. Brandolini asked if East Goshen imposes
37 an open space fee. Marty said no. Mr. Brandolini suggested the Board consider a referendum
38 for such a fee. That way the cost of restoring the dam could be shared among the 18,000
39 residents over five years, which would not be very much per person.

40
41 *Public Comment: Dan Truitt, 1430 Grand Oak Lane* – Asked that the Board revisit the idea of
42 taking no action. Rick said if the Township does nothing, DEP can impose a \$10K fine and also
43 charge an additional \$500 per day that no action is taken. In addition, Marty Shane would face
44 criminal charges.

1 *Public Comment: John Schorn, 1401 Larch Lane* – Said he likes Jim Brandolini’s idea of the
2 open space fee. He also suggested the Township gather residents’ email addresses, perhaps by
3 including a space for them to write it in on bill forms, and put together a list so that email
4 notifications can be sent to residents of situations such as this one with the dam. Marty said his
5 newsletter column in the past two issues has mentioned the new Township email program. Don
6 said the Township has considered doing something like Mr. Schorn suggests but there is not
7 enough room on the bills for email addresses.

8
9 *Public Comment: Don Stuard, 1507 Greenhill Road* – Identified himself as a retired pathologist
10 and asked that the Township test the bacteria levels in the dam and the pond as a public safety
11 measure.

12
13 *Public Comment: Kathryn Yahraes (Chairperson of the Historical Commission)* - Said she has
14 been working with a group of residents to save the dam. She said that Mr. DeRiemer’s home is a
15 Class II structure eligible for Class I status. The historic district that covers the area of the old
16 village of Hershey’s Mill is National Historic Register eligible. The Historical Commission
17 would like to see the dam saved. She gave kudos to young Joseph D’Antonio, Jr. who said the
18 dam belongs to all residents of East Goshen, and to Dana Pizarro of the Municipal Authority for
19 the many hours of volunteer labor he has spent on this issue. She said she likes the idea of
20 raising pledges to save the dam. The Township is known for the dam and it would be a shame to
21 lose it. Don asked her what is being done to get the old Hershey’s Mill village area designated as
22 a National Historic area. Kathryn said the properties have been researched and the initial
23 application process has been started. Don asked her if it would be possible to work on this so
24 that National Historic register status could be obtained in the next five years, and Kathryn said
25 yes, it could take as little as six months.

26
27 *Public Comment: Fran Beck, 1225 Foxglove Lane* – Thinks the trees should be removed from
28 the dam ASAP. If not, then Mother Nature may bring them down during a storm. Marty said
29 that five trees are going to be taken down shortly.

30
31 *Public Comment: John Schorn, 1401 Larch Lane* – Said even his 8-year-old son sees the value
32 in the dam pond.

33
34 *Public Comment: Bill Egan, Mill Creek Drive* - Asked if the grant money is a fixed amount or is
35 it flexible to accommodate contingencies. Marty said the Township has been told the grant will
36 be all-inclusive. Mr. Egan said he is personally in favor of breaching the dam and restoring the
37 area to its natural state. He is concerned that the dam’s appearance will be ruined by an attempt
38 to save it, in which case breaching would be preferable.

39
40 *Public Comment: Ellen Carmody (member of Historical Commission)* – Said Dana Pizarro has
41 indicated that breaching the dam will cost \$1M. If that is true, she is concerned about who will
42 be paying the difference. She said if the dam is breached it will take years before vegetation fills
43 in enough to make the area pleasing to look at.

44
45 *Public Comment: Ross Taylor, 1207 Burning Bush Lane* – Said the reduction in property values
46 resulting from a breach will result in a large amount of lost revenue for the Township. He would

1 like the community to be given a chance to raise the funds necessary to save the dam in case Mr.
2 DeRiemer's proposal is rejected by DEP.

3
4 *Public Comment: Reed Bailey, 1515 Tanglewood Drive* - Had a question about public access to
5 the dam area. Rick told him where the public can access the dam.

6
7 **Request from Sara Credeur**

8 Ms. Credeur, President of the Goshen County Fair, said more volunteers are needed to cover
9 booths at the fair, which opens on July 27. If anyone is interested they should let her know.

10
11 **Chairman's Report**

12 Marty announced the following:

- 13 ○ The Board met in Executive Session on June 16 to discuss the police labor contract.
- 14 ○ The Board will hold a special meeting on Thursday, June 25 at 9:00am to discuss 2009
15 finances.
- 16 ○ The Board will meet in Executive Session after tonight's meeting to discuss a personnel
17 matter.

18
19 **Bills**

20 The Treasurer's Report and Expenditure Register Report were reviewed. Don said he would like
21 staff to re-examine the computer configurations for Township employees.

22
23 **Treasurer's Report & Expenditure Register Report**

24 The Treasurer's Report for June 18, 2009:

	RECEIPTS	EXPENDITURES	
GENERAL FUND			
Real Estate Tax	\$ 0.00		
Earned Income Tax	\$ 64,899.79	Accounts Payable	\$ 270,954.49
LST	\$ 2,000.00	Electronic Payments	\$ 54,590.16
Transfer Tax	\$ 23,781.66	Debt Service	\$ 28,014.79
Codes, Park & Rec (2009)	\$ 18,059.62	Payroll	\$ 40,000.00
Total Receipts	\$ 108,741.07	Total Expenditures	\$ 393,559.44
State Fund	\$ 0.00		\$ 0.00
Capital Reserve	\$ 0.00		\$ 7,723.32
Transportation Fund	\$ 0.00		\$ 0.00
Sewer Operating	\$ 5,927.19		\$ 54,511.71
Refuse	\$ 5,497.78		\$ 31,883.75
Capital Projects	\$ 0.00		\$ 0.00

26
27 Joe moved to accept the Treasurer's Report and Expenditure Register Report as recommended
28 by the Treasurer in her June 18, 2009 memo to the Board, to accept the receipts and to authorize
29 payment of the invoices just reviewed. Don seconded the motion. There was no public
30 comment and no discussion. The Board voted and the motion passed unanimously.

1 **Approval of Minutes**

2 The draft minutes of June 16, 2009 were reviewed and corrected. Thom moved to approve the
3 minutes as corrected. Joe seconded the motion. There was no discussion or public comment.
4 The Board voted unanimously to approve the motion.
5

6 **Late Fees & Penalties**

7 The Board reviewed Deb Beury's June 18 recommendation on waiving late fees and penalties for
8 utility bills and real estate taxes under certain circumstances. The Board agreed to authorize the
9 Director of Finance to review requests for relief from late fees and penalties on a case-by-case
10 basis. The requests will only be considered if the residents requesting the relief meet specific
11 criteria to qualify for a waiver. The Township staff will put this authorization in resolution form
12 to be voted on at a future meeting; there will be one resolution for utility bills and another for
13 real estate taxes. Don asked that all waivers be recorded so that the Township can monitor
14 whether the change in policy leads to an increase in the requests for relief.
15

16 *Public Comment: Howard Jones, 1048 Kennett Way – Said it's a bad idea for the Township to*
17 *change its policy. He is concerned the new policy will be abused by residents.*
18

19 **Web Site Upgrade**

20 The Board reviewed Joe Gill's June 17 recommendation regarding the Township web site and
21 agreed to proceed with the first phase of a web site upgrade by Triton Web Studies.
22

23 **June 30 Meeting**

24 The Board agreed it will not be necessary to meet on June 30. This meeting will be cancelled.
25

26 *Public Comment: Bill Egan, Mill Creek Drive – Asked if the June 25 Finance meeting is posted*
27 *to the announcement board on the triangle. Rick will check.*
28

29 **Adjournment**

30 There being no further business, the public meeting adjourned at 9:40pm.
31

32 **EXECUTIVE SESSION**

33 The Board met in Executive Session until _____pm to discuss a personnel issue.
34
35

36 Respectfully submitted,
37
38
39

40 Anne Meddings
41 Recording Secretary