

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
September 1, 2009 – 7:00pm
Final Approved Minutes**

Present: Vice-Chairman Carmen Battavio, Don McConathy and Thom Clapper. Chairman Marty Shane and Supervisor Joe McDonough were absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Kathryn Yahraes (Historical Commission) and Phyllis Marron (Park & Rec).

WORKSHOP

Bills

The Treasurer's Report and Expenditure Register Report were reviewed. Joe Gill will look into why it took a vendor two hours to install Pinnacle software on a staff member's computer, and will find out if there is another vendor who can provide this service.

Review of Minutes

The draft minutes of August 25 were reviewed and corrected.

Amendment to Fee Schedule Resolution

The Board reviewed a list of fees imposed by neighboring municipalities for alarm systems, as prepared by Rick. Thom thought \$100 was too high for an initial residential permit; it should be more in the \$40 to \$50 range. Don and Carmen were in agreement with this. The Supervisors agreed to charge an initial commercial permit fee of 1% of the estimated cost of the system with a \$100 minimum. The Board then reviewed the draft of Resolution 09-34D and Don made some changes.

Refuse & Recycling Collection Days

The Board discussed swapping trash collection days by Township region every two years to make the number of pickups per region more equitable. Thom said he prefers to keep the current schedule but will vote for a change in the schedule because it is the fair thing to do for the residents who are adversely affected by the current schedule. Don said he would vote for the change too.

1419 Center Street

The Board reviewed Rick's August 27 memo on this topic. Thom asked if it is necessary to send the Township Solicitor to the sale. Don said since it is a legal proceeding it makes sense to send an attorney. Carmen agreed the Solicitor should attend.

Request for Comprehensive Plan to Clean up & Improve Township Open Spaces

The Board reviewed an email request from a resident to consider developing a comprehensive plan to clean up and improve all the open space areas within the Township. Don said he would like to know the basis for the email, and what prompted the resident to write it. He noted the request was written in very broad, general terms without any specifics. Don said the Township's

open passive space is exactly that and does not require any improvements (paths, bridges, rest areas) to be added. Don also noted that the Township complies with EPA watershed standards so he was not sure why the resident indicated that might not be the case. Carmen recommended the Township respond to this resident by telling him the Board feels the open space is adequately maintained, but if he (the resident) has specifics to share with the Board, they would like to hear them. It should also be suggested to the resident that he take up such matters directly with the Park & Rec Board in future. Rick will send a response to the resident and will also let him know the Board will bring up this matter with the Park & Rec Board.

Contribution to Neighborhood Visiting Nurse Association

The Board reviewed an August 26 email from Sarah Shoemaker on this topic providing information on the funding the organization receives from various townships. Based on the amounts that other townships donate to this organization, Don thinks East Goshen's planned donation of \$10K might be too high, and should be more in the neighborhood of \$6K. Carmen agreed that based on information provided by the organization, it appears East Goshen's contribution is on the high side. Carmen recommended the Board wait to vote on this matter at a future meeting when all the Supervisors are present.

Contribution to Malvern Library

Carmen recommended the Board hold this item until the full Board is present.

Township Funding for Boy Scout Projects

The Board reviewed Rick's August 26 memo recommending the Township continue with the current policy of funding Scout projects where appropriate, and in addition, having the Park & Rec Board include a line item in their budget for discretionary Scout projects. Don would like Park & Rec to assign a maximum dollar amount per project, perhaps \$250. If a Scout wants a higher amount they will need to come before the Board of Supervisors. Don asked Phyllis Marron to discuss this issue with the rest of the Park & Rec Board.

Public Comment: Kathryn Yahraes, Vista Drive – Asked what about the Scouts that approach the Historical Commission and the Conservancy Board about doing projects. Don said Park & Rec will be the holders of the money and the other Boards will need to coordinate with them. Kathryn also mentioned having a list of suggested Scout projects and Don recommended she give it to Mark Miller.

Thom asked what if there is disagreement among the Boards about whether to fund a Scout project or not. Don said in that case the Board of Supervisors will become the Board of Appeal. Carmen said if there is disagreement among the Board about the need or validity of a project, he would defer to Mark Miller's judgment.

Public Comment: Dan Truitt, 1430 Grand Oak Lane - Said it is nice for the Township to donate toward Scout projects, because it is more usual for Scouts to have to raise their own funding.

Sewer & Refuse Fee Collection

The Board reviewed Rick’s August 27 memo on this topic. Don asked that Rick send him the original resolution so he can compare it with the latest version to see what has changed. Don recommended the Board hold this item until the full Board is present.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Vice-Chairman Carmen Battavio announced that Chairman Marty Shane and Supervisor Joe McDonough were on vacation. He called the meeting to order at 8:02pm and led everyone in the Pledge of Allegiance to the Flag.

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, and also in memory of Senator Ted Kennedy.

Recording of Meeting

Resident Keith Dickerson of 1212 Culbertson Circle said he would be recording the meeting.

Approval of Minutes

Thom moved to approve the minutes of August 25 as corrected in Workshop. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Chairman’s Report

None.

Treasurer’s Report & Expenditure Register Report

The Treasurer’s Report for August 27, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 261,882.92	Accounts Payable \$ 244,240.27
LST	\$ 27,000.00	Electronic Payments \$ 949.93
Transfer Tax	\$ 0.00	Debt Service \$ 28,014.79
Codes, Park & Rec	\$ 29,259.19	Payroll \$ 43,000.00
Total Receipts	\$ 318,142.11	Total Expenditures \$ 316,204.99
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 22,571.28	\$ 41,650.01
Refuse	\$ 12,751.05	\$ 5,242.51
Capital Projects	\$ 0.00	\$ 0.00

Don moved to accept the Treasurer's Report of August 27 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop. Thom seconded the motion. There was no public comment and no discussion. The Board voted and the motion passed unanimously.

Police Report

None.

Traditions Independent Living Facility in West Goshen

Resident Jim DiStefano of 1203 Culbertson Circle addressed the Board on this project. He started by thanking the Board for the opportunity to speak, and by thanking the Township for providing him with copies of the Yerkes review letter and the Orth-Rodgers report.

Mr. DiStefano expressed concern about the traffic situation at the site of the proposed project, and stated that the Traditions plan shows an inadequate amount of parking. He said the residents of Culbertson Circle already have significant erosion problems along their detention basin, and fear this project will make the problem worse. Also, the height of the proposed building will be intrusive. Mr. DiStefano noted that the Orth-Rodgers report was not based on actual traffic counts. He also stated there is nothing similar about the location of the Goshen Fire House and the one in Uwchlan Township, which the Orth-Rodgers report mentions as a point of comparison. He said this plan will overburden the location and the easements. He also noted that the water from the Culbertson Circle detention basin flows to Hershey's Mill. Finally, he expressed concern about the impact this project will have on his property value. Mr. DiStefano asked that the East Goshen Supervisors advocate for their residents before the West Goshen Board.

Carmen said the Board and staff are fully aware of what is going on. However, since East Goshen has been entered as a party of record in this matter and have retained legal counsel, the Board is unable to respond to the residents' comments; however, he assured the audience that the Board would be listening carefully and taking all their comments into consideration.

Don told Mr. DiStefano that the numbers used by Orth-Rodgers come from a book. The actual traffic counts will be derived from a traffic study to be done later. Mr. DiStefano said he has noticed traffic counters out lately, and he hopes they will take into account that the counts they are doing now do not include school traffic. Carmen assured Mr. DiStefano that he and Marty asked that the traffic study include "full use."

Public Comment: Bill Keslick (Goshen Fire Company), 1303 E. Strasburg Road – Said the Traditions development will impede emergency personnel from entering and exiting the site in a timely manner. The Fire Company will also have to take down the chain they use at the site to keep drivers from cutting through the site to avoid the traffic light. Once they take down the chain this cut-through traffic will come back, further impeding the inflow and egress of emergency personnel from the site.

Public Comment: Bobby Phiel (Goshen Fire Company), 1386 Boot Road – Said emergency responders without lights and sirens on their vehicles need to get into the property to respond to

calls. It will be even more difficult for them to do so when traffic gets backed up at this intersection. The intersection is already overburdened. He said if the emergency responders cannot get to the station, they cannot help the folks that have called for help. He added that the emergency responders just received a call about a motorcycle accident at Boot & Greenhill Roads.

Public Comment: Bob Fleming (Goshen Fire Company) 1406 Heather Lane – Said he recently took a course on “Community Risk” and has realized that the Traditions project will impact the “community risk” of this area. He said the intersection of Boot Road & Greenhill Road is already gridlocked at rush hour. He asked East Goshen to do right by the community, because in doing so they will do right by the fire personnel.

Public Comment: Kevin Carney (Goshen Fire Company), 1325 Park Avenue – Said the Fire Company currently uses the West Goshen site for two major fundraisers a year. If the Traditions project is constructed, the area the Fire Company uses for extra parking during these fundraisers will be eliminated. Mr. Carney also stated that due to the age of its residents, the Traditions facility will generate even more calls for Fire Company service, meaning less personnel and resources available to answer other calls for service. Mr. Carney said the Fire Company currently receives an average of 8 ambulance calls per day and 2 fire calls per day.

Public Comment: Keith Dickerson, 1212 Culbertson Circle – Said he spoke with a representative from Wellington who told him they have 193 apartment units plus a number of assisted living units and skilled care units. For all of these residents they have 263 parking spaces, which averages to 1.2 spaces per resident. The representative told him there is always a shortage of parking on major holidays when family members come to visit. Traditions on the other hand is proposing 102 parking spaces for 128 units, which comes to 0.8 space per resident. Mr. Dickerson said he does not believe Traditions is being totally honest in stating the number of parking spaces they will need for staff and administration. He is concerned Traditions will ask West Goshen to change the zoning rules down the road. He is also concerned that visitors to Traditions will use parking spaces belonging to the Fire Company.

Mr. Dickerson said he tried unsuccessfully to contact the supervisor in charge of the Traditions traffic study to inquire about why they are doing the traffic study before school is in session, but he has not received a return call. He said Barbara McIlvaine Smith’s office told him that traffic studies can be biased based on who is funding them. He asked if East Goshen would be willing to do an independent traffic study. Rick said East Goshen will have Dean Kaiser of Orth-Rodgers review and evaluate the traffic study once it’s received from West Goshen. Mr. Dickerson then asked for the Township’s advice on how to verify the accuracy of the traffic study. Carmen said he was not trying to be evasive, but since the Township is a party to the proceedings the Board cannot really comment or directly respond to the residents’ concerns at this point.

Mr. Dickerson complimented the Board on the Township website which enabled him to receive notification of the meeting this evening and the backup materials. Thom recommended that Mr. Dickerson attend the West Goshen meetings and ask questions there.

Don noted that Traditions is on the East Goshen Planning Commission agenda for September 2. However, no representatives from Traditions will be present.

Public Comment: Don Schultz, 1300 Amstel Way – Asked what legal recourse East Goshen has against West Goshen to prevent this development. Rick said that as a party to the proceedings East Goshen has the right to appeal the decision of the West Goshen board.

Public Comment: Fran Doherty, 1206 Culbertson Circle – Noted that the fire and emergency calls have increased significantly in the last ten years, and will probably increase more as time goes on.

Public Comment: George Bortle, 1425 Springton Lane (Hershey's Mill) – Thanked Carmen for having the moment of silence at the start of the meeting. He had a question about the East Goshen Planning Commission's role in this matter and whether they advise the Board of Supervisors. He was told they do. Mr. Bortle said he suspects that West Goshen chose the proposed location for Traditions on purpose, because it's at the very edge of their Township and almost in East Goshen. He asked if East Goshen can appeal the decision to Chester County. He was told if an appeal is made, it will go to the Court of Common Pleas, which will be at the county level. Mr. Bortle then asked if anyone in the audience was present as a representative of Hershey's Mill. No representative was present. Carmen told Mr. Bortle that East Goshen did notify the Master Association about this matter, but has not heard anything back from them.

Public Comment: Chris Versak, 1208 Culbertson Circle – Asked if it is worthwhile for residents to attend the East Goshen Planning Commission meeting and make comments, since Traditions will not be present. Rick told Mr. Versak that the attorney for the Culbertson Circle HOA, Mr. Skaggs, requested that the Traditions application be put on the agenda for the meeting. Mr. Versak stated he does not feel that 0.8 parking spaces per unit at Traditions will be adequate.

Public Comment: Fran Doherty, 1206 Culbertson Circle – Asked if the issue of widening Boot Road is still in the works. Rick said that as far as East Goshen is concerned, that issue is off the table. However, the Township is investigating having the traffic signals retimed.

Public Comment: Keith Dickerson, 1212 Culbertson Circle – Noted that West Goshen's Planning Commission voted unanimously against the Traditions application yet their Board of Supervisors went ahead and approved it.

Public Comment: Dan Truitt, 1430 Grand Oak Lane – Said that Dr. White of West Goshen stated two weeks ago that the Boot Road widening project is not off the table.

Carmen thanked everyone for their comments and input.

Amendment to Fee Schedule Resolution

Don moved that the Board approve Resolution 09-34D, "Establishing and Consolidating the Various Fees and Charges Imposed Pursuant to the Code of the Township," in particular changing Section 1.a.v. by removing the word "alarm" and adding a new subsection 1.a.vii. stating "Alarms – New and replacement monitored alarm system - \$40.00" and, in addition, on

page 10, a new Section 19 will be added to state “Alarm System Permit Renewal a. Commercial property - \$25.00 Annually.” These are the only changes to the previous version of this resolution. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Refuse & Recycling Collection Days

Thom moved to change the refuse and recycling collection schedule starting on January 1, 2010. Beginning on that date, the north side of the Township will have pickups on Mondays and Thursdays. The south side of the Township will have pickups on Tuesdays and Fridays. This schedule will be changed back every two years in an effort to be equitable to all residents. Don seconded the motion.

Public Comment: Dan Truitt, 1430 Grand Oak Lane – Asked if the Board would consider changing the day of the week that recyclables are picked up so it is done at the end of the week. Rick said the Township might consider a change when the current contract is up in January 2011.

Public Comment: George Martynick – Said he thinks residents have more recyclables ready for pickup on Mondays and Tuesdays rather than later in the week. Carmen said the Board will consider this matter when the current contract is up.

There was no further public comment and no discussion. The Board voted unanimously to approve the motion.

1419 Center Street

Don moved to authorize the Township Solicitor and the Township Manager to attend the judicial sale for the property on the northwest corner of Center Street and School Lane (1419 Center Street), being Tax Parcel 53-6F-31, to insure that the Township lien currently on the property be protected, and further to authorize the Township Solicitor to bid an amount to protect the Township’s investment in the property as liened. Thom seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Correspondence & Reports of Interest

Carmen acknowledged receipt of the following:

- West Goshen Township Sewer & Reserve Funds Financial Statements Dated December 31, 2008.
- Progress Report, Second Quarter 2009, from Environmental Alliance, Inc. on the Sunoco monitoring wells.

Don said there must be a reason Sunoco is putting in new monitoring wells and expanding the area being monitored. Rick said they are doing it because DEP told them to. Don said he’d like to know why – what do they suspect is present and possibly spreading. Carmen suggested the Township send a letter to DEP requesting more information. Don agreed this should be done. Thom said he was rather alarmed by some of the numbers shown in the report and wants to know why the report makes no mention of remediation. Carmen asked Rick if the historic house across from the Sunoco station is on a well, and Rick said yes. Don said the letter to DEP should also ask if drinking water within the Township could be impacted.

Meetings and Dates of Importance

Carmen noted the upcoming meetings as listed in the agenda. Rick noted that the September 14 Municipal Authority meeting has been rescheduled to September 17. Before the meeting, at 6:00pm, the Municipal Authority will conduct a tour of the RCSTP.

Public Comment

None.

Adjournment

There being no further business, the meeting adjourned at 9:35pm.

WORKSHOP (Resumed)

Purchasing Policy

This matter will be held until the full Board is present.

Boot Road Traffic Light Signalization Project

Per Rick he is waiting for Casey LaLonde to respond back with prices.

Hershey's Mill Dam

Don said he has contacted an environmental attorney and provided him with some background information. The DEP has not yet given East Goshen a final classification on the dam, so it is still open to being changed. Don would like to hire Gannett Fleming to help the Township write a letter to DEP asking for a reclassification. If the rest of the Board is willing, Rick could approach Gannett Fleming and request a proposal and cost estimate.

Thom asked the status of getting the information Don wanted from DEP. Don said it has been requested. Carmen said if the information has not been received by Wednesday (September 2), DEP should be contacted again. Don said that per DEP, the December 31 deadline for the permit is not hard and fast. Don said he believes as long as the Township can show that progress is being made, it will be possible to get an extension.

Don said he met with the residents about the dam last evening. The residents seem to favor either Neil DeRiemer's 90-ft spillway option or a "dam behind the dam" option using fiberglass sheeting. Jim Brandolini is investigating this latter option. Per Don, the residents want to save the waterfall, the pond, and the trees, in that order; however, they seem willing to work with the Township to come up with a solution.

Carmen asked the status of fundraising. Don said the residents are still working on developing a plan of action and have not done any fundraising yet. Because the residents have not raised any money yet, the Township will have to front the necessary funds for this project until the residents can begin to pay their way.

Don said the “Dam Committee” will be composed of himself and Marty, plus residents Reed Bailey, Neil DeRiemer, and Bernadette McLoughlin. Residents Jim Brandolini and Henry Sciortino will also be involved.

Status of Park Bridge Permit

Rick said he sent in a revised conservation easement to ACOE and is waiting for them to respond.

Township Financial Reporting

This matter will be held until the full Board is present.

Adjournment

The workshop was adjourned at 9:58pm.

Respectfully submitted,

Anne Meddings
Recording Secretary