

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP
1580 PAOLI PIKE
September 8, 2009 – 7:00pm
Final Approved Minutes**

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

WORKSHOP

Call to Order & Pledge of Allegiance

Chairman Marty Shane called the meeting to order at 7:03pm.

Bills

The Treasurer’s Report and Expenditure Register Report were reviewed.

Treasurer’s Report & Expenditure Register Report

The Treasurer’s Report for September 3, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 0.00	
Earned Income Tax	\$ 20,900.59	Accounts Payable \$ 42,347.12
LST	\$ 1,000.00	Electronic Payments \$ 56,714.60
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec	\$ 11,202.68	Payroll \$ 43,000.00
Total Receipts	\$ 33,103.27	Total Expenditures \$ 142,061.72
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 0.00
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 12,264.93	\$ 6,028.65
Refuse	\$ 6,460.95	\$ 0.00
Capital Projects	\$ 0.00	\$ 0.00

Don moved to accept the Treasurer’s Report of September 3 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Carmen seconded the motion.

Public Comment: John Schorn, Larch Lane – Wanted details about a lawsuit Don mentioned during the Board’s review of the invoices. Marty told him they were referring to a Zoning Hearing Board decision being appealed by Keystone Foods.

Action List

Joe Gill will distribute revised copies of the Action List at the first meeting of each month. The Supervisors will need to bring the list with them each week for discussion.

Review of Minutes

The draft minutes of September 1 were reviewed and corrected. Thom moved to approve the minutes as corrected. Carmen seconded the motion. There was no public comment and no discussion. The Board voted unanimously to approve the motion with 1 abstention (Marty, who was absent from that meeting).

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.

Paid Firefighter Pension Plan

The Board reviewed a draft ordinance to amend the pension plan for paid firefighters. The amendment will reduce the "normal retirement date." This ordinance will replace Resolution 04-26 that was approved in June 2004 to accomplish the same thing. (The state pension auditor has recently informed the Township that an ordinance is required instead of a resolution.) Don and Marty made some minor punctuation changes to the draft, but otherwise there were no revisions. The Board will vote on this at the next meeting.

Compact Fluorescent Bulb Recycling Policy

The Board reviewed Rick's September 3 memo on this matter. The Board decided to take no action now. Instead, this subject will be brought up the next time the refuse & recycling contract comes up for rebid and the haulers will be asked for their input.

Malvern Bank Decision

The Board reviewed and edited the draft "Decision and Order" prepared by Skip Brion in regard to the Conditional Use Application of the Malvern Bank for their property at the intersection of Paoli Pike and Airport Road. Rick will advise Skip of the changes made by the Board, and will have a copy of the final document given to Bob Adams before next Tuesday's meeting.

Don noted that the draft lease agreement between the Malvern Bank and the YMCA states that the YMCA will be in charge of landscaping and maintenance of the site. Don said he does not want the YMCA to put any directional signs on Paoli Pike.

This matter will be put on the agenda for the September 15 meeting.

Signs in the Township

The Board reviewed a September 3 memo from Mark Miller listing the number of signs in the Township (933) and the costs for sign replacement.

Don suggested adding a flood warning sign on Greenhill Road near the Hershey's Mill Dam, and a deer crossing sign on Strasburg Road. Rick will check with PennDOT.

Traffic Light at Line Road & Paoli Pike

Rick reported that the pastor from Christ Memorial Lutheran Church on Line Road recently asked him for an update on the status of this traffic light. The Board discussed the status of this issue briefly and the concensus was to take no action at this time.

Hershey's Mill Dam Update

Rick received the breach analysis data from DEP and has passed it along to Don. Rick will get a cost estimate from Gannett Fleming of what they would charge to assist the Township in trying to get the dam reclassified, if they think the Township has a chance. Don will have an environmental attorney review the reclassification prior to sending a letter to DEP. Don said if the DEP does give the Township a final dam classification the Township can appeal it.

The Board discussed putting out an open-ended RFP to solicit ideas on how to fix the dam in case someone has a better idea than the ones already proposed. Rick will draft this RFP and prepare a list of firms it should be sent to. Joe Gill suggested the firms receiving the RFP be told that the bids will be weighted as follows: 25% for preservation of the waterfall, 20% for preservation of the pond, 15% to keep the trees, and 40% for the cost of the project.

Marty said the residents working on saving the dam are going to need the Township to provide them with an estimated project cost in order for them to have a fundraising goal. Marty noted that as of right now, the most viable solution is the 90-ft spillway option with articulated concrete block. He guesstimated the amount needed for this project will be \$500K. Carmen said he guesstimated \$250-\$300K, and of this amount he is okay with the Township putting in \$100-\$150K. Don guesstimated the project will cost \$250-\$300K. Thom said the residents agreed to raise 100% of the funds at the August 18 meeting and they should be held to that. Marty and Carmen said they felt that a 80/20 split of the costs between fundraising and the township would be appropriate. Don said he could go as far as 75/25. It was noted that the residents will have five years to raise their portion of the funding. The majority of the Board agreed that the money the Township has spent on this project up through August 18 will not be owed back from the residents' fundraising efforts.

Marty said the residents working on the dam issue need to develop a fundraising action plan while the Board attempts to get the dam reclassified. The two projects need to be done in parallel. Marty and Don asked Rick to schedule the next Dam Committee meeting for September 17 if possible.

Public Comment: Jim McRee, Oneida Lane – Asked the Board how much of a commitment the Township has from the residents to raise the necessary funding. He noted the Township does not even have a letter from the residents to this effect. He expressed concern that if the Township decides to go with a “fix” the residents do not like, the residents will not do the necessary fundraising because the enthusiasm will not be there. Jim noted that each time the Board discusses this issue, the amount they are willing to pay increases. As of this meeting, the Board has stated they will fund up to 25% of the project cost (based on Don's comment above to go 75/25), which is still an unknown number. Jim said if he was a resident wanting the dam saved, he would just let the Board keep on talking because eventually they'll agree to cover the full

amount if they discuss this long enough. He said the Township needs to figure out what is the tangible value of the dam to the 18,000 residents of East Goshen, not just the relatively few who came out to the meeting on August 18 and said they would raise the money.

Public Comment: John Schorn, Larch Lane – Stated that due to inflation, it would be cheaper to fix the dam now, and not wait another five years. Also, the Board needs to consider the financing costs that will be involved with a project of this size.

Rick stated that there is nothing to prevent the DEP from changing its dam classification rules at any time, now or in the future.

Public Comment Period

John Schorn, Larch Lane – Asked for an update on the Sunoco well issue. Mr. Schorn was told this matter was discussed during the September 1 meeting. Joe Gill told Mr. Schorn he sent him an email letting him know the information he requested was posted onto the Township's website. Mr. Schorn indicated he had not seen the email yet. Mr. Schorn said he plans to call the Board of Health tomorrow to have his water tested. He said his water is cloudy and he thinks the Township should be more involved and proactive on this matter. The Board told him they have sent a letter to DEP requesting additional information and asking for an interpretation of the numbers shown in the Sunoco report. Rick said Sunoco is developing a plan for remediation and has asked if they could dispose of the resulting wastewater into the Township sewer system. Don asked Rick to have Senya Isayeff review the Sunoco report to get his thoughts. Carmen said he is getting to the point where he does not trust Sunoco.

Mr. Schorn asked for the status of the Charter School moving into the IBM building. Marty told him another party has bid on the building and the situation is fluid. Resident Dan Truitt of Grand Oak Lane said his children attend the Cyber Charter School and the school is operating under the assumption they are still going to get the IBM building.

Mr. Schorn asked for a status on the Miller variance application. He was told the appeal period has expired.

Jim McRee (Chairman of the Deer Committee) – Told the Board that the Deer Committee has learned that “deer crossing” signs are ineffective based on their research. Don said his request to have such a sign installed on Strasburg Road can be skipped in that case.

Dan Truitt, Grand Oak Lane – Asked for any updates on the Traditions project in West Goshen. He was told there was nothing to report at this time.

Ron Zeleski, 218 N. Lochwood Lane – [Speaking through an interpreter] Thanked Don for emailing him a map of the Township hunting zones. Mr. Zeleski asked what is the Township's hunting safety zone, in feet. Jim McRee told him the Game Commission requirement is 150 feet around occupied dwellings, and the Township adds a 50-ft safety zone to that, making it 200 feet. Jim noted that the Township also has a 150-ft exclusion zone around every person in the hunting area. Mr. Zeleski asked if hunters are allowed to walk in the 50-ft safety zone. Jim McRee said yes, but noted if the safety zone falls within private property the hunter must get the

property owner's permission to be there. The hunters can walk and track within the 50-ft zone but they cannot hunt there.

Mr. Zeleski reported that last week he saw four trucks parked along Reservoir Road at 6:30pm, and asked the Township what that was about. Jim McRee said it's impossible to know but it could have been hunters setting up their deer stands or marking the open spaces in preparation for the start of hunting season. Mr. Zeleski then said he went into the woods and confronted two men. He asked them what they were doing and they told him they were hunting. Marty said none of the Township hunters would be out yet, and told Mr. Zeleski he should have called the police at that point. Mr. Zeleski said a third man then came by and also told Mr. Zeleski he was hunting. Jim McRee said what Mr. Zeleski was describing is behavior completely opposite to how the Township hunters know how to behave. He recommended Mr. Zeleski call the police if this happens again, and not to approach the individuals himself. Marty then asked Mr. Zeleski if he saw the men with any weapons. Mr. Zeleski said he didn't see any weapons, but they did have paint cans. Marty said they were obviously marking the open space and Mr. Zeleski must have misunderstood them to say they were hunting. They probably told him they were painting the open space *in preparation* for hunting. Mr. Zeleski said the men were on his property, painting his trees. However, when pressed for confirmation of this he indicated he was not sure it was his property, but said it is "wild" property he has maintained in the past. Jim McRee stated the Township will check the markings to make sure the open space has been properly delineated.

Mr. Zeleski then asked a question about when the hunters are allowed to track deer. Jim McRee informed him of the Game Commission rules, and said East Goshen limits the hours so that no tracking will be done between 11pm and 4am. This limit was imposed in response to previous complaints from Mr. Zeleski and other residents. Mr. Zeleski then stated that this evening before the meeting, again at 6:30pm he saw two more trucks parked along Reservoir Road, but did not see anyone. Marty noted that anyone is allowed to be in Township open space until dusk. He said if Mr. Zeleski sees someone out after dusk or before sunrise he should call the police. Jim McRee noted that hunting is permitted 30 minutes before sunrise and 30 minutes after sunset. Mr. Zeleski said he is going to remove the paint that was put on his tree. He stated the tree is his tree, located in his back yard. Jim McRee said he would check with the hunting group assigned to that location and find out if they had guys out marking the trees. Marty told Mr. Zeleski the Township will have someone come out to measure the property line, and if one of his trees was painted in error they will take care of it. Jim McRee recommended Mr. Zeleski be present while the property line is being measured, and Mr. Zeleski said he would like to be there. Mr. Zeleski then stated that Supplee Valley should be off limits to hunters. The area is too narrow to be hunted.

John Schorn, Larch Lane – Asked if hunters are supposed to log in and log out each time they visit their hunting area. Jim McRee said they are accountable to let the Township know when they plan to hunt, but they are not required to let someone know any other time they are there. Also, there is no log book they actually sign. Mr. Schorn said the hunters should be required to let the Township know any time they are in the hunting area for any reason. He said he drove up Reservoir Road this evening and can verify Mr. Zeleski's statement that there were two trucks parked there.

Dan Truitt, Grand Oak Lane – Said he thought the Township open space was open to anyone.

Ron Zeleski, 218 N. Lochwood Lane [Speaking through an interpreter] – Said it would be helpful for the YMCA to install a directional sign on Paoli Pike.

Subdivisions/Land Development/ZHB Applications

None.

T-Mobile Variance Application Status

Rick reported that T-Mobile has provided stock photos of various equipment placement scenarios to Mark Gordon.

Adjournment

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

Respectfully submitted,

Anne Meddings
Recording Secretary