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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
November 10, 2009 – 7:00pm
Minutes**

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

WORKSHOP

Call to Order

Vice-Chairman Carmen Battavio called the meeting to order at 7:01pm.

Eagle Scout Candidate Alex Gothard

Resident Alex Gothard, an Eagle Scout candidate, asked the Board some questions about the Hershey's Mill Dam situation as part of a Scout project.

He first asked the Board what was more surprising to them – the turnout for the meeting about the dam or the fact that when the dam was drained there was so little water. Joe said he was surprised there was so little water behind the dam. He was not surprised by the number of residents interested in the issue. Don agreed and said the number of residents at the meeting was not unusual.

Alex then asked if the Board's opinion has changed on whether or not to take the stimulus money to breach the dam. Joe said yes; the Board ended up voting not to accept the federal stimulus money for breaching the dam, and the Township is seeking other remedies. Carmen said that in part, the Board's decision was made due to the expressed commitment of many residents who said they would help raise funds for the dam project. Don said one reason he voted to turn down the stimulus money was because there were strings attached. Also, the Township never got an answer on how long and to what extent the government would remediate the wetland areas that would be created, or how they planned to deal with the silt issue.

Alex asked the Board if they were happy with the outcome of their decision on the dam project. Joe said he is happy to know that other remedies are available, which is good news. The bad news is that the other remedies are expensive. However, he is pleased that some of the residents seem eager to help raise money for the project. Joe then noted that the final decision on the dam has not been made yet.

Alex asked if the Board thinks the dam is the most iconic feature of the Township. Carmen and Joe said it is definitely one of the iconic features of the Township.

Alex had no further questions. The Board directed him to look at the Township website where a lot of information about the dam has been posted which might be helpful with his project.

1 **Review of Minutes**

2 The draft minutes of October 27 and October 28 were reviewed and corrected.

3
4 Thom noted that the Public Works Department did a great job repiping the downspouts at the
5 police building.

6
7 **Bills**

8 The Treasurer's Report and Expenditure Register Report were reviewed.

9
10 **Resolution 09-55 Establishing the Policy for Eagle Scout Projects**

11 The Board reviewed this revised draft document. Don had one additional change.

12
13 **Stormwater Easement Agreement Between Mark & Elizabeth Hansler and East Goshen**

14 Rick explained that the Hanslers have agreed to grant the Township an easement on their
15 property at 902 Monte Vista Drive. This easement will allow the Township to install a new
16 stormwater pipe adjacent to the existing, clogged one without having to get PECO involved and
17 without having to take down any trees. The old pipe will be abandoned in place. Don suggested
18 that Mark Miller talk to Scott Sanders of the Conservancy Board on how best to protect the roots
19 of the trees at this location while the work is being done.

20
21 **Request for Change to Landscaping Plan at the Preserve at Applebrook**

22 The Board reviewed a request from David Slezak, Sales Manager for the Preserve at
23 Applebrook, to relocate an elm tree that was designated to be planted on Lot #17, 1705 Hibberd
24 Lane. The homeowners (Thomas and Josephine Gudowicz) do not want the elm tree and have
25 planted a Japanese red maple instead. The Board agreed to ask Pulte to plant the elm tree
26 somewhere else within the development.

27
28 **Agreement Between East Goshen Township and the Goshen Fire Company**

29 The Board reviewed a draft agreement allowing the Goshen Fire Company to use fuel tanks on
30 the Township's property to fill their vehicles. The Board agreed not to charge the Fire Company
31 for this service, just for the cost of fuel. Don suggested putting language into the agreement to
32 describe how fuel cost fluctuations will be handled. Rick will talk to Kristen Camp and see what
33 she advises.

34
35 Joe requested that staff prepare a written procedure outlining who will review the Fire Company
36 charges to make sure the Fire Company is billed correctly by the Township.

37
38 The Board agreed to have Carmen, as Vice-Chairman, sign the final agreement in Marty's
39 absence. The agreement will be updated to reflect this change.

40
41 **Ordinance to Amend Chapter 163 of the Township Code re: Parks & Recreation Areas**

42 Don recommended that the words "or the force of a mechanical device under tension" be
43 removed from the definition of Firearm, as these words could indicate a crossbow. There was
44 some discussion about changing Section II in regard to amending Section 163-3.N(1) but the
45 Supervisors agreed to leave it as-is.

1 **FORMAL MEETING**

2
3 **Call to Order & Pledge of Allegiance**

4 Vice-Chairman Carmen Battavio called the meeting to order at 8:03pm and led everyone in the
5 Pledge of Allegiance to the Flag. He noted that Chairman Marty Shane was absent due to back
6 surgery.

7
8 **Moment of Silence**

9 Carmen called for a moment of silence to honor the men and women serving their country in the
10 armed forces and their families, and for the victims of the Fort Hood massacre.

11
12 **Recording of Meeting**

13 No resident indicated they planned to record the meeting.

14
15 **Approval of Minutes**

16 Thom moved to approve the minutes of October 27 and October 28 as corrected in Workshop.
17 Don seconded the motion. There was no discussion or public comment. The Board voted
18 unanimously to approve the minutes.

19
20 **Chairman’s Report**

21 Carmen reported that the Board met in Executive Session on November 4 to discuss a legal
22 matter.

23
24 **Treasurer’s Report & Expenditure Register Report**

25 The Treasurer’s Report for November 5, 2009:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 5,029.65	
Earned Income Tax	\$ 152,159.91	Accounts Payable \$ 197,060.27
LST	\$ 6,673.36	Electronic Payments \$ 568.19
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec	\$ 251,684.87	Payroll \$ 86,000.00
Total Receipts	\$ 415,547.79	Total Expenditures \$ 283,628.46
State Fund	\$ 233.08	\$ 0.00
Capital Reserve	\$ 1,646.02	\$ 3,347.30
Transportation Fund	\$ 82.01	\$ 0.00
Sewer Operating	\$ 213,472.02	\$ 144,907.36
Refuse	\$ 71,671.82	\$ 12,015.35
Capital Projects	\$ 0.00	\$ 0.00

27
28 Joe moved to accept the Treasurer’s Report of November 5 and the Expenditure Register Report
29 as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices
30 reviewed in Workshop. Don seconded the motion. There was no public comment and no
31 discussion. The motion passed unanimously.

1 **Request from Wiggins to Sell Christmas Trees at 1301 West Chester Pike**

2 Don moved to grant Conditional Use approval to Wiggins to sell Christmas trees at 1301 West
3 Chester Pike from November 25, 2009 through December 24, 2009. The site must be cleaned up
4 and the signs removed by January 1, 2010. Thom seconded the motion. There was no
5 discussion or public comment. The motion passed unanimously.
6

7 **Resolution 09-55 Establishing the Policy for Eagle Scout Projects**

8 Don moved to adopt this resolution with the one change made in Workshop. Joe seconded the
9 motion. There was no discussion or public comment. The motion passed unanimously.
10

11 **Stormwater Easement Agreement Between Mark & Elizabeth Hansler and East Goshen**

12 Joe moved to authorize the Vice-Chairman to sign this easement agreement. Thom seconded the
13 motion. There was no discussion or public comment. The motion passed unanimously.
14

15 **Stewardship Assessment for Applebrook Park**

16 Thom moved to authorize the Vice-Chairman to accept the offer of a Stewardship Assessment
17 for Applebrook Park by the Natural Lands Trust. A site walk is scheduled for December 9.
18 Joe seconded the motion. There was no discussion or public comment. The Board voted
19 unanimously to approve the motion.
20

21 **Request for Change to Landscaping Plan at the Preserve at Applebrook**

22 Thom moved to permit the Preserve at Applebrook to relocate an elm tree that was designated to
23 be planted on Lot #17, 1705 Hibberd Lane, and to plant the tree elsewhere within the
24 development. Joe seconded the motion. There was no discussion or public comment. The
25 Board voted unanimously to approve the motion.
26

27 **Correspondence & Reports of Interest**

28 Carmen acknowledged receipt of a letter dated October 27 from East Whiteland Township
29 regarding the Patriots Path Plan. He also acknowledged receipt of an email from resident Gregg
30 Matzner, 1529 Alison Drive to Supervisor Joe McDonough, expressing opposition to installing a
31 traffic signal at Line Road and Paoli Pike.
32

33 **Meetings & Dates of Importance**

34 Carmen noted the upcoming meetings as listed in the agenda.
35

36 **Any Other Matter**

37 Carmen shared a draft letter to be sent to Andy Dinniman and Barbara McIlvaine Smith
38 requesting them to introduce legislation which would carry a harsher penalty with more serious
39 consequences for those who abuse animals.
40

41 **Public Comment Period**

42 *Public Comment: Shirley Fox, 1711 East Boot Road* – Complained about the cost of trash
43 pickup, and said she does not think twice weekly pickups are necessary. Per her calculations she
44 is paying \$12 per the ½ can of trash she generates per week. Carmen said the Board has
45 struggled with this issue and discussed it at great length. The Board has looked closely at the
46 numbers and determined there would be no significant cost savings to residents if trash collection

1 were cut to once per week. Ms. Fox said she feels she is subsidizing other residents who put out
2 a lot more trash than she does. Joe told Ms. Fox that the trash contract will be up for bid again in
3 June or July. He suggested that she get her neighbors to sign a petition, and to come back in
4 June or July when the issue will be discussed.

5
6 **Adjournment**

7 There being no further business, the meeting adjourned at 8:03pm.

8
9 **WORKSHOP (Resumed)**

10
11 **Ordinance to Amend Chapter 163 of the Township Code re: Parks & Recreation Areas**

12 *Public Comment: Joe Buonnano, 1606 Herron Lane - Expressed concerns with this ordinance.*
13 Rick told him the change was being made to prohibit the discharge (not the carrying) of a firearm
14 within the open space by anyone except a police officer acting in an official capacity. Carmen
15 said the Township does not have the authority to prohibit citizens from carrying firearms in the
16 parks and open space. Mr. Buonnano said the definition of “firearm” in the ordinance could
17 include a cross-bow. The Board said they agreed and noted they have stricken a portion of the
18 definition so that it can no longer be construed to include cross-bows. Mr. Buonnano said the
19 ordinance as written is not clear if it applies to all parks and open space or only to open space.
20 Carmen told him the Board would have the Township Solicitor take a look at it and advise.

21
22 *Public Comment: Dan Truitt, 1430 Grand Oak Lane – Asked if there is a separate ordinance*
23 *that applies to the use of archery equipment and BB guns on a resident’s own property. Rick*
24 *said yes.*

25
26 **Sunoco Update**

27 Rick said Sunoco has tested the wells within one-quarter mile of the Sunoco station, and two of
28 the wells showed positive results for MBTE. Sunoco will re-test the wells and they plan to drill
29 another well at the Sunoco station. The Board agreed to have Township Solicitor Skip Brion
30 send a letter to Lauren Mapleton at the DEP expressing the Township’s concerns about how
31 Sunoco has handled this situation. Rick is scheduled to go to DEP on November 18 to review
32 the Sunoco file and make copies of any documents the Township does not have in its possession
33 already.

34
35 **Hershey’s Mill Dam**

36 The Board discussed a draft letter to be sent to Andy Dinniman requesting that DEP classify the
37 Hershey’s Mill dam as a C-3 dam and asking for a waiver from the requirement to obtain a
38 permit so that everything can be left as it exists today. Don had some changes to the letter,
39 which Rick will incorporate.

40
41 **Metered Billing Update**

42 Joe Gill said he expects to have all the necessary data from Aqua by this Friday. The Township
43 will then have billing data going back 11 quarters. He and Don need to determine what quarters
44 will be used as the billing basis. Joe McDonough said he would like the Board to see examples
45 of various models and rate scenarios before a decision is made. Don told the Board he does not
46 think the Township will be ready to go live with metered billing on January 1; instead, April 1

1 will be more likely. The Board agreed it will be better to delay the launch and get it right the
2 first time. Carmen told Don there was a lot of interest in this matter at the polling places on
3 November 3. Don will draft a letter to go to the residents which can be included in the same
4 envelope with the trash letter Rick is drafting. Joe McDonough noted it will be necessary to
5 have a public meeting on the sewer rate issue.
6

7 **2010 Budget**

8 The 2010 budget was discussed.
9

10 **Public Comment**

11 *Public Comment – Joe Buonnano, 1606 Herron Lane* – Asked if Executive Sessions will ever be
12 “declassified.” Carmen told him it is a requirement that real estate, personnel, and legal matters
13 be discussed in Executive Sessions; however, any decisions made or actions taken on these
14 matters are all done during public meetings.
15

16 **Adjournment**

17 The workshop was adjourned at 9:32pm.
18
19
20

21 Respectfully submitted,
22

23
24 Anne Meddings
25 Recording Secretary
26