

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
February 2, 2010 – 7:00pm
Final Approved Minutes**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Marty Shane, Carmen Battavio and Senya Isayeff. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Kathryn Yahraes (Historical Commission), Phyllis Marron (Park & Rec), Jim McRee (Deer Committee), Dana Pizarro (Municipal Authority) and Township Solicitor Jeff Sommer.

Swearing In of New Supervisor Senya Isayeff

Newly appointed Supervisor Senya Isayeff was sworn in by Magistrate Judge Chet Darlington. Senya said that he will take this oath of office as seriously as the oath he took when he became a United States citizen in 1976, the oath he took when he became an officer in the military, and his marriage vows. Senya's wife Lolly and son Daniel were present for the ceremony.

WORKSHOP

Review of Minutes

The draft minutes of January 26 were reviewed and corrected.

Invoices

Current invoices were reviewed. The Board directed staff to make a recommendation on how to reduce costs associated with updating the code books. Don asked staff to check the Verizon bills, as one of them, #9931 for \$81.91 (Invoice #11610) might not need to be paid. Carmen wants the Township's computer life cycle of five years to be reviewed to see if it can be extended. Joe Gill will add this to the Action List. Marty asked staff to make a recommendation on this issue.

Truck Replacement

The Board reviewed Mark Miller's January 27 recommendation to replace the 1999 Ford F350 truck with snow plow.

Insurance Rider for Hershey's Mill Dam

The Board reviewed a quote from Univest Insurance offering \$2M worth of insurance for an annual premium of \$2,850 and a \$2,500 deductible. The Township would be required to post "No Swimming-No Trespassing-Enter at Your Own Risk" signs, but would be waived from the requirement to fence the property. The insurance policy would be 100% earned, meaning the Township would not get a refund if East Goshen decided to terminate the policy mid-year.

Agreement with Applebrook Golf Club Regarding Funding for Fireworks

The Board reviewed the signed agreement letter as edited by Hank Belber. Don will contact Mr. Belber for clarification on his editorial change to the agreement.

Donation to Citizens Crime Commission Reward Fund

Carmen suggested the Board consider making a contribution to the Citizens Crime Commission Reward Fund created to help catch the individual who shot WEGO officer Tim Hubbard on January 17. Four of the Board members were in favor of making a contribution to the fund. Thom said he is opposed to the Board using taxpayer funds for this purpose.

Bow Hunting Ordinance – Amendment to Chapter 163 of the Township Code

The Board discussed this proposed ordinance amendment with Jeff Sommer. Jeff said he did not write this particular amendment and would prefer something much shorter. Don asked Jeff to write a new amendment to satisfy the necessary legal requirements.

Jeff suggested the Township designate one meeting every other month or so when ordinances can be adopted, and then have the Code book updated just twice per year. Doing this will help the Township to save money.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don McConathy called the meeting to order at 8:06pm and led everyone in the Pledge of Allegiance to the Flag.

Recording of Meeting

Resident Keith Dickerson of Culbertson Circle said he would be making an audio recording of the 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.

Introduction of Senya Isayeff

Don announced that new Supervisor Senya Isayeff was sworn in earlier in the evening. Senya was appointed to replace Joe McDonough, who retired from the Board earlier this year. Don welcomed Senya to the Board.

Review & Approval of Minutes

Don announced that the minutes of January 25 were not yet available. The Board will vote on them at the next meeting.

Carmen moved to approve the minutes of January 26 as corrected. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the minutes as corrected.

Bid Award - Signs & Posts

The bids received for signs and posts were as follows:

Vulcan Signs – Foley, AL.....\$7,421.90
Custom Products Corp. – Jackson, MS.....\$8,040.35
U.S. Municipal Supply – Huntingdon, PA ...\$10,756.50

Carmen moved to award the bid for signs and posts to Vulcan Signs of Foley, AL in the amount of \$7,421.90 per the January 27 recommendation of Public Works Director Mark Miller. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Treasurer’s Report & Expenditure Register Report

See attached Treasurer’s Report for January 28, 2010.

Thom moved to accept the Treasurer’s Report of January 28 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop with the exception of Invoice #11610 in the amount of \$81.91 from Verizon. This invoice will be held pending review by staff. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Variance Request from Liberty Towers

Don announced that this item would be tabled until February 16.

Truck Replacement

Marty moved to approve the replacement of the Township’s 1999 Ford F350 truck with snow plow at a cost of \$40,422.00 per the January 27 recommendation of Public Works Director Mark Miller. Carmen seconded the motion, but said he does not necessarily agree that the plow has to be replaced along with the truck. Don said he would have Mark Miller double-check about the plow. Thom asked if the truck will be traded in or sold. Rick said he believes the truck will be traded in. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Resolution 10-102 to Post Signs at Hershey’s Mill Dam

Don announced that the Township staff had to shop around but finally obtained a quote from Univest Insurance offering \$2M worth of insurance for the Hershey’s Mill Dam for an annual premium of \$2,850 and a \$2,500 deductible. In order to qualify for the insurance the Township will need to post “No Swimming-No Trespassing-Enter at Your Own Risk” signs at the dam.

Marty moved to adopt Resolution 10-102 authorizing the installation of “No Trespassing-No Swimming-Enter at Your Own Risk” signs at the Hershey’s Mill Dam. Thom seconded the motion.

Public Comment: Jim McRee, Oneida Lane – Asked if a lower premium is available from the carrier in exchange for a higher deductible. Marty said that was a good point and withdrew his motion. He suggested tabling this matter until staff checks on the deductibles. Thom withdrew his second to the motion.

Carmen said this matter is too important to hold it up for another week.

Public Comment: Kathryn Yahraes, Vista Drive – Asked why the Township’s usual insurance coverage would not apply to the Hershey’s Mill Dam open space area. Don said that additional insurance is required because of the DEP’s classification of the dam. The Township’s normal insurance does not provide full coverage.

Public Comment: Joe Buonnano, Herron Lane – Said he doubts that a lower premium would be available in exchange for a higher deductible.

Public Comment: Neil DeRiemer, Hershey Mill Road – Asked when coverage would start. Rick said as soon as the insurance company receives a check from the Township. Mr. DeRiemer asked if the Township would be self-insured until then, and was told yes.

Senya said he doesn’t think the Township will get much savings in the way of a lower premium if the deductible is raised, certainly not enough to warrant the risk of waiting another week for the Township to be covered.

Senya moved to adopt Resolution 10-102 authorizing the installation of “No Trespassing-No Swimming-Enter at Your Own Risk” signs at the Hershey’s Mill Dam. Carmen seconded the motion.

Thom asked if the Township can get a binder on the policy and make a change in the terms of the policy next week if the staff finds out that a higher deductible will mean a lower premium. Rick said he would check into it but didn’t think so because once East Goshen signs on, the insurance policy would be 100% earned with no refund available.

Carmen said he was not in favor of shopping a higher deductible because he does not believe it will result in a substantial savings. He said it is not worth the risk of liability to wait on this matter.

Senya said he was willing to accept Thom’s friendly amendment to put a binder on the policy if the insurance company will accept one, but thinks it will be a futile exercise for Township staff to spend their valuable time searching for an insignificant savings. Carmen said he was willing to accept the amendment also, as the second.

Public Comment: Neil DeRiemer, Hershey Mill Road – Said he does not understand how increasing the deductible will lower the Township’s costs in the event of a hit. He asked if the Township could insure DEP for the chance of a dam breach. Don said no, and explained that the motion on the floor was not related to DEP. Jeff Sommer told Mr. DeRiemer that at this point DEP does not have an insurable interest in the dam.

There was no further discussion or public comment on this matter. The Board voted unanimously to approve the amended motion.

Donation to Citizens Crime Commission Reward Fund

Carmen announced that the Citizens Crime Commission is collecting donations to put toward the reward being offered for information leading to the arrest of the person responsible for shooting WEGO officer Tim Hubbard on January 17. The fund is currently at \$25,000. Anyone interested in donating to the reward fund should send a check to:

**Westtown East Goshen Regional Police
1041 Wilmington Pike
West Chester, PA 19382
Attn: Mary Gallagher**

Carmen moved that the Board of Supervisors spend \$500 to add to the reward fund for Cpl. Tim Hubbard. Marty seconded the motion and pointed out that Cpl. Hubbard usually spends his shifts patrolling in East Goshen, and the shooting incident occurred in East Goshen.

Don noted that the \$500 donation, if approved, will come from the Township's General Fund.

Public Comment: Jim McRee, Oneida Lane – Asked if the Board will consider cutting another charitable contribution planned for this year to offset this \$500 donation. Don said the Township has extra money in the police budget. Marty said the Board is constantly reviewing discretionary expenditures that can be reduced or eliminated. Mr. McRee asked his question again. Don said the Board would look into his suggestion.

Public Comment: Joe DiAntonio, Mill Race Lane – Asked what is the Township policy on charitable contributions. Rick said the policy is in the Township Code, and then listed a number of charities the Township usually contributes to.

Public Comment: Dana Pizarro, Ivy Lane – Asked if the WEGO officers have the latest body armor. Carmen said yes, the officers have the best vests available. He said that WEGO has also standardized their weaponry. Don noted that the vest did not help Cpl. Hubbard in this instance since he was shot in the hand.

Senya said the donation under discussion is not a charity matter but a matter of the health, safety and welfare of the residents, which is the primary mission of the Township.

There was no further discussion or public comment. The Board voted 4:1 to approve the motion. Thom was opposed.

Correspondence & Reports of Interest

Don acknowledged receipt of a letter from the Chester County AARP TaxAide District Coordinator thanking the Township for the use of the conference room for their training activities.

Don also acknowledged receipt of an executed agreement from the Applebrook Golf Club in regard to a donation for the 2010 fireworks. Don said the Township needs to get clarification on this agreement.

Meetings & Dates of Importance

Don noted the upcoming meetings as listed in the agenda. The February 24 Zoning Hearing Board meeting concerns Liberty Towers, not Wawa.

Public Comment Period

Keith Dickerson, Culbertson Circle - Reported that the Greenhill HOA met last evening and voted nearly unanimously to oppose accepting the 26 self-imposed conditions provided by the developer of Traditions. The developer sought their acceptance of the conditions in return for the HOA agreeing to not oppose the development. Mr. Dickerson requested that East Goshen support the Greenhill HOA at the meeting in West Goshen next week by having attorney Ross Unruh vigorously argue against the development in the interest of the community at large. Mr. Dickerson said he applauds the West Goshen Planning Commission for their position of opposition to this development, and East Goshen for the time the Township has spent working on issues related to this proposed development. Mr. Dickerson said the community at large -- not just the Greenhill HOA and the Fire Company -- would be negatively impacted by this development. He then disputed the findings of the developer's traffic engineer. He said there have been unintended consequences from the signage installed in the area of this proposed development, such as the No Turn on Red sign posted on Greenhill Road at Boot Road. Mr. Dickerson said there is at least one West Goshen supervisor in favor of this development.

Rick said that PennDOT installed the No Turn on Red sign because they deemed the shoulder not wide enough.

Rick noted that West Goshen's standards for Conditional Use approval are quite thin. Marty indicated that the best the HOA can hope for is to get some solid conditions on the record. Marty recommended that Mr. Dickerson let Rick know of any suggested modifications the HOA has for the 26 conditions so that East Goshen's experts can take a look at them.

Thom said he would like East Goshen to explore how West Goshen's Planning Commission came to their decision to deny the applicant's request for approval.

Mr. Dickerson said the HOA would like East Goshen to send a strongly worded letter to West Goshen's Board to accompany the final list of suggested conditions.

Tom Rath, (President of Greenhill HOA) – Requested that East Goshen go on the record like the Fire Company did as being in opposition to the Traditions development, regardless of the conditions, due to public safety concerns. Carmen said he would be fine with that. Don said he doesn't believe East Goshen has the authority to do that. Marty said that East Goshen could say in a letter that "had we been aware of the original zoning change, we would have been opposed to it." Mr. Rath then gave examples of some specific traffic safety concerns he has in regard to the development. Don said that East Goshen's traffic engineer did not find any particular problems. He asked Mr. Rath to put his concerns in writing to Rick Smith, and the Township would review them. Rick said that he would need to have this by tomorrow in order to have time for the experts to review them and discuss them with Mr. Jaros prior to the hearing. Don said that what the Township can do is to instruct Ross Unruh to make a general statement at the

hearing saying that East Goshen is opposed to the development. Don said that writing a letter would not do any good.

Keith Dickerson, Culbertson Circle – Said he does not understand why East Goshen would be sharing the proposed conditions with Mr. Jaros prior to the hearing. Rick explained that is usually the way these things are done, to get the developers to agree to conditions ahead of time. Mr. Dickerson asked what happens if Mr. Jaros does not agree to some of the conditions. Don said then East Goshen would have to put its experts on the record stating why they think the conditions need to be imposed, and then it would be in the hands of the West Goshen Board of Supervisors.

Adjournment

There being no further business, the formal meeting adjourned at 9:32pm.

WORKSHOP (Resumed)

Geotechnical Study for Hershey's Mill Dam

The Board discussed the three proposals received from engineering firms to perform geotechnical studies of the Hershey's Mill dam.

Don said there are flaws in each bid, and he thinks it premature to award the bid until the Township has more information.

Carmen thinks the project needs to be rebid. He said each of the proposals is too vague about the "extras."

Senya thinks the Township should have DEP review the three proposals and see which one they prefer the Township to use. It would be good to have DEP's sign-off on the soil testing protocol. Don thinks that getting DEP involved at this level would be like asking them to do the Township's work.

Public Comment: Dana Pizarro, Ivy Lane – Agreed with Don that the proposals are incomplete. He agreed with what Rick said that it's best not to piecemeal out the work to various contractors. Don said maybe the Township should revisit the scope of work.

Public Comment: Neil DeRiemer, Hershey Mill Road – Said the DEP has already approved the soil boring option – he saw it in a letter somewhere. Don said the Township would check on that. [Note: later on during the meeting Mr. DeRiemer found the letter. When he read the relevant portion aloud the Board told him it was not relevant to the sheet pilings issue.]

Rick suggested that test bores be drilled to test for bedrock near the upstream side of the face of the dam. He said he could call around to get a quote just for that and estimated it would cost \$1,000 or so. Drilling in that location will give a good idea for the rock situation under the rest of the dam area.

Public Comment: Howard Jones, Kennett Way – Said he doesn't understand why any engineer can't come up with a boring plan to follow.

Public Comment: Joe DiAntonio, Mill Race Lane – Said he is not sure the Township has defined the overall problem adequately to come up with a solution.

Public Comment: Dana Pizarro, Ivy Lane – Recommended the Township make sure there are no exclusion clauses in the insurance documents, such as one for not cutting down the trees along the dam breast. This is important since DEP recommended a long time ago that the Township take down those trees.

The Board agreed to go ahead with Rick's suggestion to get test borings drilled near the upstream side of the face of the dam. Don recommended that Rick review with Al Giannantonio of Yerkes the appropriate location for the boring holes given what the Township is trying to accomplish.

Adjournment

Due to the late hour, Don said the remainder of the Workshop agenda could be held to the next meeting as the Board needed to meet for a short executive session. He noted that there would also be an Executive Session next week from 7:00pm to 7:30pm.

The meeting adjourned at 10:30pm.

EXECUTIVE SESSION

The Board met in Executive Session until 10:40pm to discuss a police matter.

Respectfully submitted,

Anne Meddings
Recording Secretary

Attachment: Treasurer's Report