

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike
February 16, 2010 – 7:00pm
Final Approved Minutes**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Marty Shane and Senya D. Isayeff. Supervisor Carmen Battavio arrived at 8:00pm. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Kathryn Yahraes (Historical Commission), Phyllis Marron (Park & Rec), Jim McRee (Deer Committee), and George Martynick (Planning Commission).

WORKSHOP

Review of Minutes

The draft minutes of January 25, February 2, and February 9 were reviewed and corrected.

Public Comment: Joe Buonnano, Herron Lane – Commented that the capital costs and debt service for the sewage treatment plant should be part of the General Fund of the Township. Maintenance costs should be individually charged to the users based on their class. Marty responded that since all residents do not use the sewer system, the Sewer Operating Fund must be a separate fund from the General Operating Funds. The fees paid by the sewer users must cover the owning and operating costs associated with the sewer system.

Right-To-Know Log

Don mentioned that any document given to residents, including those given to individual residents during meetings, should be recorded in the Right-To-Know Log. The Board and staff discussed this briefly. Staff will check on this to get clarification.

Agenda Review

The agenda for the formal meeting was reviewed. The Liberty Towers variance application and the Mullen land development application were briefly discussed.

Ordinance Amendment – Vehicles & Traffic

Don made some minor changes to this draft ordinance amendment. Rick will make the changes and the Board will plan to vote on this during the March 16 meeting.

Citizens Budget Advisory Group

Don said he plans to mention the creation of this group in his next newsletter column. The newsletter will also have a small box mentioning the group and requesting interested residents to apply. Resumes will be due to the Township by April 15. The staff is putting together a Scope of Work for the group. Marty asked that this document be prepared ASAP. Don hopes to have the group operational by May 1.

Landscaping at Township Building

The Board members discussed their preferences for the landscaping work in front of the Township building. Tom is opposed to spending money on the project. He would prefer to see the taxpayer funds used for another purpose. Senya is opposed to spending money on this project unless he can be assured the plants will be properly maintained, which is difficult to manage. Both Marty and Don are in favor of doing something. The Board decided to hold this matter until later in the evening when Carmen could act as a tie-breaker.

Public Comment: George Martynick – Said the spotlight on the Township sign located at the parking lot entrance is so intense it's almost blinding. He suggested dimming the light or using something else not so bright.

CCATO Spring Convention

Don noted that the CCATO Spring Convention will be held March 11 at the Sheraton in Great Valley. All board members that were present indicated they planned to attend. When Carmen arrived later in the evening he said he would not be able to attend.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don McConathy called the meeting to order at 8:03pm 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.

Recording of Meeting

No resident indicated they planned to record the meeting.

Approval of Minutes

Marty moved to approve the minutes of January 25, February 2, and February 9 as corrected in Workshop. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the minutes as corrected. (Note: Senya abstained from voting on the January 25 minutes).

Chairman's Report

Don announced that the Board met in Executive Session on February 9 to discuss a personnel matter.

Treasurer's Report

Don announced that there was no Treasurer's Report for this week.

Liberty Towers, 1594 Paoli Pike - Variance Application

Crystal J. Fisher, Esq. was present for the applicant. Ms. Fisher requested that the Board table this matter until March 2 as the applicant is currently looking at some other possible locations.

She noted that if they found another site, the current application before the Board would be withdrawn. Ms. Fisher indicated that Liberty Towers was looking for another location within a one-mile radius of the Wawa at 1594 Paoli Pike.

Marty asked her what hardship claim Liberty Towers plans to use as the basis for requesting the Board approve their application for the Paoli Pike location. Ms. Fisher said she believed the argument will be that there is a need for a wireless telecommunications facility at the location due to a coverage gap. She then shared that Liberty Towers has already lined up five cellular carriers interested in locating on the tower. Don told her that Liberty Towers is going to have to provide some kind of information the next time they come before the Township. The applicant cannot simply tell the Board that they want a tower and expect the application to be approved. Without some kind of information from the applicant, the Board will turn down the application.

The Board discussed whether they should table this matter to the March 2 meeting, or make a motion on it. Don and Marty indicated they had no problem waiting until March 2. Thom said he was in favor of making a motion as there is nothing the applicant would be able to say or present on March 2 that would change his mind to make him in favor of this application. Senya and Carmen agreed to make a motion tonight. Senya told the applicant that all five of the cellular carriers can come before the Township on their own and apply for coverage within the Township's existing guidelines. He agreed with Thom that there is nothing the applicant can present to make a 150-ft pole acceptable to him.

Don moved to oppose the Liberty Towers variance application for 1594 Paoli Pike for the following reasons:

1. The requested use is not permitted in the C-2 District as a Use by Right, as a Conditional Use or as an Accessory Use per Section 240-15.
2. The applicant has not provided evidence of a hardship requiring this structure and does not meet the tests of the Hertzberg Case for hardship.
3. This proposed facility would be located in the center of the Township adjacent to two elementary schools and the Goshenville Historic District which is registered on the National Historic Register.
4. The resulting structure would have a negative impact on the quality of life in East Goshen Township and potentially may affect property values in the immediate area.

He further moved that the Board authorize the Township Solicitor to attend the Zoning Hearing Board hearing on this matter to be an advocate for the above position.

Thom seconded the motion.

Marty said he is not sure anything is gained by having point # 3 and # 4 in the motion. He also said that # 2 could be shortened, putting a period after the word "structure." After some discussion the Board agreed to shorten the motion per Marty's suggestion.

Don amended his motion to read as follows:

I move to oppose the Liberty Towers variance application for 1594 Paoli Pike for the following reasons:

1. The requested use is not permitted in the C-2 District as a Use by Right, as a Conditional Use or as an Accessory Use per Section 240-15.
2. The applicant has not provided evidence of a hardship requiring this structure.

I further move that the Board authorize the Township Solicitor to attend the Zoning Hearing Board hearing on this matter to be an advocate for the above position.

Thom seconded the amended motion.

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

Police Report

Police Chief John Dumond said he had just come from the Westtown Board of Supervisors meeting where Cpl. Leo Kennedy was recognized for 25 years of service in the Westtown East Goshen Regional Police Department.

Chief Dumond reported there were 571 calls for service from East Goshen during January. He noted that the police received approximately 100 calls related to the recent blizzard. WEGO continues to investigate the shooting of Cpl. Tim Hubbard, and tips have been coming in via the Citizens Crime Commission. Cpl. Hubbard is doing well and is still recovering from the incident.

The Chief reported an incident of a woman being restrained and assaulted by her boyfriend at their home in Goshen Valley. The victim was able to flee the scene, and the perpetrator was arrested. While at the residence the officers found a large quantity of marijuana, scales, etc. belonging to the boyfriend. The man is currently in Chester County Prison with bail set at \$75K.

Another incident of note involved a 17-year-old male who assaulted three females at a Bayard Rustin High School basketball game and then caused a disturbance outside of Picket Way. The police were called and the perpetrator proceeded to assault two male police officers. He was tasered and taken into custody. He is currently being held at the Chester County Juvenile Detention Center.

Mullen, 1661 East Strasburg Road - Land Development Application

No one was present to represent the applicant. Because the Board members had questions regarding the application, this matter was tabled until the March 2 meeting when the applicant can hopefully be present. Township staff will check the clock and request an extension from the Mullens if necessary.

Correspondence & Reports of Interest

Don acknowledged receipt of the following items:

- February 3, 2010 letter from the Chester County Health Department concerning isopropyl alcohol in groundwater. Don noted that a copy of the letter was sent to 69 households in the Township.
- February 4, 2010 hydrologic study from Advanced GeoServices for the Hershey Mill Dam.
- Site Characterization Report for the Sunoco Station at 1425 Paoli Pike.

Meetings & Dates of Importance

Don noted the upcoming meetings as listed in the agenda. The February 17 Deer Committee meeting has been cancelled. The Zoning Hearing Board hearing on Liberty Towers has been moved from February 24 to March 11.

Any Other Matter

Carmen said he spent some time helping out the Public Works crew during the recent blizzard. At one point during the storm a plow sheared off one of the trucks. The crew was able to use the newly purchased welder to quickly reattach the plow to the truck, putting it back on the road.

Don said the Board has received a number of emails from residents complimenting the Public Works crew for doing such a good job plowing the roads.

Public Comment Period

Howard Jones, Kennett Way - Asked if the cost of dealing with several large snowstorms this winter will have an impact on the Township budget. Don said the Township won't have all the data in until the end of March, but at this time it does not appear that the cost of dealing with the storms will put a major dent into the 2010 budget. The Board will keep the public apprised, however.

Jim McRee, Oneida Lane – Reported that Willistown did a terrible job plowing their portion of Line Road. Rick said their Township Manager was contacted about the situation. Don said the East Goshen crew ended up plowing Willistown's portion of Line Road.

Adjournment

There being no further business, the formal meeting adjourned at 8:40pm.

WORKSHOP (Resumed)

Hershey's Mill Dam

The Board reviewed the quote from Rich Keyes to bore holes near the dam to look for bedrock, and agreed to have him proceed. Rick will go ahead and get the work scheduled. The Board agreed it would not be necessary for Pennoni to send out a soil engineer during the drilling.

Don noted receipt of an email from Univest Insurance informing East Goshen that changing the deductible for the Hershey's Mill Dam insurance would not result in a change in premium.

Rick will contact Advanced GeoServices to schedule a time for them to present their hydrologic study results to the Board. Hopefully they can do it at the next Workshop on February 23.

Don reviewed the next steps for this project:

1. Drill for bedrock
2. Presentation from Advanced GeoServices on hydrological study
3. Send letter to DEP asking if they will accept the results of the hydrological study

The Board then discussed when would be the best time to send a letter to DEP asking for reclassification of the dam, and how the letter should be delivered.

Landscaping at Township Building

The Board brought Carmen up to date on their discussion about landscaping at the Township building. Thom said he is opposed to spending money on the work because it will cost \$3,000 for plants and then \$3,000 per year thereafter for maintenance. Marty said East Goshen is a \$10 million business and needs suitable landscaping to create an appropriate impression to visitors. Thom noted that East Goshen is a non-profit business.

Carmen said he thinks the front of the building looks horrible, and some landscaping work is necessary. He said he did not think it would be necessary to pay anyone overtime to take care of the plantings. The Public Works Department can purchase some inexpensive drip hoses and timers, which would take care of the watering. He estimated that weeding, pruning, etc. would only take about one hour per month if hardy, low-maintenance plants are used.

With Carmen's input the Board was 3:2 in favor of doing some kind of landscaping work. Don would like the Conservancy Board to review the two proposals and provide a recommendation back to the Board.

Thom suggested the Township form a Garden Club, and the members (residents) could do the work. The other Board members recommended Thom be in charge of this initiative. Thom will speak to Frank Vattilano about putting a blurb in the upcoming newsletter.

Metered Billing

The Board agreed to have staff edit Don's draft letter to the residents down to one page, and then create a follow-up page (or pages) of information about the switch, presented in a Q&A format.

The Board had a lengthy discussion about how best to round the bills, and whether to bill in 100s of gallons or 1000s of gallons. Joe Gill will contact Dan at Aqua tomorrow to get clarification on how Aqua rounds their data.

RCSTP Extras

The Board reviewed the list of extra expenses that have been or will be incurred for this project.

Pending Legal Costs

The Board reviewed a list of pending legal costs.

Images of America Books

Kathryn Yahraes reported that 7 of the lost books have been accounted for, leaving only 2 books that have been lost. She anticipates many more books being sold during the upcoming Living

History Day and at the Town Tours & Village Walks. The Historical Commission is also actively working on pursuing the realtor market.

Snacks & Coffee Expenses

The Board reviewed Rick's memo on this topic and agreed to continue with current practices but to continue to look at other coffee vendors.

Grant Writing

The Board agreed to have someone review the book of available grants in order to determine if it is worthwhile to designate or hire a full-time grant writer for the Township. Thom mentioned an upcoming grant writing course to be given in the evenings at Fugett Middle School. The course lasts three sessions and costs only \$40.

Traditions

Don said that Russ Unruh will argue East Goshen's position on the Traditions development at the West Goshen Board meeting tomorrow evening. Rick reported that the Township has received nothing in writing from residents Keith Dickerson or Tom Rath of Culbertson Circle regarding their concerns about the Traditions development.

Boot Road Signalization

Rick reported that West Goshen is paying the expenses for the Boot Road traffic light signalization project. It should be complete in a few months.

Parking at Cyber Charter School

There was no update on this matter. The Board directed the staff to contact Jim Hanak.

Electric Rate Caps

Marty will discuss this matter offline with Joe Gill.

501(c)(3)

The Board briefly discussed setting up a 501(c)(3) organization for the Township.

Adjournment

There being no further business, the meeting adjourned at 10:37pm.

Respectfully submitted,

Anne Meddings
Recording Secretary