

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike, West Chester, PA 19380
April 13, 2010 – 6:30pm
Final Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, Marty Shane and Don McConathy. Supervisor Carmen Battavio was absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Director of Recreation Frank Vattilano, Kathryn Yahraes (Historical Commission), Jim McRee (Deer Committee); Phyllis Marron, Bob Huebner, and Ruth Scadding (Park & Rec); Ginnie Newlin and Jane Fava (Conservancy Board); and Fran Beck and Dana Pizarro (Municipal Authority). Township Solicitor Kristin Camp was present for the public hearing.

WORKSHOP

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 6:30pm and led everyone in the Pledge of Allegiance to the Flag.

Moment of Silence

Senya called for a moment of silence to honor the men and women serving their country in the armed forces and their families.

Hershey Mill Dam

Rick summarized his April 8 memo on the Advanced GeoServices proposal for a Dam Breach Analysis of the Hershey Mill dam as discussed with the residents' group on April 5. Senya asked if any of the dam "stakeholders" were present to speak on funding for the project.

Public Comment: Reed Bailey, Tanglewood Drive - Said he has been involved with the residents' group to save the dam, but is not in a position personally, nor is the group in a position to make a monetary commitment toward the payment of the dam restoration expenses at this time. The group has not started fundraising yet as they are waiting until the 501(c)(3) is set up and approved by the IRS. However, the group has done some brainstorming on ways to approach the fundraising effort. The group hopes that Andy Dinniman can meet with Secretary Hanger at some point to plead the case for reclassification of the dam. The group feels this is all "much ado about nothing" and in reality the dam poses no true threat to public safety and welfare.

Marty said the best thing that can happen is for DEP to reclassify the dam to C-3 with a 50-year storm design condition. He said the Township is impressed with the work that Advanced GeoServices has done on the project thus far and thinks they deserve a chance at a sole-source contract through the engineering design phase. Marty said the Township would like to get an updated proposal from Advanced GeoServices for the Board's review. If the Board is not happy with the proposal, the work can be put out to bid.

Public Comment: Joe D'Antonio, Millrace Lane - Said the residents' group hopes that having a dam breach analysis done will lead DEP to reclassify the dam from C-2 to C-3. A C-2 classification will cost the Township more in inspection fees.

Marty gave kudos to Don McConathy for his leadership and hard work on this project, and also recognized Rick Smith for his valuable contributions.

Thom asked Marty what made Advanced GeoServices change their opinion that it would be highly unlikely for DEP to reclassify the dam (as Todd Trotman had indicated in a previous Board meeting). Marty said that Advanced GeoServices is now more than 50% confident that the data they plan to present to DEP after they do their breach analysis will lead DEP to change their mind. This is due in part to the fact that Mr. Trotman was able to "sell" the 1,089 cfs number to DEP when he met with them.

Don then spoke on the difference between the C-3 and C-2 dam classifications, and the advantages to East Goshen in having a C-3 classification. He said it is a bit of a gamble, but probably worth the cost to have Advanced GeoServices do the Dam Breach Analysis.

Resident Joe D'Antonio asked for the Board to confirm that Mr. Trotman did indeed change his mind that DEP might be willing to reclassify the dam. Rick confirmed this.

Public Comment: Maureen Newhouse, Foxglove Lane - Asked if the pond could be drained ahead of time if the Township is aware of a big storm coming, to help prevent a breach. Rick said it has been determined that draining the pond would have minimal impact.

Public Comment: Jim Brandolini, Burning Bush Lane - Had a question about the nature of the Advanced GeoServices proposal and whether it will be a sunshine breach analysis only. Don said they would do a several regular breach analyses as well as a sunshine breach analysis.

Public Comment: Neil DeRiemer, Hershey Mill Road – Asked for confirmation that the proposal for the breach analysis would cost \$15K and the design analysis proposal would cost \$85K, and that no construction work is included in the \$85K estimate. Rick confirmed these figures.

Senya asked Marty to clarify who will select the final design of the restored dam. Marty said the design will be selected by the stakeholders, with the Board's approval.

Public Comment: Joe D'Antonio, Millrace Lane - Said the Board will have the final say over the design.

Senya asked what the Township's expenditures on this project have been thus far. Don said the Township has spent \$60-\$70K since August 2009. Senya said he needed clarification on how the money will be repaid to the Township from the residents' group.

Public Comment: Joe Buonnano, Herron Lane - Asked why the Township turned down the federal grant to breach the dam. Marty said a majority of the Board voted to give the residents the opportunity to save the dam, which a group of residents requested during one of the meetings

on the issue. Don added that by accepting the grant, the Township would have basically given the dam to the federal government, and the Township would have had no control over how the grant money would be spent. Furthermore, the government provided very little detail indicating if and how they would maintain the dam and the restoration work once the dam was breached. Mr. Buonnano asked when the Township has to comply with the new standards. Marty said so far the Township has not been given a deadline for compliance, and DEP seems happy as long as the Township keeps moving forward. Don confirmed that DEP has not indicated a drop-dead date.

Public Comment: Maureen Neuhaus, Foxglove Lane - Made a statement to Mr. Buonnano about the ownership of the dam if East Goshen had accepted the grant. Rick corrected her and said if the grant had been accepted, East Goshen would still own the dam, but the federal government would have an easement over it.

Marty moved that the Board request an updated proposal from Advanced GeoServices broken down as follows:

Phase 1 – Prepare breach analysis based on the design flow of 1,089 cfs, and submit to DEP.

Phase 2 – Work with the Township to develop a preferred solution.

Phase 3 – Design and permit the selected solution.

Phase 4 – Preparation of bid documents and assistance with bidding.

The Township will reserve the right to accept or deny the updated proposal. Don seconded the motion.

Thom had a question about breaking up the proposal into phases. Marty said he thought it best to combine all four phases into one proposal.

There was no further discussion or further public comment. The Board voted 3:1 to pass the motion. Thom was opposed.

501(c)(3)

Senya summarized Rick's April 8 memo on this topic and stated that the Township attorney has generously offered to provide services related to the setup of the 501(c)(3) organization on a *pro bono* basis. He also noted that Joe Gill is familiar with the operation of a 501(c)(3) for a municipality, having had experience with one in his previous job.

Township Solicitor Kristin Camp gave the audience a brief overview on what a 501(c)(3) is and how it works. She noted that the bylaws for this particular 501(c)(3) have not yet been established.

Public Comment: Jane Fava, Meadow Drive - Suggested that officers for the organization include members from all Township ABCs, and that the scope of the group be kept wide, and not limited to just the dam issue.

Public Comment: Joe D'Antonio, Millrace Lane - Asked if having ABC members as officers would present a conflict of interest for the Township. Kristin Camp said her firm researched that issue and determined it would not be a conflict of interest. Don said it would be a good idea to have representation from the Historical Commission, the Conservancy Board and Park & Rec on the 501(c)(3), as well as one resident. He noted that a 501(c)(3) is really nothing but a conduit.

Public Comment: Joseph D'Antonio, Jr., Millrace Lane - Said he feels the Township should use the 501(c)(3) to focus on one project at a time so that various ABCs don't compete for funds and hamper each others' efforts. Senya said that contributors to such funds usually wish to have their donation earmarked for a particular cause, so it's probably a good idea to keep the scope broad.

Public Comment: Jane Fava, Meadow Drive – Said she works for a 501(c)(3) and they manage to keep various funds separate (all under the same umbrella) with no problem.

Public Comment: Joe D'Antonio, Millrace Lane - Volunteered to serve as an officer on the 501(c)(3).

Marty asked Kristin Camp who will set the bylaws. Kristin said she already has a general idea of what the bylaws should be, and she believes the Board is in agreement as to the purpose of the 501(c)(3), so developing bylaws should not be an issue.

Public Comment: Reed Bailey, Tanglewood Drive – Said the scope of the 501(c)(3) should be broad, not limited to the dam. He thanked the Township for doing the work of setting up the 501(c)(3) as it would have been a big job for the residents to take on.

Don suggested the Historical Commission, the Conservancy Board and Park & Rec each nominate one person from their boards for the 501(c)(3) by early May. Joe D'Antonio can be the resident at large.

Public Comment: Ginnie Newlin, Devon Lane – Asked if the policies of the 501(c)(3) would be completely independent of the Township policies, and Senya told her yes.

Public Comment: Kathryn Yahraes, Vista Drive – Said that setting up a 501(c)(3) is a positive step, because all ABCs in the Township could benefit from it.

Don moved that the Township form a group of potential officers comprised of one member each from the Historical Commission, Conservancy Board and Park & Rec Board, as well as one resident at large (Joe D'Antonio). The three ABC members shall be nominated by their respective ABCs and the names provided to Rick Smith by May 20, 2010 so the Board will have the information in their packets for the May 24 meeting. This group of four will then meet and designate their officers from among themselves. Marty seconded the motion.

Public Comment: Kathryn Yahraes, Vista Drive – Asked if the 501(c)(3) can operate with an oversight board in addition to officers, and Kristin Camp told her yes.

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

FORMAL MEETING

Call to Order

Senya called the formal portion of the meeting to order at 8:15pm.

Recording of Meeting

No resident indicated they planned to record the meeting.

PUBLIC HEARING

TecniplastUSA, 1345 Enterprise Drive, Conditional Use Application

The Board held a public hearing to consider the Conditional Use Application of TecniplastUSA. The applicant was represented by Ross Unruh, Esq.

Don moved to approve the conditional use application of TecniplastUSA for the property located at 1345 Enterprise Drive to utilize an existing building and parcels for multiple principal uses pursuant to the Township Code §240-21.C(1) and §240-31 in accordance with the plan dated February 23, 2010 and last revised March 30, 2010, and subject to satisfactorily addressing all comments in the Planning Commission's letter dated April 8, 2010 with the exception of #6. Marty seconded the motion. The applicant agreed to the conditions, and agreed to waive the 24-hour notice requirement. Public comments were taken by the Board.

The Board voted unanimously to approve the motion. A court reporter was present and will provide a complete transcript of the proceedings.

FORMAL MEETING (Resumed)

Presentation by Natural Lands Trust

Andrea Stevens and Andrew Gilchrist of the Natural Lands Trust (NLT) presented a Natural Areas Stewardship Report for the Applebrook and East Goshen Township Parks, based on a site walk conducted December 10, 2009. (The report itself is dated March 2010).

They noted the following overall stewardship goals for the natural areas of the parks:

1. To maintain a safe and enjoyable environment for passive (Applebrook Park) and active (East Goshen Township Park) recreation; and
2. To protect and enhance native plant communities to support resident and migratory wildlife.

They described the resources found within the parks, and provided recommendations on the following topics:

- The handling and management of invasive plant species
- Restoring native habitat
- Enhancing wildlife habitat in Applebrook Park

- Managing hazards
- Enhancing the educational opportunities within the parks

Public Comment: Ginnie Newlin, Devon Lane – Asked if the NLT could provide suggestions for funding sources. Mr. Gilchrist told her they could provide the Township with some information.

Thom asked if the NLT is available to perform any of the suggested recommendations. Mr. Gilchrist said the NLT is available to provide oversight for the implementation of the suggestions.

Public Comment: Ginnie Newlin, Devon Lane – Asked if the NLT can recommend an easy method to create meadow from mowed areas. Mr. Gilchrist said it can be as easy as changing the mowing schedule to once per year. He said the NLT would provide the Township with a copy of their *Stewardship Handbook for Natural Lands in Southeastern Pennsylvania*.

The Board thanked Ms. Stevens and Mr. Gilchrist for their presentation.

Police Report

Police Chief John Dumond reported there were 605 calls for service from East Goshen in March. He noted there have been some recent burglaries within East Goshen and Thornbury Townships, and there was a “smash & grab” burglary at the Sunoco station. On April 10, WEGO officers provided traffic control and assistance to the Downingtown police while they recovered evidence from the reservoir.

Senya suggested some format changes to the police report, and Chief Dumond said he would make the changes for future reports. Senya read aloud an email that Frank Vattilano sent to the Board complimenting the police on the outstanding service they provided during a recent Park & Rec bus trip.

Chairman’s Report

Senya made the following announcements:

- Bids were opened on April 8 for Traffic Signal LEDs. The bids received were as follows:
 Lenni Electric \$40,584.00
 Charles Higgins \$45,530.92
 Miller Brothers \$51,900.48
 The Board will plan to vote to award the bid during the May 4 meeting, after the low bidder has been approved by DEP.
- The Township is accepting resumes until April 15 from residents interested in serving on the Township Advisory Group (TAG).
- April 13-17 is “Local Government Week.”
- The Supervisors have cancelled their trip to Hershey for the PSATS convention. The Board will instead meet at the Township Building on Monday April 19 at 10:00am. In

addition, the Board will hold a Workshop meeting at the Township Building on Tuesday April 20 at 7:00pm.

Chester County Multi-Jurisdictional Hazard Mitigation Plan

The Board reviewed the draft Resolution for Municipal Adoption of the Chester County Multi-Jurisdictional Hazard Mitigation Plan. Don made some editorial modifications.

Marty moved to adopt this resolution as amended. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Escrow Release for Vintage Development

Marty moved to approve the Vintage Development request for escrow release #1 for 1638 Manley Road in the amount of \$17,662.20 for sediment and erosion control and storm sewer construction, per the April 5, 2010 recommendation of Public Works Director Mark Miller. The escrow balance after this release will be \$29,749.98 which includes \$4,519.73 for contingency. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Correspondence & Reports of Interest

Senya acknowledged receipt of the Fire Marshal's report for March 2010.

Meetings & Dates of Importance

Senya noted the meetings as listed in the agenda, with the changes that had been noted during the Chairman's Report.

Public Comment: Kathryn Yahraes, Vista Drive – Asked if any Supervisors would be attending PSATS sessions in Hershey, and was told no. She then asked if the Township would receive refunds for their cancelled reservations. Senya said the Township is working on it, and regardless, by not going to Hershey the Township will realize significant savings.

Bills

Current invoices were reviewed. The Board agreed to discuss the issue of Capital Reserve funding for miscellaneous small items during the April 19 meeting.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for April 8, 2010.

Thom moved to accept the Treasurer's Report of April 8 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Review of Minutes

The draft minutes of April 6 were reviewed and corrected. Don moved to approve the April 6 minutes as corrected. Marty seconded the motion. Senya requested that in future, attachments to

the minutes be included with the drafts and not just the final minutes. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Any Other Matter

The Board briefly discussed the decision to cancel the trip to Hershey. They also briefly discussed the quarterly report of permits requested within the Township.

Adjournment

The meeting was adjourned at 10:42pm. Due to the late hour, the Board did not go back into Workshop.

Respectfully submitted,

Anne Meddings

Recording Secretary

Attachment: Treasurer's Report

April 8, 2010

TREASURER'S REPORT
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$274,813.53
Earned Income Tax	\$96,757.13
Local Service Tax	\$4,076.18
Transfer Tax	\$0.00
General Fund Interest Earned	\$1,295.29
Total Other Revenue	\$156,520.85
Total Receipts:	<u>\$533,462.98</u>

Accounts Payable	\$307,726.10
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$42,000.00
Total Expenditures:	<u>\$349,726.10</u>

Interest Earned \$218.09

Expenditures: \$0.00

CAPITAL RESERVE

Interest Earned \$788.92

Expenditures: \$0.00

TRANSPORTATION FUND

Interest Earned \$412.50

Expenditures: \$0.00

SEWER OPERATING

Receipts	\$6,848.73
Interest Earned	193.71
Total Sewer:	<u>\$7,042.44</u>

Accounts Payable	\$195,884.79
Debt Service	\$0.00
Total Expenditures:	<u>\$195,884.79</u>

REFUSE

Receipts	\$3,741.85
Interest Earned	\$178.24
Total Refuse:	<u>\$3,920.09</u>

Expenditures \$11,242.83