

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 Paoli Pike, West Chester, PA 19380  
June 1, 2010 – 6:30pm  
Final Approved Minutes**

**Present:** Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisors Carmen Battavio and Don McConathy. Supervisor Marty Shane was absent. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Phyllis Marron (Park & Rec), Kathryn Yahraes (Historical Commission), Jim McRee (Deer Committee), Dana Pizarro and Fran Beck (Municipal Authority); Bryan DelMonte, Ginnie Newlin, Jane Fava, Walter Wujcik and Scott Sanders (Conservancy Board), Joe D'Antonio (Township Advisory Group), and Township Solicitor Kristin Camp.

**WORKSHOP**

**Votes in Workshop Sessions**

Senya announced that going forward, the Board will only vote to approve Treasurer's Reports and minutes during Workshop meetings. The Board may sometimes need to vote on other matters during a Workshop, but will do so only if it is announced ahead of time.

**Review of Minutes**

The Board reviewed and corrected the draft minutes of May 25.

**Treasurer's Report & Expenditure Register Report**

The Board reviewed the Treasurer's Report and current invoices.

**Green Hill Sewer Association - Operation and Maintenance Agreement**

The Board had no comments on this draft agreement.

**Overpayment of Earned Income Tax by Township Resident**

Joe Gill summarized the May 27 memo by Deb Beury on this topic. Rick recommended the Board refund the resident the portion of the overpayment that came to the Township (\$497.05), and then send a letter to the WCASD asking them to consider refunding the resident the other half of the overpayment (\$497.05) that went to the school district. Joe Gill confirmed that Berkheimer has agreed to waive the commission they received from East Goshen for the overpayment.

**Agenda Review**

The agenda for the formal meeting was reviewed.

**Recommendation from Save the Dam Committee re: Advanced GeoServices Proposal**

Don recommended holding this matter until Marty returns. Carmen said he preferred not to delay the matter. Senya and Thom said they preferred to go ahead and vote on this.

Senya said that no matter what is decided, the Township needs to go ahead and drain the dam pond for insurance purposes. Rick reported he is still waiting for the permit from the PA Fish and Boat Commission to drain the pond. He said the costs involved in draining the pond will be as follows:

- \$4,400 to hydro seed the drained impoundment. Rick is working on getting additional quotes for this portion of the project.
- Approximately \$2,000 for engineering costs involved with submitting an erosion control plan to the Chester County Conservation District.
- Approximately \$4,800 (materials + labor) to install a sediment trap and standpipe.
- Total estimated cost is \$14,800.

### **501(c)(3)**

Rick informed the Board of the fees involved in setting up a 501(c)(3). The State filing fee is \$125, and the IRS fee would run \$400 to \$800, depending on how much money the group raises. Kristen Camp informed the Board that the IRS fee is charged annually. When asked by the Board, she said she did not think it would be necessary for the group to have an annual audit. Kristin reported that she can start to work on the 501(c)(3) paperwork and have it done by the end of the week. She agreed to give the officers something that describes their responsibilities. Joe Gill noted that there was only a nominal fee involved in administering the 501(c)(3) he worked with in New York State.

Senya asked Kathryn Yahraes to describe what she learned from the Chester County Community Foundation (CCCF) when she was researching this matter. Kathryn reported that if you set up under the CCCF you have to follow their rules and pay them an administrative fee. The CCCF told her the monies earmarked for East Goshen would be kept in a separate “pot.” The CCCF informed her that it would probably be in East Goshen’s best interest to form their own 501(c)(3).

*Public Comment: Joe D’Antonio, Millrace Lane* – Said he also spoke with the CCCF and was told they can set East Goshen up with a provisional fund for a 5% fee. They could help East Goshen get started and then East Goshen could transition the funds to their own 501(c)(3) in the future. Mr. D’Antonio suggested it might be best for Kristin Camp, the 501(c)(3) officers and the Supervisors meet to discuss the best option for the Township.

*Public Comment: Ginnie Newlin, Devon Lane* – Informed the Board that Ms. Anne Murphy of the CRC was present, and that she has had experience with a 501(c)(3) organization.

### **Costs Involved in Draining the Hershey Mill Dam Pond**

Rick was asked again about the draw-down costs involved in draining the pond and reported it would cost approximately \$14,800. The Board discussed who should pay these costs. Thom said the STDC should be charged for these costs. Don said he is in favor of the Township paying for it, and not charging it to the STDC. Carmen agreed with Don, but said if it turns out the STDC is wildly successful in their fundraising efforts and accumulates excess donations, he would like to reconsider charging them for the draw-down costs at that time. Senya stated that if

the Township ends up breaching the dam he doubts the STDC would want to participate in any of the expenses involved.

### **Newsletter Advertising**

Carmen said he is in favor of accepting advertisements for the Township newsletter to help defray costs. Don said that if the Township starts to take ads the number of pages will have to increase. Senya showed the Board examples of other newsletters that contain advertisements – the West Chester Chamber of Commerce’s *Chamber Chatter* and the *Westtown Gazette*. Don observed that the purpose of West Chester Chamber of Commerce is to advertise.

Rick noted that if the Township decides to accept advertisements, an ad policy will have to be written and adopted.

Senya asked the audience how many of them would be willing to get their Township newsletter via email or online instead of by mail. The majority of the audience raised their hands. He recommended they go to the Township website to sign up to get electronic copies. Rick said that in order to be removed from the mailing list for hard copies, they will also have to call the Township office and opt out of future mailings.

*Public Comment: Emily Isayeff, Hunters Circle* – Said everything the Township sends should be sent electronically, and no paper should be mailed out. Don and Carmen told her that a sizeable portion of East Goshen residents do not have or use a computer.

## **FORMAL MEETING**

### **Call to Order & Pledge of Allegiance**

Senya called the formal portion of the meeting to order at 8:06pm. He asked Neil DeRiemer to lead 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**

Don moved to approve the minutes of May 25, 2010 as corrected in Workshop. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion, with one abstention (Carmen, who was absent from that meeting).

### **Chairman’s Report**

Senya reported that at the Workshop on May 25 the Board voted to adopt a Purchasing Policy that is in keeping with the Township’s standard practices for procurement.

## **PUBLIC HEARING**

### **Ordinance Establishing Weight Limits for Bridge on East Boot Road**

The Board conducted a public hearing to consider the adoption of an ordinance amending Chapter 225 of the East Goshen Township Code titled "Vehicles and Traffic" to establish weight limits for the bridge on East Boot Road.

Don moved to adopt the ordinance. Carmen seconded the motion. The Board voted unanimously to approve the motion. A court reporter was present and will provide a complete transcript of the proceedings.

### **Conditional Use Hearing for Lieberman Early, 1345 Enterprise Drive**

Senya announced that the Lieberman Early conditional use hearing will be continued to August 17, 2010.

## **FORMAL MEETING (Resumed)**

### **Treasurer's Report & Expenditure Register Report**

*See attached Treasurer's Report for May 27, 2010.*

Thom moved to accept the Treasurer's Report of May 27 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices reviewed in Workshop. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### **Old Business**

Senya announced that at the May 25 meeting a resident stated that it would be a conflict of interest for resident Eric Flicker to serve on the TAG because he works for a firm that does business with the Township. Senya reported that Mr. Flicker is semi-retired and does not hold any executive office at his firm. Furthermore the Township Solicitor does not believe the appointment presents any conflict of interest. Rick Smith has sent a letter to the Pennsylvania Ethics Commission in this regard and they responded by saying they will need the concurrence of Mr. Flicker that his appointment to the TAG will not be a conflict of interest.

Senya asked Joe Gill to summarize the Zavod Earned Income Tax situation. Joe Gill reported that Berkheimer double-collected Earned Income Taxes from a Township resident. One-half of the tax collected went to the WCASD. Berkheimer has agreed to reimburse the Township the 1.5% commission they took for collecting the tax.

Carmen moved to refund the Zavods \$497.05, and for the Township to send a letter to the WCASD requesting that they refund the Zavods an additional \$497.05 which represents the portion of the taxes that went to the WCASD. Thom seconded the motion. There was no discussion or public comment. The motion passed unanimously. Senya directed Rick Smith to inform the Zavods of the Township's decision.

**Presentation by Bryan DelMonte in Favor of Breaching the Hershey Mill Dam**

Mr. DelMonte, Chairman of the Conservancy Board, shared a PowerPoint presentation on River Ecology and Dam Removal. Before Mr. DelMonte began the presentation, Don asked him to clarify if he was representing himself or the Conservancy Board. Mr. DelMonte said he would be representing himself since the Conservancy Board has not made any kind of motion or recommendation on this issue. Don then asked if the presentation was prepared by Mr. DelMonte himself or if someone else prepared it. Mr. DelMonte said the presentation was obtained from the American Rivers organization. After showing the presentation, Mr. DelMonte asked that the Board consider giving equal weight to the option of breaching the dam as they are giving to the other options. Breaching the dam would be the best ecological choice. Senya thanked him for taking the time to participate in the discussion about the dam.

*Public Comment: Ginnie Newlin, Devon Lane* – Stated that other dams on the Ridley and the Brandywine have been successfully removed.

*Public Comment: Jane Fava, Meadow Drive* – Said that the other members of the Conservancy Board were present this evening in support of Bryan.

*Public Comment: Neil DeRiemer, Hershey Mill Road* – Said he is not sure the presentation is relevant to the Hershey Mill Dam project. The Hershey Mill Dam is not located in the middle of a river, as were all the examples shown in the presentation. He said the point in the presentation about breaching being in the best interest of the fish is valid, however. He noted that the Hershey Mill Dam has served as a valuable silt filtration system over the years, a point omitted from the presentation.

**Recommendation from the STDC To Accept Advanced GeoServices Proposal**

Senya said the Board has received a recommendation from the STDC to accept the revised proposal from Advanced GeoServices. He asked Don to describe the elements included in each phase of the proposal. Don described the phases and explained the weir option, the pipe option, and the breach option.

*Public Comment: Jane Fava, Meadow Drive* – Asked if the weir and pipe options have been discussed with DEP. Don said Advanced GeoServices has indicated that DEP would not have any problem accepting either of these two options. Senya noted that DEP visited the dam on August 6 and gave some options to the Township at that time. Renderings of these options were shown at previous Board meetings and were also posted to the Township website. Rick noted that subsequent to DEP's visit the Township learned that the sediment level is higher than the spillway.

Carmen said he thinks it necessary to have Advanced GeoServices go ahead and complete Phase 1 of the proposal. Thom said he thinks Phase 2 is also necessary at this point. Rick told Thom that Phase 2 would not be necessary right away because if the Township decides to breach the dam based on the outcome of Phase 1, there will be no need to do a breach analysis.

Don then asked Todd Trotman of Advanced GeoServices (in the audience) how long it would take to complete Phase 1. Mr. Trotman estimated 3-4 weeks. He then noted that it would be

fairly straightforward for them to estimate the costs involved with the weir and pipe options, but to get an accurate cost estimate for breaching would be much more complicated.

Senya asked Mr. Trotman if he was able to obtain the information Senya had requested he get from DEP regarding how other communities have handled their dam issues. Mr. Trotman said most of the dam owners are trying to find the most cost-effective way to meet the design storm. Senya asked if he was able to obtain any hard numbers or data from DEP. Mr. Trotman said he has recently met with other dam consultants and based on what they say a good portion of the dams are being repaired. Senya requested that Mr. Trotman attempt to get the data from DEP.

*Public Comment: Jane Fava, Meadow Drive* – Said right now it will be very difficult to get numbers from DEP as they have just taken a hard cut and are very short-staffed. Senya said it's important for the Township to ask for the information.

*Public Comment: Dana Pizarro, Ivy Lane* – Said that sediment removal and stream restoration work is very pricey and will take decades to complete if East Goshen opts to breach the dam. He stated that stream restoration work costs \$1M per stream mile at the Cobbs Creek stream restoration project, and noted that the Hershey Mill Dam project involves 3/10 of a mile.

*Public Comment: Don Vymazal* – Said he was with Andy Dinniman's office and if there is any information they can assist with they will do so.

*Public Comment: Jim Brandolini, Burning Bush Lane* – Asked if there will be more stormwater runoff as a result of a breach. Rick answered there would be no additional flow since the dam does not function as a stormwater management basin.

Senya asked if anyone in the audience had pre-1977 photographs of the dam. Jim Brandolini said there is one in Linda Gordon's *Images of America* book on East Goshen.

Senya said the Township must drain the pond for insurance purposes and said that Mr. DelMonte was inaccurate when during his presentation he stated that the insurance company has deemed the dam a risk. In fact, DEP is the one who said the dam is a risk.

The Board then discussed the placement of the warning signs at the dam.

Carmen moved to approve Phase 1 of the Advanced GeoServices proposal dated April 28, 2010 and revised May 24, 2010. Phase 1 includes a site survey at \$6,000, development options at \$9,500, and meetings with the Township at \$1,200 for a total cost of \$16,700. Thom seconded the motion. There was no further discussion or public comment. The Board voted and the motion passed unanimously.

*Public Comment: Anne Murphy* – Identified herself as the Executive Director of the CRC Watersheds Association. Said she is in favor of breaching the dam, and she is aware the Board received a letter from Trout Unlimited expressing their preference for the Township to breach the dam. She said breaching the dam would be good for the fish and would lower the water

temperature. The CRC is currently monitoring water temperatures downstream of the dam and they are interested in seeing what effect draining the pond will have on the temperatures.

*Public Comment: Ron McGill, Hershey Mill Road* – Said he is in favor of saving the dam. He said if the Hershey Mill development was built today a retention basin would be required. He would like the Township to pursue coverage with a different insurance carrier, one who does not require that the dam be drained. For those that live near the pond it will be offensive to have to deal with the “swamp smell” and the mosquitoes that will result from the drained pond. He said he is more personally concerned about the odor and the mosquitoes than in saving any wildlife. Senya thanked him for his comments but noted it would have been more appropriate for him to speak while the motion was still on the floor.

### **Green Hill Sewer Association - Operation and Maintenance Agreement**

Carmen moved to approve the Operation and Maintenance Agreement with the Green Hill Sewer Association if staff will double-check all the paragraph numbering. Thom seconded the motion.

*Public Comment: Bruce Simons, Franklin Way* – Told the Board the audience was having a very difficult time hearing the Board.

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

### **Correspondence & Reports of Interest**

Senya acknowledged receipt of the following:

- Letter from the Planning Commission dated May 19 recommending the Board not amend the Township Code with respect to riparian buffers.
- Letter from Sunoco dated May 20 including a check for \$500 to help defray the Township’s costs in sending out mailings to residents affected by the situation at the Sunoco station at 1425 Paoli Pike. Don noted that the money will be put into the Township’s General Fund.

### **Public Comment**

*Kathryn Yahraes, Vista Drive* – Reminded everyone that Living History Day would be held on June 5.

### **Adjournment**

There being no further business, the meeting was adjourned at 9:17pm.

### **WORKSHOP (Resumed)**

#### **Newsletter Advertising**

Rick said he would call some other municipalities to find out what they charge for ads and if they have anyone do layout work for them, etc.

The Board briefly discussed the possibility of changing the newsletter over to an online version only.

*Public Comment: Jim McRee, Oneida Lane* – Said his employer has gone to mostly electronic communications with clients and only sends out hard copy mailings on a limited basis.

#### **TAG Update**

Don reported that the TAG had their first meeting on May 26. Noel Hedgecock was elected Chairman and Linda Gordon was elected Vice-Chairperson. They will meet again on June 2 to discuss Township financial matters with Joe Gill. Don will provide bi-weekly TAG liaison reports to the Board.

#### **Employee Benefits**

Joe Gill summarized the benefit analysis he conducted. The Board agreed to revisit this issue in October.

*Public Comment: Jim McRee, Oneida Lane* – Said that his employer gives incentives to employees to get preventive medical care.

#### **Grant Writing**

The Board agreed to keep the status quo, doing grant writing in-house. They can discuss hiring an outside person or firm to assist with grant writing if a particular grant warrants it. Rick will contact Henry Sciortino to clarify the nature of his proposal.

#### **Resolution Book**

Joe and Rick reported that the staff is still working on this project.

#### **Pedestrian Crosswalk at Park Entrance**

Rick reported that PennDOT has denied East Goshen's request for Yield To Pedestrians channelization devices due to the speed limit along this stretch of road. Rick will appeal.

#### **Capital Fund Analysis**

No update - staff is still working on this matter.

#### **Services List**

The Board agreed to discuss this topic when Marty returns.

#### **Energy Conservation in the Township Building**

Rick summarized his April 26 memo on this topic. He will check with PECO to see what kind of incentives they are offering at this time.

#### **Information System Analysis**

The Board agreed to discontinue the practice of getting extended warranties for Township computers. Instead, they will put money into the budget each year to cover any necessary replacements. For 2010 they will put \$2,500 in the budget. The Board agreed the Township should keep computer monitors for as long as they last, and not automatically replace them.

Don wants the staff to develop a policy outlining which positions merit having their own personal printers. Everyone else should share a departmental printer.



**Sewer Metered Billing**

Joe Gill said he will give a status report on August 24.

**Zoning Hearing Board Vacancy**

Resumes are due June 11. The Board will plan to conduct interviews on June 15.

**Geese Removal**

Rick reported that the USDA will remove the geese sometime in June. The staff will give an update to the Board on July 13.

**Hershey Mill Dam**

The Board will get an initial report from Advanced GeoServices on July 6.

**TreeVitalize**

Rick reported that more funding may be forthcoming.

**PECO Grant**

No update. The Township is still waiting to hear back.

**Meeting with Residents, Sunoco and DEP**

Rick reported that he sent out 175 letters to residents and received only 2 responses. Don asked him to go ahead and schedule the meeting for John Schorn's benefit.

**Adjournment**

The meeting was adjourned at 10:34pm.

**EXECUTIVE SESSION**

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

Anne Meddings

Recording Secretary

*Attachment: Treasurer's Report*

Rich

May 27, 2010

TREASURER'S REPORT  
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$32,791.56
Earned Income Tax	\$358,709.91
Local Service Tax	\$25,000.00
Transfer Tax	\$0.00
General Fund Interest Earned	\$0.00
Total Other Revenue	\$13,214.69
Total Receipts:	\$429,716.16

Accounts Payable	\$19,782.72
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$42,000.00
Total Expenditures:	\$61,782.72

Interest Earned \$0.00

Expenditures: \$0.00

Interest Earned \$0.00

Expenditures: \$0.00

Interest Earned \$0.00

Expenditures: \$0.00

Receipts	\$117,371.78
Interest Earned	0.00
Total Sewer:	\$117,371.78

Accounts Payable	\$21,878.88
Debt Service	\$0.00
Total Expenditures:	\$21,878.88

REFUSE

Receipts	\$57,933.19
Interest Earned	\$0.00
Total Refuse:	\$57,933.19

Expenditures \$11,462.56