

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike, West Chester, PA 19380
June 15, 2010 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper and Carmen Battavio. Supervisors Marty Shane and Don McConathy were 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), Bryan DelMonte (Conservancy Board), and Mike Steinberger (Municipal Authority).

EXECUTIVE SESSION

The Board met in Executive Session from 7:00pm to 8:00pm to interview candidates for the Zoning Hearing Board.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Senya called the formal portion of the meeting to order at 8:04pm. He asked Thom Clapper to lead everyone in the Pledge of Allegiance.

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.

Public Comment on Non-Agenda Items

John Schorn, Larch Lane – Asked about the status of the meeting with Sunoco, DEP, and the Health Department. Rick told him the meeting has been scheduled for July 20 at 8:00pm and the envelopes inviting affected residents were being stuffed today. The Health Department will not be attending. Mr. Schorn asked what radius was used for the mailing and Rick said the Township is sending letters to residents located within ½ mile of the Sunoco station.

Review & Approval of Minutes

The Board reviewed and corrected the draft minutes of June 8. Carmen moved to approve the minutes of June 8, 2010 as corrected. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Chairman's Report

Senya announced the following:

- The Board met in Executive Session on June 8 and earlier this evening to discuss personnel matters.

- The Board has one more candidate to interview for the Zoning Hearing Board vacancy. This candidate is running late so the Board will retire to another brief Executive Session when he arrives this evening.
- Senya announced that he has resigned from the Planning Commission.

Bills

Current invoices were reviewed.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for June 10, 2010.

Thom moved to accept the Treasurer's Report of June 10 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Carmen seconded the motion.

Thom asked the status of the LED light project. Rick said he believes the job is about 90% done.

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

Police Report

Chief John Dumond reported there were 562 calls for service from East Goshen in May. Earlier this evening at Thornbury Township, Cpl. Bill Doyle was honored as WEGO Officer of the Year, and Officer Ted Lewis was given citations from MADD and Rep. Joe Sestak for his DUI arrest work. Chief Dumond also updated the Board on various arrests made in WEGO's jurisdiction, and a house fire at Hershey's Mill. The preliminary report indicates the fire started accidentally. Various fire companies responded to the fire and the Chief thanked them all for doing a fantastic job.

Senya asked Chief Dumond to total the mileage column in future reports.

Public Comment: Kathryn Yahraes, Vista Drive – Asked the Chief for an update on arrests made in connection to burglaries in Vista Farms. The Chief gave her an update.

Mudry, Dimensional Variance Application for Deck, 1137 N. Chester Road

Benjamin Mudry was present. Senya commended him for applying for a variance instead of just going ahead with the job. Carmen also thanked Mr. Mudry for doing the right thing and applying for a variance. The applicant had letters of support from adjoining neighbors.

Carmen moved for the Board to support the Dimensional Zoning Variance application of Benjamin Mudry at 1137 N. Chester Road to reduce the side yard setback from 20 feet to 14 feet in order to construct a new deck as depicted in the application. The dimensional variance relief sought by the applicant will have no adverse effect on the essential character of the neighborhood; the hardship was not created by the applicant and the relief sought is the minimal relief needed to construct the new deck. Thom seconded the motion. There was no discussion and no public comment. The Board voted unanimously to approve the motion.

Tree Bids

Rick reported the Township sent out 25 bid packages and received just 3 back. He recommended the bid be awarded to Eden's Tree Service, the low bidder.

Thom said he has noticed that Eden's bids are low but their invoices are very high. He asked if they could be low-balling the bids and then inflating the prices. He said he was not alleging anything but was just raising the question. Carmen said he agreed that Eden's invoices do not seem to match their bid prices.

Senya recommended tabling this matter until the next meeting when all Supervisors will be present. In the meantime, he asked Rick Smith to do some research on this matter.

Carmen said he would like the staff to recommend ways for the Township to get better accounting from subcontractors, such as for the tree service.

Public Comment: Jim McRee, Oneida Lane – Asked if it would be helpful to look at historical billing information from Eden's. Senya said the staff will do that.

Resolutions 10-105, 10-106, 10-107 & 10-108 Updating Revisions to the Township Act 537 Plan

Rick noted the draft resolutions only affect residents on public sewer.

Carmen moved to adopt Resolution 10-105, Resolution 10-106, and Resolution 10-108 to the East Goshen Township Act 537 Plan, an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters. Thom seconded the motion. Senya noted that Resolution 10-107 will be tabled until the Planning Commission has a chance to review it.

Public Comment: Neil DeRiemer, Hershey Mill Road – Asked for clarification on the Spring Meadows Pump Station abandonment. Rick explained the reasons for the abandonment of this pump station.

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

Correspondence & Reports of Interest

Senya acknowledged receipt of the following items:

- Letter from DelCo Manning Chapter #320 of Trout Unlimited dated May 28, 2010 regarding alternatives to repairing the Hershey Mill dam.
- Note from school bus driver Lisa Sickler thanking Public Works Director Mark Miller for having the trees trimmed on Greenhill Road.
- Fire Marshal's Report for May 2010.
- Letter and supporting documentation from resident Ben Rohrbeck dated June 9, 2010 suggesting the Hershey Mill Dam area be used for a passive park recognizing the Battle of Goshen.
- Email from the Conservancy Board dated June 10, 2010 recommending the Hershey Mill Dam be removed.

- Letter from Dutt's Mill Home Owners Association dated May 25, 2010 advising of their application to DEP for a permit for stream bank stabilization.

Meetings & Dates of Importance

Senya noted the meetings as listed in the agenda. He asked Kathryn Yahraes for her input on any other important dates. Kathryn reminded everyone that June 26 is Community Day with a fireworks show. Senya asked the staff to make sure this event is posted to the Township notice boards.

Public Comment Period

Bob Neff, Grist Mill Lane – Asked for details about the Wireless Communications Facility on the Workshop agenda. Senya told Mr. Neff the Board will discuss whether or not the Township will consider having a cell tower on Township property.

EXECUTIVE SESSION

The Board returned to Executive Session from 8:50pm to 9:09pm to interview a candidate for the Zoning Hearing Board. They also took a short break.

FORMAL MEETING (Resumed)

Appointment to the Zoning Hearing Board

Senya announced that there were three candidates for the Zoning Hearing Board vacancy: Dan Dailey, Gerry Ruffenach, and Charles Proctor. After interviewing all three candidates, the Board had come to a decision.

Carmen moved to appoint Charles W. Proctor III to fill the vacancy on the Zoning Hearing Board, as Mr. Proctor is the most qualified of the three applicants who applied. Thom seconded the motion.

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

Senya noted that Mr. Proctor is a member of the Planning Commission, and a practicing attorney with offices in Chadds Ford. He said Mr. Proctor assured the Board that his profession should not lead to any conflict of interest while serving on the Zoning Hearing Board; however, if a case does arise which may present a conflict of interest Mr. Proctor informed the Board he would recuse himself from deliberations and votes on that matter.

Mini Camera for Public Works Department

Senya had Rick summarize the need for a new mini-camera. Carmen moved to approve the purchase of a replacement mini camera in the amount of \$10,911.71 as recommended by Public Works Director Mark Miller. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Snow Plow Replacement

Senya had Rick summarize the need for a new snow plow. Carmen moved to approve the purchase of a new snow plow to replace one damaged during the February 11 blizzard. The cost of the replacement plow will be \$9,880.00. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Amended 2010 Budget

Senya had Joe Gill summarize the amendments being made to the 2010 budget. Joe explained that meetings and discussions subsequent to the 2009 approval of the 2010 budget have led to the reallocation of some budget amounts within certain line items. There is no change to the bottom line for the 2010 budget.

Thom moved to accept the changes to the 2010 budget. Carmen seconded the motion.

Public Comment: Bob Neff, Grist Mill Lane – Asked if Township employees are eligible for a longevity bonus. Carmen said Township employees are not, but WEGO police officers are.

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

Resolution Establishing What Actions the Board of Supervisors Will Take at Workshops and Formal Meetings

Senya gave the audience some background on this issue. Carmen wanted it noted for the record that the truck purchase approved by the Board in Hershey some years back was a budgeted item, and when it was approved in Hershey the Board was not intending to act in a non-transparent manner. Joe Gill added that the meeting in Hershey was an advertised public meeting.

Senya then had Rick summarize the draft resolution. The Board agreed to put this item on the agenda for July 6, when all Board members are scheduled to be present.

Public Comment: Joe Buonnano, Herron Lane – Asked at what meetings the Board will be permitted to vote on the allocation of funds from one account to another. Joe Gill said that transfers of monies between funds would be considered part of the bill review process and as such could take place at either Workshop meetings or Formal meetings.

Senya asked Rick to explain the reason for the periodic transfer of funds from the Sewer Operating Fund to the Municipal Authority account. Carmen said he believes the Board should only approve transfers of non-budgeted funds at Formal meetings. Since the other Supervisors were in agreement, Rick will add this to the draft resolution.

Public Comment: Mike Steinberger, Tallmadge Drive – Said the transfers to the Municipal Authority fund are necessary to cover the cost of doing business now that the MA has no funding source.

Thom noted for the record that three agenda items were held over from the last Workshop meeting to be discussed in a Formal meeting. There were no public comments on any of them.

Hershey Mill Dam Funding

Senya had Rick summarize his June 10 memo on this topic. Rick recommended the Township prepare and file grant applications for removal of the dam as three of the grants have application deadlines this fall.

Thom noted that in regard to the dam situation, the Township is now back in the same place as last fall.

Public Comment: Kathryn Yahraes, Vista Drive – Noted for the record that the Save the Dam Committee (STDC) wanted breaching included as an option to be looked at by Advanced GeoServices so the Township can have the cost information for breaching as a point of reference. It may be that breaching will be the most expensive option. The STDC is not “backing down” or changing their mind about saving the dam.

Public Comment: Charles Proctor, Herron Lane - Said he is in favor of saving the dam.

Public Comment: Neil DeRiemer, 1034 Hershey Mill Road – Asked if the Township is also seeking grants to save/restore the dam and not just grants to breach it. Rick said the Township has filed two applications with Joe Sestak’s office for earmarks for funding a dam restoration, and has also submitted a grant application for \$15K through Senator Dinniman’s office. The Board requested that Mr. DeRiemer please let the Township know if he is aware of any other grants opportunities for saving the dam.

The Board directed Rick to prepare and file grant applications for breaching the dam per his recommendation.

Wireless Communication Facility

Rick summarized his memo of June 9 on this topic.

Senya said the genesis of all this was the many applications the Township was getting from various cellular carriers wanting to install wireless facilities (microcells) in the Township. The Township thought it might be prudent to consolidate all the wireless facilities onto one tower and at the same time earn some money from the venture. Senya asked Mr. Proctor if amending the zoning to allow a cell tower on Township property could be considered spot zoning, and Mr. Proctor said it absolutely could.

Thom said he would like to see conceptual drawings of the proposed tower from various perspectives in the Township. He would also like to know what are the limits to cellular tower placement on Township property --would a tower have to be located at the Township building, or could it be put somewhere else in East Goshen on Township property. Rick said he would have to check with the RF engineers about that. Senya noted that if installed, the tower would be the tallest structure in East Goshen. There was then some discussion as to whether the Federal Aviation Administration (FAA) would require the tower to be lit at night or not.

Public Comment: Bob Neff, Grist Mill Lane – Asked if the proposed tower has been discussed with the folks at the Brandywine Airport. Rick said it had not, as the two proposed locations for the tower would not be in the airport zone.

Public Comment: Paul Baker, Tallmadge Drive – Said he thinks the tower might interfere with airport activity as he said he gets airport traffic over his home.

Senya said the Board's task is to weigh whether it will be more intrusive for the Township to have one tall tower with several carriers on it, or to have many different microcells located throughout the Township.

Public Comment: Bob Neff, Grist Mill Lane – Asked if existing zoning laws allow microcells to be put wherever cell carriers want them to go. Rick replied that cell towers are allowed in the Industrial and Business Park zoning districts.

Mr. Neff then wanted to know the reason the Liberty Towers application was denied, and Senya explained the Township's rationale for denying the application.

Mr. Neff then said it would be good for the Township to know what the residents prefer in regard to a tower – one large tower in the center of the Township or many smaller microcells throughout the Township.

Public Comment: Neil DeRiemer, 1034 Hershey Mill Road – Asked how many microcells would equate to the one tower being proposed. Senya said it would take three microcells to accommodate T-Mobile plus the other carriers who have proposed facilities in the Township. Mr. DeRiemer asked who cares if there is a proliferation of antennae on telephone poles. Senya answered that the microcells placed on telephone poles would be 90 feet high and would be unsightly.

Public Comment: Joe Buonnano, Herron Lane – Suggested the Township consider installing several smaller poles (perhaps three would suffice) and disguising them as flagpoles at the Township Park. They could be placed 100 feet apart. He said a 150-ft tower behind the Township building will further blight the Goshen Village Shopping Center, which cannot seem to attract tenants as it is. A 150-ft tower will be very unsightly to the Township.

Public Comment: Mike Steinberger, Tallmadge Drive – Said Tallmadge Drive will be adversely impacted by a 150-ft tower located behind the Township building. He is concerned about his property value, and he wants other locations considered, such as in the Township Park or behind the Commerce Bank. He added that he also gets airport traffic overhead.

Public Comment: Charles Proctor, Herron Lane – Asked how many carriers can be accommodated on one 150-ft tower, and Senya answered the Applicant had stated that the proposed Tower can accommodate 5 or 6 as they have to, apparently, be 10' apart and there were very few service providers who had an interest at 90'.

Senya said the Board will continue this discussion at another meeting when the other Supervisors are present. He noted that the Township Solicitor needs to clean up the ordinance anyway because it is aged and out of date. The Board agreed to table this matter until July 6.

Carmen said he would like to get more information on the viability of other locations within the Township for the tower (or towers), such as the Township Park. He noted that the tower at the West Chester Borough building is 120 feet, if anyone cares to drive over and look at it for the sake of comparison.

The formal meeting was adjourned.

WORKSHOP (Resumed)

Pension Plan Conversion

Rick is still waiting to hear back from the attorney. This matter will be tabled until July 6.

Energy Conservation at Township Building

Rick said he found out that any funding available from PECO would be very minimal. Rick estimated it would cost approximately \$3,400 to replace the balance of the thermostats and light switches; however Carmen was not sure that figure included labor so Rick will double-check. Carmen recommended only putting occupancy switches in the restrooms and meeting rooms for now.

Park Bridge Permit

Rick said he is still waiting on Pulte.

Ridley Creek Expansion Monthly Update

The Board had no comments on this update.

Electricity Purchase

Joe Gill said a bid was placed on June 11. The group has agreed to a two-year term with Direct Energy. If PECO rates stay the same, the Township will realize modest savings. If PECO rates increase as projected, the Township will realize even more savings. Senya asked Mr. Gill to place a notice about this on the Township website.

Subdivisions/Land Development Apps/Zoning Hearing Board Apps

Rick reported that the Tory Inne building has been sold, and the new owners plan to make an application to convert the former B&B to offices.

Public Comment

There was no further public comment.

Adjournment

There being no further business, the meeting was adjourned at 10:33pm.

Anne Meddings

Recording Secretary

Attachment: Treasurer's Report

June 10, 2010

TREASURER'S REPORT
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$12,699.04
Earned Income Tax	\$3,730.35
Local Service Tax	\$0.00
Transfer Tax	\$0.00
General Fund Interest Earned	\$1,896.79
Total Other Revenue	\$53,254.66
Total Receipts:	\$71,580.84

Accounts Payable	\$39,060.74
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$48,000.00
Total Expenditures:	\$87,060.74

Interest Earned \$219.79

Expenditures: \$0.00

Interest Earned \$607.51

Expenditures: \$31,784.00

Interest Earned \$329.16

Expenditures: \$0.00

Receipts	\$16,568.88
Interest Earned	5.44
Total Sewer:	\$16,574.32

Accounts Payable	\$8,617.16
Debt Service	\$0.00
Total Expenditures:	\$8,617.16

Receipts	\$9,124.69
Interest Earned	\$16.04
Total Refuse:	\$9,140.73

Expenditures \$100,093.23