

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 Paoli Pike, West Chester, PA 19380  
July 6, 2010 – 7:00pm  
Final Approved Minutes**

**Present:** Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, Carmen Battavio, Marty Shane and Don McConathy. Also present were Assistant Township Manager Joe Gill, Zoning Officer Mark Gordon, Phyllis Marron (Park & Rec), Kathryn Yahraes (Historical Commission), Jim McRee (Deer Committee), Bryan DelMonte (Conservancy Board), Mike Steinberger (Municipal Authority), and George Martynick (Planning Commission).

**EXECUTIVE SESSION**

The Board met in Executive Session from 7:00pm to 7:30pm for a personnel matter.

**WORKSHOP**

**Review of Minutes**

The draft minutes of June 15 were reviewed and corrected.

**Bills**

Current invoices were reviewed.

**FORMAL MEETING**

**Call to Order & Pledge of Allegiance**

Senya called the formal portion of the meeting to order at 8:12pm. He asked George Martynick 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.

**Appointments to the Planning Commission**

Senya announced that the Board met in Executive Session earlier this evening to interview a candidate for one of the Planning Commission vacancies and to deliberate about the appointments for the two Planning Commission vacancies.

Don moved to appoint Jim McRee and Dan Dailey to the Planning Commission. Jim McRee will fill the term of Charles Proctor which expires in 2013; Dan Dailey will fill the term of Senya Isayeff, which expires in 2011. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

**Recording of Meeting**

No resident indicated they planned to record the meeting.

### **Minutes of June 15, 2010**

Senya announced that the Board will vote on the June 15 minutes at the next meeting. The Board needs to wait until Rick Smith returns from vacation and is able to clarify a comment in the minutes.

### **Chairman's Report**

Senya announced the following:

- Charles Proctor has resigned from the Planning Commission.
- The Board has received the 2010 Audit Report.
- The USDA rounded up 130 Canada Geese from the Township on June 17.
- Representatives from Sunoco and PADEP will be at the July 20 meeting to provide an update on what has transpired since the 2006 release at the Sunoco Station on Paoli Pike.

*Public Comment: Joe Kirlin, 1528 Brian Drive* – Said he wants the USDA come back and pick up 170 more geese since they were supposed to pick up 300 geese total. He also expressed disappointment that no geese were taken from the Pin Oaks neighborhood. Joe Gill said he would look into it and get back with Mr. Kirlin.

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

*See attached Treasurer's Report for June 29, 2010.*

Thom moved to accept the Treasurer's Report of June 29 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed with the exception of Invoice #060310 which will be held pending further information from staff. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### **Awarding of Bid for Tree Work**

The Township received three bids as follows:

<b>EDENS TREE SERVICE Malvern, PA</b>		<b>KNIGHT BROS. Aston, PA</b>		<b>THE CARE OF TREES King of Prussia, PA</b>	
Bucket Truck	\$55.00/hr	Bucket Truck	\$67.30/hr	Bucket Truck	\$80.00/hr
Brush Chipper	\$35.00/hr	Brush Chipper	\$51.20/hr	Brush Chipper	\$75.00/hr
Climber	\$20.00/hr	Climber	\$43.20/hr	Climber	\$65.00/hr
Dump Truck	\$30.00/hr	Dump Truck	\$51.20/hr	Dump Truck	\$57.13/hr
Ground Laborers	\$25.00/hr	Ground Laborers	\$41.20/hr	Ground Laborers	\$49.47/hr
Stump Grinder	\$35.00/hr	Stump Grinder	\$51.20/hr	Stump Grinder	\$95.00/hr
Crew	\$900.00/day	Crew	\$1,280.00/day	Crew	\$1,395.00/day 2 men \$1,980.00/day 3 men

Senya had Joe Gill describe the tree bids that were received and summarize Mark Miller's June 18 memo describing how the Public Works Department monitors contractors performing tree work for the Township. Senya then had Thom restate his concern regarding the bid from Edens Tree Service as originally expressed during the June 15 meeting. Thom did so, and then said he has no reason to doubt Mark Miller's memo. Marty noted that the other bidders probably

built travel time into their bids. Carmen told the audience that the matter of contractors and subcontractors will be added to the Board's Action List.

Carmen moved to award the bid for labor and equipment for the removal of trees for East Goshen to Edens Tree Service of Malvern. Marty seconded the motion. There was no discussion or public comment. The motion passed unanimously.

**Request from Schafer Properties to Waive Requirement for Historic Resource Impact Study**

Applicant Peter Schafer was present along with his attorney Amanda Sundquist.

Ms. Sundquist said her applicant is requesting a waiver from the requirement to perform a Historic Resource Impact Study for the property at 734 N. Chester Road because no substantive changes will be made to the interior or exterior of the structure of the historic building.

Carmen asked what kind of traffic the business will generate. Mr. Schaefer said 8 employees would be using the building as an office. They will not be receiving clients, and there will be no deliveries except for small parcel deliveries such as UPS and Fedex. Marty asked the nature of the business and Mr. Schafer said it is a holding company. Carmen asked if the current size of the building is satisfactory, because the Board does not want them coming back in a year asking for approval to construct an addition. Mr. Schafer said the building size is perfect and they have no plans to change it.

Don asked if there is sufficient parking for their needs. Mr. Schafer said they will need to increase the parking and they just completed a plan today; however, they will keep the gravel surface and will keep the parking at the rear of the building.

Carmen asked if they will be using the commercial-grade kitchen as a test kitchen to make samples of their products, and Mr. Schafer said no.

*Public Comment: Mike Steinberger, Tallmadge Drive* – Asked if they had any special signage needs. Mr. Schafer said no, they will not require a sign.

Don moved to recommend the Board support the applicant's waiver request as provided for in §240-38.8.A(5) of the Zoning Ordinance for the submission of an Historic Resource Impact Study for the property at 734 N. Chester Road due to the fact that the applicant proposes no substantive changes to the interior or exterior of the historic building to accommodate the proposed adaptive reuse, so long as the Planning Commission and the Historical Commission support this request as well. Thom seconded the motion.

*Public Comment: Kathryn Yahraes* – Said the Historical Commission will review the issues of the Historic Resource Impact Statement and the parking changes at their meeting on July 8.

There was no further discussion or public comment. The Board voted unanimously to approve the motion. Carmen Battavio was out of the room when the vote was taken.

### **Variance Request from Liberty Towers, LLC for 1594 Paoli Pike**

Mr. Richard Lemanowicz, Esq. was present for the applicant, who wishes to construct and operate a wireless communications facility (tower) at 1594 Paoli Pike.

Mr. Lemanowicz said his client is willing to entertain lowering the height and/or changing the appearance of the tower if necessary to make it more acceptable to the Township.

Thom asked if the tower could be sited elsewhere. Mr. Lemanowicz said it is possible it could be placed at the Township Park, but that would be the furthest out they could go. Thom asked if they could use three shorter poles instead of one tall tower. Mr. Lemanowicz said it is possible they could use three 120-ft poles or three poles of varying height.

Marty asked what side of the park they would propose using, and Mr. Lemanowicz indicated the active side of the park where the ball fields are located. Marty asked how Liberty Towers plans to support the need for a use variance. Mr. Lemanowicz said the current coverage gap will serve as their hardship. Marty asked if Mr. Lemanowicz was saying that the carriers Liberty Towers intends to host on this tower do not have adequate coverage in this area, and Mr. Lemanowicz said that was correct. He said they assert that no carrier adequately services the area. Don said Liberty Towers will need to prove that to him. He said the Board received a coverage map from another carrier showing there is coverage in the area, and Don produced a copy of the map. Mr. Lemanowicz indicated that he was expecting the Board of Supervisors to turn him down, but he was present this evening "as part of the process" he must go through before appearing before the Zoning Hearing Board.

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.

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. Marty seconded the motion.

*Public Comment: Jim McRee, Oneida Lane* – Said his Verizon Wireless service works just fine in this area.

*Public Comment: Bryan DelMonte* – Said he is opposed to Liberty Towers placing a tower at 1594 Paoli Pike because it would be unattractive, would not blend in with the surroundings, and would present a potential hazard to helicopters going to and from the local airport.

*Public Comment: Mike Steinberger, Tallmadge Drive* – Said there is a 150-ft tower less than two miles away at Sam Brown's Wholesale Nursery in Malvern. He noted that the onus is on Liberty Towers to demonstrate a "significant gap" in coverage at this location, not just a "gap."

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

**Any Other Matter - Hershey Mill Dam**

Don said the Board needed to act this evening on the request from Neil DeRiemer to purchase the Hershey Mill Dam, since Mr. DeRiemer wants an answer by July 12.

Senya said the offer was reviewed by the Township Solicitor. Under law the Board cannot take action on an offer like this until it is publicly advertised. Carmen said the Board should at least discuss whether or not bids for the dam should be entertained.

Don moved **not** to accept the June 29, 2010 offer from Neil DeRiemer to purchase the Hershey Mill Dam, because under the Second Class Township Code the property has to be put out to bid, and therefore the Township cannot accept the offer at this time. Marty seconded the motion.

*Public Comment: Jim McRee, Oneida Lane* – Asked if the Board has reason to believe the property is worth more than \$1,500 because if not, it will not need to go out to bid. Senya said in the absence of an appraisal it is not for the Board to determine the value of the property.

Thom said he did not want to turn down this offer if the property turns out to be worth less than \$1,500, and he cannot believe the Township will be receiving other such offers.

Carmen said the Board needs to consider whether or not the Township would be willing to sell the property to the highest bidder. Marty said he is in favor of entertaining the idea of bidding the property.

There was no further discussion on this motion. The Board voted unanimously to approve the motion.

Don said before the Board proceeds, two questions must be answered.

1. Can a private individual or a foundation obtain the necessary insurance for the property, since the Township had difficulty getting coverage.
2. If the Township sells the property, is the Township in the clear in regard to DEP's mandate to do something about the dam.

Carmen said the Board needs to consider whether or not the Township would be willing to sell the property to the highest bidder assuming all bases are covered and all conditions are met. Assuming all concerns will be covered, the Board members should indicate a "yes" or "no" to the question this evening.

Marty moved to entertain bids to sell the Hershey Mill Dam property if all conditions (still to be determined) are met, and if the Township is held harmless. Carmen seconded the motion.

Thom noted that he has suggested selling the dam twice before.

*Public Comment: Jim McRee, Oneida Lane* – Expressed concern that even if the property is sold, the dam issue will fall back to the Township if the purchaser fails to meet DEP's requirements.

*Public Comment: Bryan DelMonte, Clocktower Drive* – Said as a resident he would like to know if there is a precedent for this. He would also like to know what Park & Rec thinks of the offer, since the property is Township open space. Thom said at the last Park & Rec meeting he mentioned the offer and invited the members to attend tonight's meeting. However, no members of the Park & Rec were present (Phyllis Marron had left by this time).

Senya said the property is Township open space, but the fact is, no one can get to it unless they walk as there is no parking at the location.

*Public Comment: Kathryn Yahraes, Vista Drive* – Said the Township and the residents have put a lot of work into this issue and she would not like to see the Board make a decision about the fate of the dam based on one letter.

There was no further discussion or public comment. The Board voted 3:2 to pass the motion. Don and Senya were opposed.

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

Senya acknowledged receipt of the following items:

- Letter from U.S. Department of Commerce received June 21, 2010 thanking East Goshen for supporting their recruitment and training efforts in hiring census workers.
- Remedial Action Plan for the Sunoco Station at 1425 Paoli Pike from Environmental Alliance, dated June 10, 2010.
- Letter from Land Concepts dated June 15, 2010 informing the Township of their intent to submit an application to the PADEP for the Ashbridge Preserve.
- Email dated June 10, 2010 from Bryan DelMonte expressing opposition to granting a zoning variance to Liberty Towers, LLC.

#### **Meetings & Dates of Importance**

Senya noted the meetings as listed in the agenda. He noted that in addition, Chester County 2020 will be at the Township Building on July 15 between 5:15pm and 7:15pm.

#### **Public Comment Period**

*Paul Baker, Tallmadge Drive* – Asked what is the Board's position on allowing a cell tower on Township property. Carmen said the Board is still looking at different options and has not made a decision yet.

*Mike Steinberger, Tallmadge Drive* – Recommended that those interested in the tower issue visit a helpful website called [www.antennaearch.com](http://www.antennaearch.com) for research purposes.

The formal meeting was adjourned at 9:42pm.

## **WORKSHOP (Resumed)**

### **Emergency Preparedness Plan**

Carmen with work with staff and emergency services personnel to discuss what is needed to update the Emergency Preparedness Plan. Joe Gill will add this to the Action List, allowing 3 months for the preliminary work. Carmen said it will take approximately 9 months total to update the plan.

Marty noted that the Board needs a formal request from Mark Miller to authorize spending the money to hook up the emergency generators from the pumping stations.

### **2010-2011 Deer Management Program & Draft Resolution**

Carmen said he is opposed to allowing hunting between December 27 and January 1 when kids are home from school, even though the Pennsylvania Game Commission allows it. He said he is also opposed to allowing hunting in the Township during the Thanksgiving holiday for the same reason. The other Board members agreed to edit the draft resolution to reflect this change. Don also made a few editorial changes to the document. The Board will plan to vote on the resolution during the July 20 meeting.

*Public Comment: Jim McRee, Oneida Lane* – Expressed concern that with the new Game Commission restrictions it will be more difficult for the Township to meet its harvest goal. If the harvest goal cannot be met, the Board might wish to reconsider whether it is worth all the opposition from residents in order to continue the program.

### **Actions Taken at Board Meetings**

Thom said he prefers to discuss something once and be done with it rather than discuss a topic one week and vote on it the next week. Don said he doesn't think the Board spends a lot of time discussing things twice. The purpose of workshops is for the Board to discuss matters before voting at a formal meeting. He said he doesn't think it's fair to the public to make them come to every meeting in case the Board decides to vote on a particular issue that evening.

Marty suggested that all meetings be the same – no more Workshop or Formal meetings. The agendas could be revised to show "Action Items" at the top and "Discussion Items" at the bottom so the public knows what to expect. Joe Gill suggested the Action Items be prioritized in order of importance. The Supervisors all agreed to try this new approach beginning in August. If it does not work out, the Board can revert back to the old way.

Joe Gill will work with Rick on drafting the new agenda format.

### **Cell Tower on Township Property**

Don thinks the Township should get a definitive answer on whether or not there is adequate cellular coverage in the area. The Township should find out 1) what coverage is in place now and 2) what coverage would result if a 150 ft. tower is installed. Joe Gill will contact TowerOne, Liberty Towers, and individual carriers if necessary to inquire about the coverage issues.

*Public Comment: Ed McFalls, Tallmadge Drive* – Said there is adequate coverage in the area except for those with Nextel service. He said the Township should realize it will need to deduct maintenance fees from the revenue they expect to get if they allow a cell tower to be installed.

*Public Comment: Mike Steinberger, Tallmadge Drive* – Said he is opposed to putting a tower either behind the Township building in either of the proposed locations. It would not be aesthetically pleasing and it would be too close to schools. Furthermore, he does not believe anyone can establish that there is a “significant coverage gap.” Also, the Third Circuit Court says that the location chosen must be one of “least visual impact” which would not be the case if the tower were to be located behind the Township building.

*Public Comment: Paul Baker, Tallmadge Drive* – Said he agreed on all points with Mike Steinberger. He also pointed out that the tower would be too close to the local airport.

*Public Comment: Ed McFalls, Tallmadge Drive* – Said he agreed with his neighbors Mike and Paul.

**Proposed Resolution from PSATS in Opposition to HB 2431 and SB1357**

Thom said he is opposed to HB 2431 but believes that SB1357 has some merit. The other Supervisors are in agreement to oppose both pieces of legislation. Joe Gill will prepare a draft resolution to be voted on at a future meeting.

**Public Comment**

There was no further public comment.

**Adjournment**

There being no further business, the meeting was adjourned at 10:50pm.

Anne Meddings

Recording Secretary

*Attachment: Treasurer's Report*



June 29, 2010

TREASURER'S REPORT  
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$21,635.85
Earned Income Tax	\$83,546.15
Local Service Tax	\$8,000.00
Transfer Tax	\$49,368.52
General Fund Interest Earned	\$0.00
Total Other Revenue	\$81,039.31
Total Receipts:	\$243,589.83

Accounts Payable	\$89,415.61
Electronic Pmts:	
Health Insurance	\$62,671.78
Credit Card	\$1,635.53
Postage	\$1,000.00
Debt Service	\$23,883.73
Payroll	\$135,000.00 (3 weeks)
Total Expenditures:	\$313,606.65

Interest Earned \$0.00

Expenditures: \$0.00

Interest Earned \$0.00

Expenditures: \$7,797.83

Interest Earned \$0.00

Expenditures: \$0.00

Receipts	\$24,598.73
Interest Earned	0.00
Total Sewer:	\$24,598.73

Accounts Payable	\$150,805.96
Debt Service	\$286,077.97
Transfer To M.A.	\$8,947.30
Total Expenditures:	\$445,831.23

REFUSE

Receipts	\$14,072.64
Interest Earned	\$0.00
Total Refuse:	\$14,072.64

Expenditures \$7,751.72