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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
July 20, 2010 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisors Don McConathy, Carmen Battavio and Marty Shane. Also present were Township Manager Rick Smith, Assistant Township Manager Joe Gill, Jim McRee (Deer Committee & Planning Commission), Kathryn Yahraes (Historical Commission), and Linda Gordon (Township Advisory Group).

WORKSHOP

Review of Minutes

The Board reviewed and corrected the draft minutes of July 13.

Treasurer's Report & Expenditure Register Report

The Board reviewed the Treasurer's Report and the current invoices. Don would like the staff to submit the recommendation for printers that was previously requested. Senya would like the staff to prepare an inventory of every printer and computer owned by the Township.

Agenda Review

The Board reviewed the agenda for the formal meeting.

Resolutions in Opposition to HB 2431 and SB 1357

The Board edited these resolutions.

New Agenda Format

The Board reviewed and edited the new agenda format for use starting in August. Don said he is opposed to changing the meeting format as he does not see the advantage in doing so. Carmen said he is in favor of trying out the new format and if it doesn't work, the Board can revert back to the old way.

Manhole Covers

The Board had no comments on this matter.

Action List

The Board had no comments on any of the three action list items on the agenda.

Liaison Reports

None.

Subdivisions/Land Developments/ZHB Applications

None.

1 **FORMAL MEETING**

2
3 **Call to Order & Pledge of Allegiance**

4 Senya called the formal portion of the meeting to order at 8:00pm and welcomed everyone. He
5 provided details regarding the upcoming funeral for Sgt. Louis R. Fastuca. Senya asked Police
6 Chief John Dumond to lead everyone in the Pledge of Allegiance.

7
8 **Moment of Silence**

9 Carmen called for a moment of silence to honor Sgt. Louis R. Fastuca, and all the men and
10 women serving their country in the armed forces, and their families.

11
12 **Presentation to Officer Tim Hubbard**

13 Chief John Dumond presented Officer Tim Hubbard with a Commendation Ribbon for bravery
14 shown during the shooting incident that occurred on January 17, 2010. Officer Hubbard thanked
15 everyone for the support he's received during his recovery. Senya thanked Officer Hubbard for
16 his service and vigilance, on behalf of the Board and all residents of East Goshen Township.

17
18 **Approval of Minutes**

19 Don moved to approve the minutes of July 13, 2010 as corrected in Workshop. Thom seconded
20 the motion. There was no discussion or public comment. The Board voted unanimously to
21 approve the motion.

22
23 **Update from Sunoco**

24 *Present: Joe Rossi (Environmental Alliance), Joe Roberts (Sunoco), Rhonda Giovannitti*
25 *(Sunoco), Walter Payne (DEP) and Lauren Mapleton (DEP).*

26
27 Joe Rossi of Environmental Alliance gave a presentation to update Township residents on
28 Sunoco's remediation efforts in regard to a release of MtBE that occurred at the location of their
29 gas station at the corner of Boot Road and Paoli Pike.

30
31 Don asked if Sunoco knows the date the spill occurred in 2006, and Mr. Rossi said no.

32
33 *Public Comment: Jane Resides, Pine Rock Road* – Asked what direction the groundwater flows
34 in the area of concern. Mr. Rossi said it flows to the northeast.

35
36 *Public Comment: John Schorn, Larch Lane* – Asked Mr. Rossi if all the wells indicated a
37 northeasterly flow of groundwater, and Mr. Rossi said yes. Mr. Schorn then asked about the
38 level of MtBE that was detected.

39
40 Joe Roberts of Sunoco stated that the tanks at the Sunoco station have never failed or had a leak.
41 The release occurred underneath the dispenser, perhaps as the result of a seep at a pipe union.
42 The release was discovered as a result of a routine soil sample test. These test are done
43 periodically as required by DEP.

44
45 *Public Comment: John Schorn, Larch Lane* - Asked if Sunoco ever used isopropyl alcohol,
46 which was found in his well. Mr. Roberts said isopropyl alcohol was never used by Sunoco.

1 Mr. Schorn noted that Sunoco discovered this MtBE release in 2006 and did nothing about it for
2 three years. Mr. Rossi said they contacted Chester County for the tax parcel numbers of homes
3 in the area with wells, as noted in the Site Characterization Report.

4
5 *Public Comment: Jane Resides, Pine Rock Road* – Asked if Sunoco did anything to contact the
6 residents who might be affected. Mr. Roberts said Sunoco did not identify any wells as
7 potentially contaminated. Mrs. Resides asked if Sunoco knows the origin of the MtBE found in
8 wells on Pine Rock Road. Mr. Roberts said it could have come from a number of sources – a
9 neighbor filling his lawn mower, someone working on his car, etc.

10
11 Marty said the residents located southwest of the site are concerned, and asked if anything
12 occurred at the Sunoco station that they are aware of that could be responsible for the findings in
13 the residents’ wells. Mr. Rossi said that based on the information his firm has collected, the
14 answer is no. Mr. Roberts agreed with him.

15
16 Don asked if it’s safe to say the geology of the area would not support the flow of groundwater
17 in a southwesterly direction. Mr. Rossi answered that the topography would not support
18 southwestern flow.

19
20 *Public Comment: Frank Resides, Pine Rock Road* – Had a question about the elevation of Pine
21 Rock Road.

22
23 *Public Comment: John Schorn, Larch Lane* - Asked when did Sunoco stop using MtBE, and
24 Mr. Rossi said in May 2006.

25
26 *Public Comment: John Schorn, Larch Lane* – Said he was informed by DEP that Sunoco should
27 have tested the wells in 2007, but failed to do so. Ms. Lauren Mapleton of DEP confirmed this.
28 Mr. Rossi said he disagreed. Mr. Schorn said he wants to make sure Sunoco does not make more
29 mistakes going forward.

30
31 Mr. Walter Payne of DEP then spoke. He said that groundwater does not always flow according
32 to topography. He said the DEP agrees with the conclusion reached by Environmental Alliance
33 regarding the northeastern direction of groundwater flow in this area. He indicated that the
34 levels of contamination found in the wells are relatively miniscule and should be of no concern
35 to the residents. Mrs. Resides said isopropyl alcohol was detected in her well, and asked Mr.
36 Payne if he would be willing to drink her water for a month. Mr. Payne said he would.

37
38 *Public Comment: John Schorn, Larch Lane* – Asked where the water Sunoco is treating is being
39 discharged. Mr. Rossi said it goes to the storm sewer. Mr. Schorn asked if the discharged water
40 is tested. Mr. Rossi said Environmental Alliance tests it twice per month.

41
42 *Public Comment: Jane Resides, Pine Rock Road* – Asked Mr. Payne when did DEP first find out
43 about the contamination, and Mr. Payne said in 2006. Mrs. Resides asked if DEP notified well
44 owners in 2006. Ms. Mapleton said that DEP notified the Township. Rick Smith said that once
45 he found out he notified Dr. Moylan across the street from the station. Mrs. Resides said she was
46 not notified about the contamination until the fall of 2009, and asked if that is reasonable. She

1 asked if the Township failed the people it has a moral obligation to serve by not notifying them
2 in a timely manner. Mr. Payne said the contamination levels were negligible and the residents
3 were not in any danger.

4
5 Carmen asked a question about aquifers. Mr. Payne answered that aquifers could go in any
6 direction.

7
8 Senya asked Mr. Rossi if it's fair to assume, based on his firm's research, that all the
9 groundwater is running in a northeasterly direction. Mr. Rossi said yes; the groundwater runs
10 predominantly to the northeast. Senya asked if Environmental Alliance feels there is no
11 migration in the other direction and Mr. Rossi said that is correct.

12
13 Don asked if DEP has a standard they follow as to when to notify the County Health Department
14 regarding a situation. Mr. Payne indicated that the County Health Department was copied on
15 correspondence related to this matter.

16
17 *Public Comment: Frank Resides, Pine Rock Road* – Said he called the County Health
18 Department last fall when he heard about this situation and they did not seem to know about the
19 issue, nor did they act concerned.

20
21 *Public Comment: John Schorn, Larch Lane* – Said the residents with wells should have been
22 notified of the situation back in 2006 when Sunoco discovered it. Sunoco and the Township
23 failed the residents. He noted that tonight was the first time he heard that the Township had been
24 notified about this back in 2006. He said he wants to make sure this does not happen again.

25
26 *Public Comment: Jane Resides, Pine Rock Road* – Said she would like an apology from the
27 Supervisors for letting the residents down. The job of the Supervisors is to protect the residents.

28
29 *Public Comment: Frank Resides, Pine Rock Road* – Thanked the representatives from DEP for
30 coming to the meeting.

31
32 **Recording of Meeting**

33 No resident indicated they planned to record the meeting.

34
35 **Chairman's Report**

36 Senya announced the following:

- 37
38
- 39 • Jason Young has resigned from the Historical Commission.
 - 40 • The Board met in Executive Session on July 14 to discuss a personnel matter, and on and
41 July 19 to discuss a personnel matter.
 - 42 • The Chester County Tax Collection Committee has accepted a proposal from Keystone
43 Collections Group to collect the Earned Income Tax and the Local Services Tax for 2011.
44 Joe Gill noted that the Tax Collection Committee will be meeting early next month.
 - 45 • The Liberty Towers application has been continued until September 22, 2010.
 - 46 • The two Conditional Use Application extensions requested by Lieberman Earley have
been cancelled because Lieberman Earley has settled with Tecniplast.

1 **Police Report**

2 Chief John Dumond reported there were 706 calls for service from East Goshen in June. Two
3 individuals were arrested in connection with several vehicle break-ins.

4
5 *Public Comment: Linda Gordon, Line Road* – Asked where the arrested individuals are from.
6 The Chief said one is an adult from Downingtown and one is a juvenile from West Goshen.

7
8 *Public Comment: Neil DeRiemer, Hershey Mill Road* – Asked what is a “suspicious condition”
9 and the Chief explained.

10
11 **Presentation of Conceptual Plans for the Hershey Mill Dam**

12 Mr. Todd Trotman and Dan Dailey were present from Advanced GeoServices to discuss
13 conceptual plans for the various options for the Hershey Mill Dam, including the pipe option, the
14 weir option, and breaching. The discussion was interactive, with comments and questions by
15 residents Neil DeRiemer (Hershey Mill Road), Kathryn Yahraes (Vista Drive), Linda Gordon
16 (Line Road), Bryan DelMonte (Clocktower Drive), and Joe Buonnano (Herron Lane).

17
18 Mr. Trotman indicated they would recommend against using the pipe option due to the size of
19 the pipes required, the amount of disturbance it would cause to the existing dam structure, and
20 the potential difficulty of structurally attaching a new wall to the existing walls. He
21 recommended the Township consider the weir option or a breach.

22
23 Mr. Trotman indicated that the breach option would require the removal of 6,400 cubic yards of
24 sediment. Don said he wants Advanced GeoServices to include an estimate of how many years
25 it will take to stabilize the floodplain/wetlands that will result from a breach.

26
27 *Public Comment: Bryan DelMonte* – Said he wants to know how long the before the dam, as it
28 exists today, will be so backed up with silt that the silt must be removed.

29
30 *Public Comment: Ron McGill, Hershey Mill Road* – Said the Township has caused an
31 “environmental disaster” by draining the pond and allowing the silt to go downstream. Whatever
32 the Township decides to do with the dam, the silt must be removed. Mr. Trotman said if the
33 Township decides to repair the dam, the silt does not necessarily need to be removed.

34
35 *Public Comment: Kathryn Yahraes* – Had a question about the silt removal.

36
37 *Public Comment: Ron McGill, Hershey Mill Road* – Distributed photographs to the Board
38 showing the result of the dam being drained and the wildlife that was killed as a result. He
39 expressed concern about the quantity of the silt going downstream and the unnecessary deaths of
40 fish, turtles, and other wildlife. He said the sisters at the Villa Maria Academy in Malvern have
41 agreed to take the silt, and it will cost \$95K to transport it to the school property. He said the
42 Township has neglected this asset (the dam) for 30 years, and the silt is now so deep that it
43 would be very dangerous if a child were to get stuck in it. At this point Senya told Mr. McGill
44 that due to the late hour, it would be best if Mr. McGill could be put on the agenda for an
45 upcoming meeting. Also, it would be helpful if he could provide copies of materials he wishes
46 to present to the Board in advance for the Board’s review.

1
2 *Public Comment: Neil DeRiemer, Hershey Mill Road* – Said he has an idea for another pipe
3 option. He will consult with Advanced GeoServices on the idea and pay for the research
4 himself. The Board told Mr. DeRiemer that they need Advanced GeoServices to determine by
5 next Tuesday if his idea is viable or not.
6

7 The Board then reviewed with Mr. Trotman their charge to him:

- 8 • He is to provide the initial costs for the weir option and the breach option.
- 9 • He is to provide 20-year life cycle costs for both options.
- 10 • He is to find out from DEP find out how deep the silt has to be before DEP requires its
11 removal. If removal is required, what the cost will be.
12

13 They informed Mr. Trotman that anything he discusses with Mr. DeRiemer is separate and
14 independent of the Board's charge to him.
15

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

17 *See attached Treasurer's Report for July 15, 2010.*
18

19 Thom moved to accept the Treasurer's Report of July 15 and the Expenditure Register Report as
20 recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices
21 reviewed in Workshop. Carmen seconded the motion. There was no discussion or public
22 comment. The Board voted unanimously to approve the motion.
23

24 **Resolution re: Deer Management Program**

25 Don moved to adopt a resolution establishing specific provisions of the Deer Management
26 Program for the 2010-2011 season. Thom seconded the motion.
27

28 *Public Comment: Joe Buonnano, Herron Lane* – Said there should be no hunting in December
29 when the kids are out of school for Christmas break. Don told him those dates were already
30 excluded, and Carmen noted that there will also be no hunting during the Thanksgiving break.
31

32 There was no further public comment. The Board voted unanimously to approve the motion.
33

34 **Any Other Matter - Resolutions in Opposition to HB 2431 and SB 1357**

35 Carmen moved to adopt Resolution # 10 opposing House Bill 2431, Printers No. 3570, as edited
36 during the Workshop. Don seconded the motion.
37

38 *Public Comment: Jim McRee, Oneida Lane* – Said this matter was not listed on the agenda.
39 Senya said this issue was discussed last week in a public meeting, at which time the Board
40 discussed voting on it at tonight's meeting. He agreed the item should have been put on the
41 agenda.
42

43 There was no discussion and no further public comment. The Board voted unanimously to
44 approve the motion.
45

1 Don moved to adopt Resolution #10 opposing Senate Bill 1357, Printers No. 1969, as edited
2 during Workshop. Marty seconded the motion.

3
4 Thom said he thinks there is some merit in the Senate bill and it should be explored.

5
6 There was no further discussion and no public comment. The Board voted 4:1 to approve the
7 motion. Thom was opposed.

8 9 **Manhole Covers**

10 Senya had Rick Smith summarize Mark Miller's request to replace manhole covers located in the
11 Bowtree and Hunt County developments. The covers have pick holes which allow for large
12 amounts of water inflow into the sewer system. Mark has requested authorization to purchase 45
13 manhole covers at a total cost of \$5,580.00. Marty noted that the reduction in infiltration will
14 help offset the cost of the covers.

15
16 Carmen moved to authorize the purchase of 45 manhole covers in the amount of \$5,580.00 per
17 the July 16, 2010 recommendation of Public Works Director Mark Miller. Marty seconded the
18 motion.

19
20 Thom asked if it's necessary to keep 10 spare covers in stock. Carmen said yes, as they can be
21 destroyed by large trucks, or stolen. Rick added that the covers come in various sizes, so it's a
22 good idea to have a number of replacement sizes available.

23
24 Rick noted the funds will come from the Sewer Operating Capital Reserve fund. Don said he
25 would prefer it to come from the Sewer Operating Fund. Marty said the Township can plan for
26 next year's budget to replenish the Sewer Operating Capital Reserve Fund from the Sewer
27 Operating Fund, and Don indicated this would be okay with him.

28 29 **Any Other Matter – Town Tours & Village Walks**

30 Senya asked Kathryn Yahraes to provide details about the upcoming Town Tours & Village
31 Walks program in Goshenville. Kathryn announced that on July 22 there will be a free walking
32 tour of historic Goshenville as part of the County's 2010 Town Tours & Village Walks program.
33 The first tour starts at 5:30pm; the last tour at approximately 7:30pm. Details are available on
34 the Township website.

35 36 **Correspondence & Reports of Interest**

37 Senya acknowledged receipt of the following:

- 38 • Letter from resident Michael Majewski, Sr. complimenting the Township with regard to
39 cleanup from the recent storm.
- 40 • Note from residents Lou and Marie Casciato thanking the Public Works Department for
41 the work they did cleaning up after the recent storm.
- 42 • Letter from residents Bob & Pat Chambers thanking Mark Miller and the Public Works
43 crew for their assistance in cleaning up after the recent storm.
- 44 • Email from resident Joe Buonnano concerning the Deer Management Program and the
45 geese in the Township.
- 46 • Goshen Fire Company report for May 2010 and June 2010

- Fire Marshal's Report for June 2010
- Notification that Janice Haagensen, Esq. is withdrawing as counsel for Ms. Marcia Gordon in re: Gordon v. East Goshen Township.
- False Fire Alarm Summary Report from Mark Gordon.

Conditional Use Hearing for Schaefer Properties, 734 N. Chester Road

Senya announced that the Conditional Use hearing for Schaefer Properties, 734 N. Chester Road, will take place on July 27 at 8:00pm.

Public Comment: John Schorn, Larch Lane – Asked what type of business Schafer Properties is. Senya said they sell food spices and flavorings. They plan to use the building as office space.

Public Comment: Jim McRee, Oneida Lane – Suggested that Schafer Properties might be an interesting topic for an upcoming newsletter article.

Change in Township Office Hours

Senya announced that effective August 2, office hours at the Township Building will be changed to 8:00am - 5:00pm in an effort to save money. The current hours are 7:00am - 5:30pm.

Public Comment

There was no additional public comment on any matter.

Adjournment

There being no further business, the meeting was adjourned at 11:10pm.

Anne Meddings

Recording Secretary

Attachment: Treasurer's Report

July 15, 2010

TREASURER'S REPORT
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$0.00
Earned Income Tax	\$5,389.38
Local Service Tax	\$1,000.00
Transfer Tax	\$80,223.58
General Fund Interest Earned	\$0.00
Total Other Revenue	\$182,382.92
Total Receipts:	<u>\$268,995.88</u>

Accounts Payable	\$33,716.61
<u>Electronic Pmts:</u>	
Health Insurance	\$62,671.78
Credit Card	\$658.12
Postage	\$0.00
Debt Service	\$23,883.73
Payroll	\$45,000.00
Total Expenditures:	<u>\$165,930.24</u>

STATE

Interest Earned	<u>\$0.00</u>
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Expenditures:	<u>\$0.00</u>
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CAPITAL RESERVE

Interest Earned	<u>\$0.00</u>
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Expenditures:	<u>\$0.00</u>
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TRANSPORTATION FUND

Interest Earned	<u>\$0.00</u>
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Expenditures:	<u>\$0.00</u>
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SEWER OPERATIVE

Receipts	\$7,110.18
Interest Earned	0.00
Total Sewer:	<u>\$7,110.18</u>

Accounts Payable	\$102,799.92
Debt Service	\$32,243.07
Total Expenditures:	<u>\$135,042.99</u>

REFUSE

Receipts	\$3,330.96
Interest Earned	\$0.00
Total Refuse:	<u>\$3,330.96</u>

Expenditures	<u>\$77,044.49</u>
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