

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 Paoli Pike, West Chester, PA 19380
August 10, 2010 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, Supervisors Carmen Battavio, Marty Shane and Don McConathy. Also present were Township Manager Rick Smith, Phyllis Marron (Park & Rec), Kathryn Yahraes (Historical Commission), Jim McRee (Deer Committee & Planning Commission), Bryan DelMonte and Jane Fava (Conservancy Board).

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:01pm and led 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.

Chester County Conservation District Grant for Applebrook

Jane Fava requested Board approval to apply for a Chester County Conservation District grant to establish riparian buffer areas along the Ridley Creek within Applebrook Park as suggested by the Natural Lands Trust Report. Jane said the Township would not be required to put in any money, and Park & Rec has been consulted and they are on board.

Marty moved to approve the application for a Chester County Conservation District grant as described by Jane Fava. Carmen seconded the motion.

Public Comment: Jackie Webber, 60 Line Road – Expressed concern that if the grant is approved the trees will be planted too close together like they are near Line Road and Paoli Pike. Jane said the trees will be planted in accordance with U.S. Forest Service guidelines.

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

Review & Approval of Minutes

The Board reviewed and corrected the draft minutes of July 27. Marty moved to approve the minutes of July 27, 2010 as corrected. Don 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 2011 Minimum Municipal Obligation is \$149,211 for the Non-Uniformed Pension Plan and \$49,103 for the Fire Pension Plan.

- The Board met in Executive Session on July 27 to discuss a personnel matter.
- Resident Judy Schaeffer is interested in the vacancy on the Historical Commission. Ms. Schaeffer was interviewed by the Board on a prior occasion. Kathryn Yahraes said Ms. Schaeffer currently serves as a non-voting member of the Historical Commission and has volunteered at the Plank House for two years. Kathryn said all members of the Historical Commission are in favor of Ms. Schaeffer being appointed. Marty moved to appoint Judy Schaeffer to fill the vacancy on the Historical Commission. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.
- PECO will be upgrading their facilities on Line Road and East Strasburg Road. Senya had Rick describe the planned upgrade.

Public Comment: Jim McRee, Oneida Lane – Said he wants PECO to do the same kind of work in an area near his neighborhood. Don offered to give Mr. McRee the name and phone number for someone at PECO to contact in this regard.

Public Comment: Neil DeRiemer, Hershey Mill Road – Asked if PECO is burying cable that is currently aerial, and Rick said no.
- PennDOT will begin work on the Paoli Pike Closed Loop. Senya had Rick describe the work involved.

Bills

Current invoices were reviewed.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for August 5, 2010.

Thom moved to accept the Treasurer's Report of August 5 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 #K0238201 from the Light House if Rick's research finds it to be a duplicate. Don seconded the motion.

Public Comment: Joe Buonnano, Herron Lane – Asked about the note listed next to "Payroll" on the Treasurer's Report indicating severance pay. Rick said Mr. Gill was paid severance for the month of August.

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

Action List Items

ARCView System (GIS)

1 Rick reported that it appears it will be most cost effective to continue addressing GIS needs
2 in-house as needed, and to utilize Yerkes Associates for professional GIS consulting services
3 when necessary.
4

5 **Outsourcing of Public Works Services**

6 Rick reported he is currently working on bid specs, which he expects to go out in mid-
7 September.
8

9 **Consideration of Sale of Hershey Mill Dam**

10 Rick said before the Board starts discussing all the details of selling the dam, the Supervisors
11 first need to decide whether they would even be willing to consider selling the dam.
12

13 Marty moved to advertise the dam for sale to see what kind of response the Township gets. The
14 ad and the bid specs will need to be reviewed by the Township Solicitor. The ad must state that
15 1) the Township will be held harmless after the sale; 2) the buyer will continue to allow public
16 access to the dam; and 3) the buyer will take on the responsibility of dealing with DEP in regard
17 to their requirements for the dam. Carmen seconded the motion.
18

19 Thom said he wants to get an appraisal of the dam instead of putting it out to bid. Don said he
20 believes the Township needs to advertise the dam for sale in order to protect the Township from
21 allegations of acting inappropriately (only dealing with one potential buyer). Rick said Chester
22 County has assessed the value of the land at \$16,450.
23

24 *Public Comment: Neil DeRiemer, Hershey Mill Road* – Said the letter he received from the
25 Township in response to his offer to buy the dam contained conditions not mentioned in the
26 motion. The Board explained that they have heard back from the Township Solicitor since they
27 sent him the letter, and the three conditions in the motion are the only ones necessary based on
28 the opinion of the Township Solicitor.
29

30 *Public Comment: Maureen Neuhaus, Foxglove Lane* – Had some questions about the location of
31 the easement and access to it, which Rick answered. Rick confirmed that there is no automobile
32 access to the dam. Ms. Neuhaus expressed concern that a potential buyer could do anything with
33 the land, including turning it into an amusement park. Rick told Ms. Neuhaus that if sold, the
34 property would be subject to the same restrictions as Township Open Space.
35

36 *Public Comment: Fran Beck, Foxglove Lane* – Asked if someone could fence off the easement
37 if it runs on their property. The Board told him no; public must have access to the easement.
38

39 *Public Comment: John Schorn, Larch Lane* – Said he thought the Township required a 50-ft
40 buffer zone that would restrict fencing. Rick said that requirement applies to new developments
41 only. Mr. Schorn said “if these folks can run a fence into a buffer zone, then so can Gerry
42 Ruffenach.”
43

44 *Public Comment: Joe Buonnano, Herron Lane* – Asked if the \$92K spent thus far on
45 engineering costs will be included in the purchase price if the dam is offered for sale. Marty said
46 he thought about that but concluded it would probably preclude the sale of the dam. He noted

1 that even if the Township ends up paying all the money spent thus far, it will still be less than the
2 cost of repairing or breaching the dam. Mr. Buonnano said the Township should disclose to a
3 potential buyer what they are getting into. The Board agreed with him. Rick noted that all the
4 records of the dam, the engineering studies, etc. are available to anyone as part of the public
5 record. Marty said the advertisement would also reference the situation with DEP.

6
7 Don said he wants a legal opinion on whether the cost of the engineering work currently being
8 done by Advanced GeoServices in regard to the dam should be included in the sale price.

9
10 *Public Comment: Neil DeRiemer, Hershey Mill Road* – Said there are two spots on his property
11 where visitors to the dam can park automobiles. Rick said those spots are for maintenance
12 vehicles only and are not intended for public parking.

13
14 *Public Comment: Jim McRee, Oneida Lane* – Asked if there is a risk to the Township if the
15 buyer has no assets and cannot afford to bring the dam into DEP compliance. Carmen said the
16 Township Solicitor informed the Board that in the event of a sale, the Township would have no
17 further liability for the dam. Marty noted that the Township would only entertain offers from
18 responsible bidders or *bona fide* organizations.

19
20 *Public Comment: Neil DeRiemer, Hershey Mill Road* - Told Mr. McRee that the property would
21 be purchased by a dam preservation group and would not be owned by him personally.

22
23 *Public Comment: Maureen Neuhaus, Foxglove Lane* – Said that just because a party responds to
24 an ad doesn't mean the Township must accept their bid. The Board told her that was correct.

25
26 The Board voted 3:2 against the motion. (Senya, Thom, and Don were opposed.)

27
28 Thom then moved for the Township to get an appraisal of the dam. If the appraisal comes in at
29 less than \$1,500 the Township should proceed to negotiate directly with Neil DeRiemer or the
30 organization that he represents that desires to purchase the dam. Marty seconded the motion but
31 asked that if the appraisal comes in over \$1,500 the Board proceed to advertise the dam for sale.
32 Thom accepted this amendment. The Board voted and the motion passed 4:1. (Don was
33 opposed).

34
35 Rick said he received two proposals for appraisals of the dam. One would cost \$2,500. The
36 other would cost \$1,750 but the appraiser agreed to reduce the fee to \$250 as a public service to
37 the Township.

38
39 Marty moved to accept the proposal from Carmody & Associates for an appraisal of the Hershey
40 Mill Dam in the amount of \$250. Thom seconded the motion.

41
42 *Public Comment: Jim McRee, Oneida Lane* – Asked if the appraisal will cover only the value of
43 the land, or will it take into account the cost of the work needed on the dam. Marty said that per
44 Thom Clapper, the appraiser will take the needed dam work into consideration when doing the
45 appraisal.

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

3
4 **Consideration of Refuse/Recycling Option(s)**

5 Senya had Rick summarize the various options the Board wanted bid for trash hauling and
6 recycling. Don said he thinks the administrative costs need to be factored into Option 5, and
7 then he questioned whether the low bidder for Option 5 is a responsible bidder.
8 Senya moved that the Board consider going with Option 1 or Option 2. (The motion was not
9 seconded).

10
11 Thom said he is concerned that a weekly pickup will not be enough. Food will be left sitting out,
12 and rodents and insects may become a problem. Carmen said he liked Option 5 because it has a
13 fairness factor – residents would pay for the service they use, but he agreed with Don that the
14 administrative expenses may negate any savings.

15
16 Marty said he liked Option 5 because it is fair, and it also encourages recycling. He agreed there
17 may be some administrative expense issues associated with Option 5 at first if it is selected, but
18 he thinks they will die down in time. Option 5 is attractive because the cost savings are so
19 substantial and it's better for the environment.

20
21 Carmen proposed that the Board select an attractive option or two, and then rebid the contract.
22 Marty said he is reluctant to rebid, as the bids may go up. He would rather deal with the bids
23 already received than risk a price increase.

24
25 Don said he is concerned that a once per month pickup of yard waste is not adequate.

26
27 *Public Comment: Maureen Neuhaus, Foxglove Lane* – Asked if residents could have more than
28 one trashcan if the once weekly pickup is selected by the Board. Don said it depends on what
29 option is selected.

30
31 *Public Comment: Joe Buonnano, Herron Lane* – Said everyone should pay the same rate for
32 trash pickup and recycling.

33
34 *Public Comment: Shirley Fox, East Boot Road* – Said she doesn't want the Township involved
35 in trash pickup. She would rather the residents be allowed to contract individually with haulers
36 of their choice for the amount of service they require.

37
38 *Public Comment: Eric Meyer, Monte Vista Drive* – Said it's better to have one hauler for the
39 Township than multiple haulers driving through the Township every day of the week.

40
41 *Public Comment: John Schorn, Larch Lane* – Said the Township should allow residents the
42 choice of opting out of participation in trash collection service.

43
44 *Public Comment: Maureen Neuhaus, Foxglove Lane* – Said it would not be neighborly for some
45 residents to opt out, as the rates for everyone else would be increased.

1 *Public Comment: Jim McRee, Oneida Lane* – Said he is strongly in favor of the Board selecting
2 Option 1, and he is opposed to them selecting Option 5.

3
4 *Public Comment: Al DeGennaro, Deputy Counsel for J. P. Mascaro & Sons* - Said that the
5 Township would do best to go with Option 1 or Option 2. He said the Township should not even
6 consider Option 4, and Option 5 will be an administrative headache. He said if the Township is
7 going to allow residents to opt out, then East Goshen should not be involved in trash pickup.
8 Marty noted for the record that J. P. Mascaro & Sons was the low bidder for Option 1 and Option
9 2, and did not bid on Options 3, 4, or 5.

10
11 *Public Comment: Jim Clarke of A. J. Blosenski, Inc.* – Said that allowing an unlimited option
12 will discourage recycling.

13
14 *Public Comment: Ken Anderson of BFI Waste Services* – Encouraged the Township to rebid the
15 contract once they select their options. He noted that the last time the Township rebid the trash
16 contract it resulted in a lower cost.

17
18 *Public Comment: Sam Augustine of J. P. Mascaro & Sons* – Recommended the Board go with
19 Option 2.

20
21 Carmen moved to selection Option 2, which is unlimited pickup once per week. Marty seconded
22 the motion.

23
24 Don said that before he decides on an option, he needs to see all the information from the
25 Township Solicitor and he needs time to read all the letters from the various bidders that just
26 came in.

27
28 Thom said he is concerned that once weekly pickup will not be adequate. Don said he is
29 concerned that once monthly pickup of yard waste will not be adequate.

30
31 *Public Comment: Jackie Webber, 60 Line Road* – Said she lives in East Goshen less than six
32 months out of the year and it is not fair that she has to pay for a full year of service. She said she
33 would like to be able to opt out of trash pickup service.

34
35 *Public Comment: John Schorn, Larch Lane* – Said the Board should select a couple of options
36 and rebid the contract.

37
38 *Public Comment: Ken Anderson of BFI Waste Services* – Said he “implored” the Board not to
39 vote on an option until they have all the information in front of them.

40
41 *Public Comment: Jim McRee, Larch Lane* – Said Option 1 is his favorite but Option 2 would be
42 okay too. He suggested the Township consider making provision for residents who miss their
43 once weekly pickup due to vacations, etc.

44
45 Marty then withdrew his second to Carmen’s motion.
46

1 Senya said the Board's task is to decide what is best for the Township residents.

2
3 Senya said he would like to amend Carmen's motion by adding Option 1, and the Board should
4 study the two options further for the next meeting. Thom said he wanted Option 5 added to the
5 motion for consideration. Senya withdrew his amendment to the motion and suggested the
6 Board table this matter until next week due to the late hour and the lack of consensus.

7
8 Don said he wants the Board to receive copies of the bid documents in their next packet.

9
10 **Resolution 10-09A – Public Meeting Schedule**

11 Marty moved to adopt Resolution 10-09A establishing the public meeting schedule for the
12 Township. Don seconded the motion.

13
14 Thom said he was puzzled how his simple request to vote on matters as they were discussed led
15 to this point where workshops are done away with and now there has to be a resolution to
16 memorialize it.

17
18 *Public Comment: Jim McRee, Oneida Lane* – Had a question about the advertisement of
19 Planning Commission meetings, which the Board answered.

20
21 The Board voted 4:1 to pass the motion. (Thom was opposed).

22
23 **Resolution 10-22 – Mileage Rate**

24 Don made a few editorial changes and corrections to the document.

25
26 Marty moved to adopt Resolution 10-22 as amended. Carmen seconded the motion.

27
28 *Public Comment: John Schorn, Larch Lane* – Asked if this motion is for employees that use
29 their personal vehicles for Township business, and Senya said yes. Mr. Schorn said the
30 Township should monitor this closely to avoid abuse by employees. Don assured Mr. Schorn
31 that the Board closely monitors mileage reimbursement requests.

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

35
36 **Resolution 10-26, Appointment to the West Chester Regional Planning Commission**

37 Senya moved to appoint resident Al Zuccarello as one of East Goshen's representatives to the
38 West Chester Regional Planning Commission. Carmen seconded the motion. There was no
39 discussion or public comment. The Board voted unanimously to approve the motion.

40
41 **TMACC Membership**

42 Thom moved for the Township not to renew its membership in TMACC. Marty seconded the
43 motion.

44
45 Senya said he believes TMACC membership to be of value to the Township. Carmen agreed
46 and said he thinks the Township should continue membership.

1
2 *Public Comment: Kathryn Yahraes, Vista Drive* – Said advocacy groups are really beneficial to
3 townships. They can go to bat for Township as well as keep them informed.
4

5 *Public Comment: Jim McRee, Oneida Lane* – Said the Township should send a letter to
6 TMACC outlining what the Township wants TMACC to do for East Goshen.
7

8 *Public Comment: John Schorn, Larch Lane* – Said the Township should not feel obligated to
9 join every group out there, and should examine each organization's worthiness on a case-by-case
10 basis. However, he believes the Township should continue its membership in TMACC.
11

12 Marty asked whether the \$1,200 for TMACC membership was in the 2010 budget and was told it
13 was.
14

15 There was no further discussion or public comment. The Board voted 4:1 against the motion.
16 (Thom was in favor.)
17

18 Carmen then moved to renew the Township's TMACC membership for one year at a cost of
19 \$1,200. Don seconded the motion. There was no discussion or public comment. The Board
20 voted 4:1 to approve the motion. (Thom was opposed).
21

22 **Variance Request – Charles Weber, 1440 Center Street**

23 No one was present for the applicant.
24

25 Don moved to recommend that the Zoning Hearing Board approve the dimensional variance
26 request for the property owned by Charles Weber at 1440 Center Street as described in the
27 application, plot plan and plan sheets A1 through A3, §240-10.G for Maximum Lot coverage by
28 buildings, Maximum Lot coverage – Total and Minimum Front Yard due to the following: The
29 property is an existing nonconforming structure; the property has unique physical characteristics,
30 and the property cannot be improved with strict conformity to the ordinance. The hardship has
31 not been created by the applicant; the relief sought will not alter the character of the
32 neighborhood, and the relief sought is the minimum required to afford relief from the
33 dimensional regulations.
34

35 Thom seconded the motion.
36

37 Carmen said he is in full support of this request.
38

39 Don said he realized that the applicant was not present because he had been told the Board would
40 vote on this during the August 17 meeting.
41

42 *Public Comment: John Schorn, Larch Lane* – Said he supported the variance and urged the
43 Board to support it also. Based on his research and conversations with attorneys, he does not
44 believe the applicant even needed to apply for a variance as his property would have been
45 grandfathered from the 1910 zoning.

1 *Public Comment: Jim McRee, Oneida Lane* – Expressed concern that any neighbors opposed to
2 the variance will not have the opportunity to be heard, if they think the Board is not voting until
3 next week. The Board told Mr. McRee that neighbors may still come on the 17th and the Board
4 will hear them, and if there is a compelling reason the Board can reconsider its recommendation
5 to the Zoning Hearing Board.

6
7 There was no further discussion or public comment. The Board voted unanimously to approve
8 the motion.
9

10 **Timeline for Pension Plan Conversion**

11 Marty moved to accept the timeline proposed by attorney Sarah K. Ivy for the freezing of the
12 current pension plan and establishment of a new pension plan for the non-uniformed employees
13 of East Goshen Township. Don seconded the motion. There was no discussion or public
14 comment. The Board voted unanimously to approve the motion.
15

16 **Any Other Matter – Meeting with Representative Barbara McIlvaine-Smith**

17 Senya said the Township received a request from Representative Barbara McIlvaine-Smith's
18 office wanting to meet with the Board and Rick. The Board indicated they would prefer a
19 lunchtime meeting. Senya and Rick will schedule a suitable date.
20

21 *Public Comment: Neil DeRiemer, Hershey Mill Road* – Wanted to know if the public could
22 attend this meeting. Carmen said residents could attend but no public input would be accepted.
23 Rick added that the Township would not be providing lunch to the residents. Don said he would
24 like to get an opinion from the Township Solicitor on whether the meeting should be open to the
25 public, etc.
26

27 **Any Other Matter – New Meeting Format**

28 Marty said he thinks the Board should review minutes and bills at the end of meetings. Rick said
29 it is the Chairman's prerogative to rearrange the meeting schedule at his discretion. Don said if
30 the Chairman is going to rearrange the agenda he would like it done ahead of time so the agenda
31 can be revised accordingly, not done the night of the meeting at the last minute.
32

33 **Correspondence & Reports of Interest**

34 Rick reported the Township received the following items:
35

- 36 • July 21, 2010 letter from PA DEP approving the Remedial Action Plan for the Sunoco
37 Station at 1425 Paoli Pike.
- 38 • July 20, 2010 letter from PA DCED advising that the Township's application for a grant
39 of \$15K for repairs to the Hershey Mill Dam has been recommended for preliminary
40 approval.
- 41 • July 2010 Fire Marshal Report.
- 42 • July 27, 2010 letter from resident Neil DeRiemer concerning the sale of the Hershey Mill
43 Dam.
- 44 • July 27, 2010 letter from resident Neil DeRiemer concerning the sale of the Hershey Mill
45 Dam.
- 46 • July 27, 2010 letter from resident Neil DeRiemer concerning the sale of the Hershey Mill
Dam.

- July 28, 2010 letter from resident Neil DeRiemer concerning the draining of the pond at the Hershey Mill Dam.
- July 28, 2010 letter from resident Karen DeRiemer concerning the draining of the pond at the Hershey Mill Dam.
- July 29, 2010 letter from PEMA informing the Township it is not eligible for disaster assistance for damages sustained during a severe weather event on June 24, 2010.

Public Comment: Fran Beck, Foxglove Lane – Asked for clarification on the grant of \$15K for repairs to the Hershey Mill Dam. Rick described the grant.

Public Comment: John Schorn, Larch Lane – Asked if the Township is overseeing the Sunoco issue or is the Township relying solely on Sunoco. Rick said he is keeping an eye on the situation. Mr. Schorn said it appears to him that Sunoco and DEP have a relationship that is too cozy, and he does not trust them. He said he wants the Township to take a more active role in the situation. Carmen told Mr. Schorn the Sunoco issue is on the Board's Action List.

Public Comment: Jim McRee, Oneida Lane – Had a question about an entry on the Fire Marshal Report.

Meetings & Dates of Importance

Senya noted the upcoming meetings as listed on the agenda.

Public Comment Period

Maureen Neuhaus, Foxglove Lane – Said there is a blind spot on northbound Route 352 and it is difficult to make a left turn onto Greenhill Road. She asked if a green left-turn arrow could be added to the traffic signal. Marty said he did not think that intersection would meet the required warrants to be upgraded with a turn signal. He added that there are not many accidents at that intersection. Ms. Neuhaus then asked if the Township could have the trees trimmed at an intersection near Immaculata College as they are impeding visibility. Rick told her he would have the Public Works Department take care of it tomorrow.

John Schorn, Larch Lane – Said he likes the new meeting format.

Kathryn Yahraes, Vista Drive – Said she thinks the new meeting format can work.

Adjournment

There being no further business, the meeting was adjourned at 10:40pm.

Anne Meddings

Recording Secretary

Attachment: Treasurer's Report

August 5, 2010

TREASURER'S REPORT
2010 RECEIPTS AND BILLS

GENERAL FUND

Real Estate Tax	\$4,714.39
Earned Income Tax	\$94,028.45
Local Service Tax	\$12,138.46
Transfer Tax	\$0.00
General Fund Interest Earned	1,998.19
Total Other Revenue	\$168,699.83
Total Receipts:	<u>\$281,579.32</u>

Accounts Payable	\$289,274.22
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$107,000.00
Total Expenditures:	<u>\$396,274.22</u>

Severance Pay &
2 Weeks Payroll

Interest Earned \$220.07

Expenditures: \$0.00

Interest Earned \$614.97

Expenditures: \$0.00

Interest Earned \$328.94

Expenditures: \$0.00

Receipts	\$196,433.53
Interest Earned	\$3.64
Total Sewer:	<u>\$196,437.17</u>

Accounts Payable	\$130,379.92
Debt Service	\$0.00
Total Expenditures:	<u>\$130,379.92</u>

REFUSE

Receipts	\$82,701.16
Interest Earned	\$12.93
Total Refuse:	<u>\$82,714.09</u>

Expenditures \$11,381.21