

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
September 14, 2010 – 7:00pm  
Final Approved Minutes**

**Present:** Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisors Carmen Battavio, Marty Shane and Don McConathy. Also present were Township Manager Rick Smith, Zoning Officer Mark Gordon, Kathryn Yahraes (Historical Commission), and Joe D'Antonio (TAG).

**Call to Order & Pledge of Allegiance**

Senya called the meeting to order at 7:00pm. He asked Burt Denenstein to lead everyone in the Pledge of Allegiance.

**Moment of Silence**

Carmen called for a special moment of silence to honor the victims of 9/11.

**Recording of Meeting**

No one indicated that they planned to record the meeting.

**Public Comment on Non-Agenda Items**

None.

**Review of Minutes**

The Board reviewed and corrected the draft minutes of September 7. Don moved to approve the minutes as corrected. Marty seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion, with one abstention. Carmen abstained from voting as he was not present at the September 7 meeting.

**Chairman's Report**

Senya announced that the 2011 Minimum Municipal Obligation for the Police Non-Uniformed Pension Plan is \$11,992.00.

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

*See attached Treasurer's Report for September 9, 2010.*

Senya announced that it is the Township Solicitor's opinion that the Supervisors do not need to review the weekly invoices on a page-by-page basis during Board meetings. If the Board so wishes, they can simply move to accept the Treasurer's Report as presented. He noted that the Township Treasurer is appointed by the Board and holds a bonded position, as does the Township Manager. The public can be assured that checks and balances exist within East Goshen's management structure to prevent irregularities. Senya said that the Supervisors can question anything listed in the invoices or raise any issue related to invoices during Board meetings. In response to a question from Don, Senya said Supervisors are free to raise questions in the meeting or check with staff before meetings if they have a question on a particular invoice.

The public is still welcome to submit any questions concerning invoices to the Township in writing.

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

Thom moved to accept the Treasurer's Report of September 9 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. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

#### **Upgraded Email System with Archiving Capability**

IT consultant Burt Denenstein was present to discuss an upgrade to the Township's email system.

Carmen asked what Microsoft Exchange would do for the Township in exchange for the extra cost above that of a generic system. Burt said Microsoft Exchange would do nothing additional for the purposes of the Township except provide a slicker, smoother email interface to users. The end result and security features would be identical. The generic system would do everything the Township needs at one-half the price of Microsoft Exchange. Carmen then asked him what would happen to Bee.net when he (Burt) retires. Burt said he has no affiliation with Bee.net. In fact he has never met anyone from Bee.net but only talks to their employees by phone. Carmen asked if Burt thinks Bee.net is a suitable choice of internet provider for the Township. Burt said he likes Bee.net because they are quick to fix any problems that crop up without finger-pointing. He said he has an easy, comfortable relationship with them and has been happy with their service. Burt said whatever option the Board decides, it would be no more or less work for him to work with Microsoft Exchange or a generic system.

Burt discussed issues related to using the Township email system in conjunction with a Blackberry and noted that Microsoft Exchange has an extra service available to make interfacing with a Blackberry smoother and more user-friendly than the generic service does not. However, the extra service comes at an extra cost.

Don indicated that Supervisors and probably ABC members should use the new email system to conduct Township business. Burt explained that Microsoft Outlook can be configured to have separate profiles – in this case one for Township business and another for personal use. When opening Outlook the user would simply have to select which profile they wished to use.

Carmen asked about AOL users and Burt said the AOL email system is propriety and cannot be configured in the same manner. AOL users should switch to using Outlook for their email or conduct Township business directly through the Township server via a web mail program. Don asked if folders from one Outlook profile can be copied to a new profile and Burt said yes. Burt then noted that the Township does have the option of doing nothing if the Board chooses.

Burt cautioned that an upgraded archiving feature would be a "one-way in" system, meaning Township users will need to keep in mind that emails they delete from their hard drives will still show up in the Township archive.

Don asked if the generic system has a calendar feature similar to Outlook that will allow a user to schedule a meeting with another Township user. Burt said he was not 100% sure but rather doubted the generic system would have as powerful a calendar feature. Burt confirmed that Contact Lists can be imported from one profile to another.

Don then had a question about mailbox migration and Burt said it would be required with either Microsoft Exchange or the generic system.

Don asked about the impact on Township employees. Burt said it would be best if the Board members and Township employees were to upgrade their individual computers with Microsoft Office 2007 if they do not already have it. Office 2007 will be made available to all users at no extra charge.

Burt reiterated that anyone not wanting to use Outlook or not comfortable switching to Outlook can work directly off web mail. They can even use Outlook and web mail interchangeably as they wish.

Don said based on this discussion he sees no reason the Township cannot go ahead with the generic service.

Don moved to accept Option #3 for an off-site generic email system hosted by Bee.Net as described by Office Manager Diane Degnan in her August 11, 2010 memo to Rick Smith. The estimated cost will be \$7 per month per user per mailbox. This cost includes archiving service. The Township will want to archive as thoroughly as possible the old emails from Township computers and user's personal computers, understanding that there may be an extra charge for this. Finally, it is understood that Microsoft Office 2007 can be provided to all Township users at no additional charge. Marty seconded the motion.

Burt noted that each mailbox can have multiple aliases at no additional charge. This means for example that the [admin@eastgoshen.org](mailto:admin@eastgoshen.org) and [webmaster@eastgoshen.org](mailto:webmaster@eastgoshen.org) addresses are basically "free" accounts.

Don asked about the Postini filter service and Burt said it would be included.

*Public Comment: Kathryn Yahraes, Vista Drive* – Asked if Burt had recommendations for other features the Township might need that had not been discussed and he said no. She then suggested the Board might want to introduce this topic to the ABCs at the next all-ABC meeting.

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

### **Wireless Communication Facilities**

Mark Gordon reported that only T-Mobile and MetroPCS responded to his request to provide information on coverage within East Goshen. Both said they will have the information to him by next week.

Liberty Towers and Tower One both provided photo simulations of towers. Carmen asked what side of the park Liberty Towers is interested in placing a tower or towers. Mark said they are interested in the active side near the tree line by the soccer fields. Mark reported that if it is decided to place a tower on the Township campus, the most suitable location (with all considerations factored in) would be between the buildings, next to the Public Works Annex.

Mark reported that per the carriers, a 150-ft tower would accommodate up to seven carriers. A 120-ft tower would accommodate up to five carriers. He said there are also options for installing several shorter towers instead of one tall tower.

Don reviewed some handouts he had given to the other Supervisors. He said his preference would be for installing two 120-ft towers in the park that masquerade as trees.

Senya thanked Mark Gordon for coming to the Board meeting on his own time and for working hard on this issue on behalf of the Township.

Rick asked if the Board wished to amend the zoning to allow towers on Township property. Marty said he is personally opposed to putting any cell towers near the Township building. Don and Thom said they felt the same way. Marty said before the Board proceeds much further with this idea, he would like to have the residents living near the park come in for a meeting to give feedback to the Board. Rick will select a suitable date in October to have the residents in for a meeting.

Don said he is in favor of contacting Liberty Towers to let them know the Board is open to the idea of putting a tower or towers in the park.

*Public Comment: Neil DeRiemer, Hershey Mill Road* – Suggested the Township have Liberty Towers bring in a rendering of the proposed tower(s).

### **Executive Summary for Defined Contribution Pension Plan for Non-Uniformed Employees**

Don said the Executive Summary is poorly prepared. It is not written clearly and there are numerous ambiguities. He suggested a number of changes to the document, and Thom also had a change. Rick made notes of the changes and said he would get back to the attorney who prepared the document.

### **Hershey Mill Dam**

Senya had Rick summarize the recommendations of the Township Solicitor in regard to the possible sale of the dam, as well as the five conditions that would need to be imposed upon the buyer.

The Board discussed having Rick put together a bid package and putting the dam out to bid.

Thom said he believes the Township has an obligation to sell the dam to Neil DeRiemer or the organization Neil represents rather than putting it out to bid. Mr. DeRiemer and some of the residents who live near the dam have a vested interest in saving the dam.

Carmen said his understanding is that the Township Solicitor recommends putting the dam out to bid so the Township cannot be accused of conducting a back-room deal. Thom said he didn't see how the Township could be accused of anything underhanded when this topic has been openly discussed in many public meetings for over a year.

Don made some editorial changes to the suggested conditions of sale. Thom said he wanted to removed Condition #2 (having the buyer post \$550,000 bond with DEP) as it will only complicate the sale process for the Township. Thom said the bond issue should only be between the buyer and DEP, and East Goshen need not get involved in that aspect of things.

Carmen said he did not want to change any of the solicitor's recommendations. Marty agreed and said Condition #2 was put in by the solicitor as part of a larger plan to ensure East Goshen is held harmless from any liability issues down the road.

*Public Comment: Joe D'Antonio, Jr., Millrace Lane* – Asked what would happen if the buyer does not follow the conditions within say, 12 months. Would the Township get the dam back? Carmen said once the Township sells the dam, the Township is done with it, with no more liability. Senya said if the buyer did not follow the conditions, then DEP would go after them instead of going after the Township.

*Public Comment: Neil DeRiemer, Hershey Mill Road* – Said the Township is doing the right thing by covering all their bases. He stated that he still wants to purchase the dam, and he cannot approach DEP until he is an equitable owner – they will not listen to him or talk to him. Once he is an equitable owner he will approach DEP with a less expensive repair option and may argue to DEP that it is not really a dam but a retention basin and therefore DEP has no jurisdiction over it. He is willing to sue DEP for tortious interference if necessary. Mr. DeRiemer said he is convinced that he or his group can repair the dam for much less than the Township's estimated cost. He added that the only reason he is pursuing a purchase of the dam is to "get it off the Township's plate."

Thom asked Mr. DeRiemer if he had any objections to the five conditions, and Mr. DeRiemer said no, other than thinking they are "unmanageable."

Rick asked Mr. DeRiemer how much time he would need before he would be ready to go to settlement, such as 60 days or 90 days, and Mr. DeRiemer said he did not know.

Marty asked Mr. DeRiemer to clarify if he was saying he is not prepared to settle with the Township unless DEP agrees to his plan to repair the dam, and Mr. DeRiemer confirmed this. Marty said he does not understand why Mr. DeRiemer is unwilling to share his idea to repair the dam with the Township.

Mr. DeRiemer said that any agreement of sale that he signs will have to contain certain conditions that he stipulates. Senya told him the dam would be sold only on an "as-is" basis. Senya then offered to have the Township prepare a letter of introduction for Mr. DeRiemer to show to DEP that might assist him in getting them to listen to his plan for repairing the dam.

At this point there was a discussion about Mr. DeRiemer's timeline.

Don told Mr. DeRiemer that resident John Schorn had talked to and emailed DEP a great deal in regard to the Sunoco leak issue, so he did not think a letter of introduction was necessary for Mr. DeRiemer to talk to them. Carmen said he also was not sure a letter was necessary. Mr. DeRiemer then indicated that he had not even tried to contact DEP on this issue yet.

The Board discussed having Rick post the ad requesting bids and having the RFP specify a timeline of 90 days from bid award to settlement date.

Mr. DeRiemer stated it was his plan to purchase the dam and then resell it to his "foundation" for \$1.

Senya asked the residents present for an update on the status of the Save the Dam Committee (STDC). Joe D'Antonio said the group had not met since June or July, but would be getting together in the next few weeks, and they planned to invite two of the Supervisors. Mr. DeRiemer said the group had conversations with the Chester County Community Foundation about setting up a 501(c)(3) under their auspices. When asked if he was serving as the group leader, Mr. D'Antonio said the group had no elected officers at this time, but there are approximately ten members who meet consistently, and they have 400+ names of people interested in the cause.

Marty said he was concerned to learn this evening that Mr. DeRiemer had not even approached DEP with his solution for the dam. He said the STDC should gear up to do their fundraising because now he is not confident the sale to Mr. DeRiemer is going to take place. Mr. D'Antonio said he believed the STDC is now at the point where they are ready to begin fundraising since they have a cost from Advanced GeoServices and the STDC members are back from their various vacations. Marty said as long as the dam is in the Township's possession the Board has to move forward with plans to get it fixed. The STDC's long-term fundraising plans may not cut it and funds may be needed sooner rather than later. The Township has to move down both paths simultaneously – pursuing the sale and also moving forward with plans to repair the dam.

Senya said every dollar spent on this issue subsequent to the meeting where the Board turned down the federal grant has been spent in an effort to accommodate the residents who convinced the Board to acquiesce to their pleas and turn down the grant, promising that they would raise the money to restore the dam. After all this time these same residents still have nothing to show for it. The time has come to act.

Don then defended the STDC and said they are now able to move forward with fundraising now that they have a cost to work with.

Senya said there are four boxes of files in Mr. Smith's office on this topic, yet for all the time spent on this topic there is not much to show for it.

*Public Comment: Joe D'Antonio, Millrace Lane* - Asked how is it that the Township can talk about fundraising to repair the dam when the Board recently approved having Mr. Smith apply for another grant to breach it. Senya said in the absence of getting anything concrete from the STDC the Township has to cover all the bases. Senya said after seeing Mr. DeRiemer's reaction to the conditions of sale he personally does not have the comfort level necessary to put the dam out to bid. Don agreed and said putting it out to bid would be a waste of time. Marty said it would not hurt for the Board to go down both paths.

Marty moved to authorize Rick Smith to issue an RFP for the dam specifying the five conditions of sale that were recommended by the Township Solicitor and a 90-day period before going to settlement. In addition, the Township Solicitor will be tasked with drafting an Agreement of Sale which will be provided to bidders at the same time as the RFP. Carmen seconded the motion.

*Public Comment: Joe D'Antonio Jr., Millrace Lane* – Stated that any threat made by a STDC member during a previous meeting was made by that individual alone, and did not reflect the mindset of the group as a whole.

Thom said the Township has an obligation to limit the exposure of the 18,000 Township residents who do not live right near the dam.

Carmen said he was “done with this” and cannot understand the delay in starting the fundraising. He said he once served on a volunteer organization that raised \$1M to purchase a fire truck. The group raised the money without knowing what the final cost of the truck would be. He said he feels like he's been shafted and he does not think the sale of the dam will actually happen.

Don said that in fairness to the STDC the Board told them to wait for the Township to set up the 501(c)(3). Carmen said if someone wants something badly enough they go after it.

*Public Comment: Neil DeRiemer, Hershey Mill Road* – Said the residents have had multiple meetings with Andy Dinniman and have raised \$12K in pledges for the dam. He said this issue is different than raising money for a fire truck. He stated that he will spend the next 3½ weeks trying to contact DEP concerning his idea for the dam.

*Public Comment: Jim Brandolini, Burning Bush Lane* – Said he thinks there is fault on both sides. Senya asked him to elaborate. Mr. Brandolini said when Senya became a Supervisor he wanted to rehash everything concerning the dam that had already been covered before he came on board.

*Public Comment: Fran Beck, Foxglove Lane* – Said he agreed with Mr. Brandolini's statements, and added that the STDC has felt like they were being pushed away by the Township.

*Public Comment: Jim Brandolini, Burning Bush Lane* – Said the Township and the residents need to work together. He said the Board questioned some of the STDC's activities which contributed to the delay in their taking action.

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

#### **Synthes USA Request to Install a Sidewalk**

Mark Gordon briefly outlined a request from Synthes USA to install a sidewalk within the Goshen Corporate Park West in order to connect their properties. Marty asked if there would be any stormwater issues attendant with this request. Mark said Synthes would be responsible for addressing any stormwater issues. Carmen complimented Synthes for wanting to install a sidewalk as the many walkers who exercise in the corporate park will be able to use it, and it will be safer than walking in the street. Carmen asked Mark if having the sidewalk installed in the right-of-way might lead to any problems and Mark said no.

Carmen moved to allow the staff to follow the recommendations of the Township Solicitor in regard to permitting Synthes USA to install a sidewalk within the Goshen Corporate Park West, per the Solicitor's email of August 27, 2010. Thom seconded the motion.

The Board discussed whether or not this matter should have gone to the Planning Commission first. Senya said he would discuss it with the Planning Commission and explain why the Board felt they needed to take action this evening.

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

#### **Any Other Matter**

*Eagle Scout Certificates* - Senya announced that two residents of the Township (Jonathan R. Degurski and Drew Sherman) have recently attained the rank of Eagle Scout. He asked the Vice-Chairman to sign Certificates of Achievement for the scouts, which he plans to present to them at a future meeting.

*Staff Picnic* - Marty moved to close the Township office at 11:30am on October 8 so the employees may attend a staff picnic. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

#### **Public Comment Period**

None.

#### **Adjournment**

The meeting was adjourned at 10:40pm.

Anne Meddings

Recording Secretary

*Attachment: Treasurer's Report*



September 9, 2010

**TREASURER'S REPORT**  
**2010 RECEIPTS AND BILLS**

**GENERAL FUND**

Real Estate Tax	\$449.60
Earned Income Tax	\$115,708.34
Local Service Tax	\$5,414.64
Transfer Tax	\$0.00
General Fund Interest Earned	1,937.62
Total Other Revenue	<u>\$51,132.96</u>
Total Receipts:	<u>\$174,643.16</u>

Accounts Payable	\$398,861.40
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	<u>\$43,000.00</u>
Total Expenditures:	<u>\$441,861.40</u>

**STATE FUND**

Interest Earned	<u>\$220.21</u>
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Expenditures:	<u>\$0.00</u>
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**CAPITAL RESERVE**

Interest Earned	<u>\$629.88</u>
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Expenditures:	<u>\$0.00</u>
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**TRANSPORTATION FUND**

Interest Earned	<u>\$330.12</u>
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Expenditures:	<u>\$0.00</u>
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**SEWER OPERATING**

Receipts	\$46,635.70
Interest Earned	<u>\$9.57</u>
Total Sewer:	<u>\$46,645.27</u>

Accounts Payable	\$53,256.26
Debt Service	
Total Expenditures:	<u>\$53,256.26</u>

**REFUSE**

Receipts	\$56,178.03
Interest Earned	<u>\$9.45</u>
Total Refuse:	<u>\$56,187.48</u>

Expenditures	<u>\$35,080.67</u>
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