

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
February 8, 2011 – 6:45pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Don McConathy, and Supervisors Marty Shane and Thom Clapper. Supervisor Carmen Battavio arrived at 9:45pm. Also present were Township Manager Rick Smith, Zoning Officer Mark Gordon, Director of Recreation Frank Vattilano, Bryan DelMonte (Conservancy Board), Jim McRee (Planning Commission and Deer Committee), and Park & Rec Board members Ruth Scadding, Ann Marie Fletcher-Moore, Phyllis Marron, Bob Huebner, and Vicki Wooters (Ms. Wooters had to leave at 9:00pm).

Vacancy Board

At 6:45pm Senya opened a meeting of the Vacancy Board to conduct an interview for a vacancy on the Township Board of Auditors. Resident Richard Flinn was interviewed. Mr. Flinn is a CPA with a wide range of accounting, business and auditing experience. He has lived in East Goshen since 1998 and is interested in getting more involved in the community now that his children are older. Don informed him that, if appointed, he would have to run in the municipal election this year to fill the balance of the unexpired term, as the appointment expires at the end of 2011. This would mean filing to run by March 8. Mr. Flinn said he would be willing to do so.

Don moved to appoint Richard Flinn to fill the vacancy on the Township Board of Auditors. Marty seconded the motion. Marty thanked resident Erich Meyer, who was present, for his interest in the position and willingness to serve the Township. There was no further discussion and no public comment. The Board voted unanimously to approve the motion. Senya then closed the meeting of the Vacancy Board. He thanked Erich Meyer for his interest in the position.

Call to Order & Pledge of Allegiance

Senya called the regular meeting to order at 7:10pm. He asked Mr. Brian Nagle to lead everyone in the Pledge of Allegiance.

Moment of Silence

Senya 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 one indicated that they planned to record the meeting.

Public Comment on Non-Agenda Items

None.

Chairman's Report

Senya announced that the Board met in Executive Session on February 1 to discuss a pending legal matter.

Rental Equipment with Operators, Group 5 Re-Bid

Rick reported that 12 bid packets were sent out. Six bids were received and opened on January 28 as follows:

	<u>Total Bid</u>
Reid Paving Contractors, Inc., Gilbertsville, PA.....	\$66,600.00
Dan Malloy Paving, Inc., Downingtown, PA.....	\$68,400.00
P.J. Reilly Contracting Company, Inc., Eagle, PA.....	\$71,280.00
Warihay Enterprises, Inc., Manheim, PA.....	\$78,000.00
S.A. Macanga, Inc., West Chester, PA.....	\$85,200.00
Charlestown Paving Company, Devault, PA.....	\$95,220.00

Rick noted the lowest bidder was Reid Paving Contractors. He said he checked their references and they were all very positive.

Marty recommended the bid for Rental Equipment with Operators (Group 5) be awarded to Reid Paving Contractors, the lowest responsible bidder, as recommended by Public Works Director Mark Miller in his January 28 memo to the Board. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Del Vacchio Holdings, Special Exception Application for 922 N. Chester Road

Mr. Vince Del Vacchio, the applicant, was present with his attorney Brian Nagle, Esq.

Mr. Nagle described the applicant's proposed plan for the site (formerly McGinty's Nursery). Mr. Del Vacchio is seeking a Special Exception from the Zoning Hearing Board to permit the alteration of the existing legal Non-conforming use of the property. The alteration sought is the replacement of a greenhouse with a new barn-style building. The proposed use for the site is the same as the current use (a nursery/landscaping business) except the proposed use includes plans to eliminate impervious coverage and restore the rear of the property to an open grass and landscaped condition, and to add additional perimeter buffering.

Thom asked if piles of mulch and stone would be visible from Route 352. Mr. Del Vacchio said after the house comes down the landscaping will shield any view of mulch and stone from the road. Don asked how far back on the property the bins of materials are located, and Mr. Del Vacchio indicated approximately 350 feet. Thom asked what the service bays would be used for and Mr. Del Vacchio said for routine maintenance and light service on vehicles. Thom asked if they would be used to repair transmissions and Mr. Del Vacchio said no.

Don noted that as part of a Special Exception the Board cannot stop an applicant from expanding their business but can put reasonable conditions on them.

Public Comment: Tom McCafferty, N. Chester Road – Said he wanted to make sure the applicant is not increasing the size of the business over 25% which is the upper limit based on his reading of the ordinance, and that the applicant does not have plans to grow the business larger in the future. He does not want his street to become entirely commercial in nature. Don said that Mr. Del Vacchio's proposed operation will actually be smaller than what

Mr. McGinty had in his heyday. Mr. McCafferty asked what would happen if Mr. Del Vacchio comes back to the Township in the future wanting to expand. Don said in that case the applicant would have to follow the same process all over and the final decision would again fall to the Zoning Hearing Board. It was then brought to Mr. McCafferty's attention that condition # 10 that the Board hoped to impose on the applicant would answer his concerns in regard to growth of the business.

Don then read through the conditions the Board wanted to impose on the applicant. The conditions were discussed and modified in conjunction with the applicant and his attorney.

Don moved to recommend the Zoning Hearing Board support the Special Exception application of Del Vacchio Holdings, LLC who is seeking an alteration to the existing legal Non-conforming use at 922 N. Chester Road with the following conditions, in accordance with the plans outlined below, and authorize the Township Solicitor to be an advocate of the Township position at the Zoning Hearing:

- Landscape Planting List dated 02-02-2011
 - Legal Non-Conforming Use Impervious Cover Calculations dated 01-24-2011
 - Existing Site Conditions dated 01-05-2011 with no revisions
 - Satellite Image w/ Overlay dated 01-05-2011 with no revisions
 - Satellite Image dated 01-05-2011 with no revisions
 - Conceptual Drawings Phases 1 & 2 dated 01-05-2011 and last revised 01-24-2011
 - Landscape Plan Phase 1 & 2 dated 02-02-2011 with no revisions
 - Storage Bin Detail dated 01-25-2011 with no revisions
1. The buildings identified on the plan and during the testimony as buildings to be removed shall be removed prior to the issuance of a Use and Occupancy Certificate for the new barn-style building. If the existing buildings are in use for storage when the barn building is completed, a 60-day temporary Use and Occupancy Certificate may be issued to allow materials to be moved.
 2. The new barn-style building (having a maximum footprint of 4000 sq.ft.) may be erected as a replacement for the existing permitted buildings that are part of the legal Non-conformity as shown on the plans that were submitted by the applicant.
 3. The Proposed barn-style building shall have a wooden exterior and shall be similar in appearance to the existing sales building.
 4. The rear of the property (the area of the property west of the proposed bins) shall be returned to a grass and/or wild flower meadow condition as shown on the plans. The existing trees shall remain to the maximum extent possible. Should Township regulations require, a grading plan shall be submitted to the Township and a permit issued prior to any earth disturbance in the rear of the property.
 5. The existing single-family home shall remain as such and shall not be used in any manner for the Non-conforming use. The applicant may build the Phase 2 single-family dwelling

provided that the existing residential structure is removed prior to the issuance of a Use and Occupancy Certificate for the Phase 2 dwelling. The Township may provide a 60-day temporary Use and Occupancy Certificate for the Phase 2 dwelling prior to the demolition of the existing residence if the owner of the property is residing in the existing residence and is moving into the new Phase 2 dwelling. The applicant shall post a bond or letter of credit in a form acceptable to the Township to insure that the existing residential dwelling is removed.

6. All stormwater controls required by the Township Ordinances for the Phase 2 single-family dwelling shall be installed in conjunction with the building of the Phase 2 dwelling.
7. The Phase 1 landscaping shall be installed prior to the issuance of a Use and Occupancy Certificate for the new barn building. The Phase 2 landscape screening shall be installed prior to the issuance of a Final Use and Occupancy Certificate for the new single-family home. Owner agrees to maintain all landscaping that is installed for Phase 1 and Phase 2 in perpetuity. Landscaping shall be installed as depicted in the Landscape Plan Phase 1 & 2.
8. Retail sales of bulk landscape materials including mulch, stone and sand and the delivery of these materials to the property shall be limited to the hours between 9:00am and 5:00pm Monday through Saturday. No storage of manure shall be permitted on the property.
9. The loading and unloading of stored landscape materials and equipment onto trucks or trailers shall not occur before 7:00am and not after 6:00pm.
10. Upon the completion of Phases 1 and 2, as shown on the plans, no additional expansion of buildings and/or impervious coverage pertaining to the legal Non-conforming use shall be permitted unless approved by the Township Zoning Hearing Board.
11. Lighting shall be limited to safety and security lighting mounted to the buildings which cast light downward so as not to create a glare condition, in accordance with §240-24.H.
12. Vehicle maintenance shall be limited to preventative maintenance and minor repairs and shall be conducted inside of the new barn building during normal business hours.
13. The storage bins having a total square footage of 1,400 sq.ft. shall be constructed as depicted on the plan and a maximum of one material storage bin (not to exceed 250 sq.ft.) may be covered with a roof and that area shall be included in the total building coverage area tabulation. The covered storage bin depicted on the plans shall be the only bin used for salt storage.
14. As depicted on the plan, all business vehicles and employee parking shall be located to the rear of the existing sales building in an area not to exceed 10,250 square feet. Sufficient parking shall be provided for the maximum number of employees on site and

any business vehicles stored outside on the site. Appropriate ADA parking shall be provided in accordance with the Township's Building Code.

15. Business vehicles having a gross vehicle weight in excess of 33,000 pounds shall not be permitted to be parked or stored on the property.
16. There shall not be any storage or display of any hardscaping materials (i.e. brick pavers, stone, etc.) in front of the existing sales building. Storage of such material shall be limited to the area east of the proposed bins, up to 20 feet behind the proposed bins, and in the new barn building.
17. The rubber tire or track loader used for retail sales shall be equipped with a bucket having a maximum size of one cubic yard.
18. The applicant will follow all applicable Federal, State and Local laws and secure all proper permits prior to construction of the improvements depicted on the plans or use of the existing buildings on the property.
19. The storage of bulk diesel fuel not to exceed a 300-gallon tank shall be permitted on the property.
20. The customer parking in front of the existing single-family home shall not be increased in size and shall be signed for customer parking only.
21. Prior to the issuance of the permit for the new barn building the applicant shall demonstrate that the proposed total impervious area on the property is less than the total impervious area shown on the existing conditions plan.
22. The conditions and orders, which are still applicable, outlined in the previous Zoning Hearing Board decisions for this property, still apply except as modified by the subject Special Exception.
23. The existing shade structures as shown on the plans may remain provided that they are only covered with a porous fabric. These structures shall not be considered buildings for the purpose of calculating building coverage.
24. The applicant shall be permitted to bring in nursery stock and agricultural products for sale on the property.

Marty seconded the motion.

Thom asked Mr. Del Vacchio what is his plan in regard to housing employees once the residence is torn down. Mr. Del Vacchio said he will find another place for the employees to live.

Public Comment: Gary Moore, N. Chester Road – Said he is looking forward to having

Mr. Del Vacchio as a neighbor and he wishes him well. He has no objections to the plans for the site.

Public Comment: Bryan DelMonte, Clocktower Drive – Asked if any consideration had been given to having the applicant use pervious pavement instead of impervious pavement. Mr. Nagle said it was considered but pervious pavement is very difficult to maintain when used in this type of application, and it would be cost prohibitive per Mr. Del Vacchio. Don said this issue was discussed at the Planning Commission. Mr. DelMonte asked for ballpark numbers of how much more it would cost to install pervious pavement, but Mr. Nagle did not have the information. Mr. DelMonte said he would have liked to have seen some hard numbers showing a cost analysis.

The Board then discussed with the applicant and Mark Gordon the need for drainage when the area behind the sales building is paved.

Thom said as long as the applicant agrees to the conditions, he did not think it necessary to pay to have the Township Solicitor attend the meeting of the Zoning Hearing Board to advocate the Board's position on this application.

Mr. Nagle said his client was agreeable to the conditions. Mr. Nagle said he was unsure of the need to send the Township Solicitor to the hearing, as it may send a message that there is some Board opposition to the application when in fact there is not. Don said he would like Kristin Camp at the hearing in case any questions arise about the conditions the Board wants imposed.

Don noted that the Township received a letter dated January 26, 2011 from resident William F. Cass of Vista Drive expressing concerns with the application in regard to truck traffic, workers living in the old McGinty residence, and storage of mulch on the property.

There was no further discussion or public comment. The Board voted 3:1 and the motion passed. Thom voted against the motion. He was in favor of the application but opposed to the plan to send the Township Solicitor to the Zoning Hearing Board.

Discussion of TAG Report with Park & Rec Board

Ruth Scadding began to review the Park & Rec Board's recommendations to the Board in response to the TAG report. She said the Park & Rec Board were a bit overwhelmed by the TAG recommendations, and the amount they were being asked to cut from their budget. Marty said the Supervisors cannot do the work and make the decisions for the Park & Rec Board, but can serve as a sounding board and source of advice.

Ruth said the TAG recommendations are at odds with the philosophy of the Park & Rec Board. She said the Park & Rec Board wants to continue to offer a high-quality program to residents, and she noted they get excellent feedback from parents. She said the Park & Rec programs pretty much pay for themselves except for the summer program. Frank Vattilano's salary is also not covered by revenue from the programs. She said they are always seeking and applying for grants. She expressed concern that another rate increase would conflict with the next newsletter deadline. Marty reminded her that they have had the TAG report since last October. He said the

goal is for the Park & Rec Board to get a plan in place to accomplish the TAG recommendations by 2012.

Don noted that the TAG report was a recommendation, not a mandate. He agreed with Ruth that it is a lot to ask of them to accomplish all the TAG recommendations within one year. Senya said he did not feel the same way and noted the TAG report came out last October. The Park & Rec Board was charged with making recommendations on how to cut \$100K. Senya asked if anyone on the Park & Rec Board had done the math to see if their recommendations add up to \$100K. Ruth said no one had done the math because they were waiting to discuss the matter with the Supervisors.

Frank Vattilano said recreation used to be a Township service, but has now become a business. He said he does not have the type of personality required to be an effective fundraiser. Senya told him it's not his job to be a fundraiser, and he should not have been made to assume that role in the past.

Senya asked what TAG recommendations are at odds with the current Park & Rec philosophy. Ruth said that opening Park & Rec events to non-residents is one. In the past they have focused on providing activities to East Goshen residents.

Bob Huebner said he would like the Park & Rec Board to expand from 5 members to 7 members, bringing in new people with business and fundraising experience.

Senya asked if the Park & Rec Board could handle the additional work involved in allowing non-residents to participate in the programs. He then mentioned the possibility of a collaborative effort with the YMCA, or developing a regional Park & Rec program. Don noted that if the Township Park is going to be used more by non-residents, the Public Works budget will be impacted. He said he does not want to see East Goshen's facilities overused so that they deteriorate faster. Senya said the YMCA seems like one great resource to consider.

Senya noted that it took a very long time to receive a list of program utilization numbers from the Park & Rec Board, and said the Park & Rec Board needs to keep a handle on their utilization numbers and to be aware of how they have changed or kept consistent from years past.

Marty said a cost analysis needs to be done immediately on every Park & Rec program. The Park & Rec Board also needs to keep a handle on how much revenue is brought in, and what profit is being made. One way to make more profit is to control expenses. From a business perspective, the Park & Rec Board needs to look at increasing revenue and reducing costs. Marty advised them to look at all the correspondence and emails that were generated in 2001 to justify creating Frank's position. There were a lot of good ideas and information in that correspondence that should be reviewed. Marty said furthermore, the Park & Rec Board needs to know a) are their programs working and b) are they using all their resources effectively.

Senya confirmed with Frank that he (Frank) is working with Barb Phillips to get information on program usage statistics entered into AMS to make future reporting easier.

Marty assured Frank that he was part of the solution, not part of the problem and agreed with Senya that it is not Frank's job to be out fundraising.

Carmen said the Park & Rec programs will have to be adjusted in order to justify the cost of Frank's salary. He noted the Park & Rec Board is just as responsible as Frank to come up with ideas. The Park & Rec Board needs to act on the TAG recommendations and if that's not possible for some reason, they must let the Board know what help they need to accomplish their objectives.

The idea of a membership-based Park & Rec program was then discussed, as well as a concession stand. Carmen told the Park & Rec Board it was their responsibility to do the work to research the concession stand idea.

Ann Marie said the Park & Rec Board wants to benefit financially from any revenue earned by having a cell tower placed in the Township Park.

Don confirmed that Township staff is working on making the website able to accept online payments for programs.

It was agreed that the issue of permits will be discussed with the Park & Rec Board at the February 22nd Board of Supervisors meeting.

Senya assured the Park & Rec Board that no matter what happens, East Goshen will still be in control of its Park & Rec program and will act as the manager. He said it is not his plan to have them "give up the farm" or lose their identity as the East Goshen Park & Rec Board.

Don asked if Senya would consider extending the deadline for Park & Rec to implement the TAG recommendations. Senya said he wants to keep the deadline as it stands, which is a timeline previously agreed to by the Supervisors.

Draft RFP for Cell Tower in Township Park

The Board discussed this draft RFP, and the consensus was it was not ready to go out. The Board will continue their discussion on this issue at the February 22 Board of Supervisors meeting.

CCATO Spring Convention, March 10

Marty and Don plan to attend, and Thom is not yet sure. Carmen and Senya will not attend.

Conference Room Chairs

The Board gave staff permission to replace five chairs in the downstairs conference room. The chairs are over 25 years old.

Multi-Use Building and Parking Ordinance Amendment

The Board reviewed and discussed the proposed amendment. Mark Gordon will revise the document for review again at the Board's February 22 meeting.

Any Other Matter

PSATS Grant Writing Course – Mark Gordon will attend this course for the Township. If anyone from the 501(c)(3) group wants to attend, it will have to be paid for by the 501(c)(3).

Website – Thom suggested the Township website have a link to the Webmaster to report any typos or errors.

PC Packet Distribution – Carmen moved for the Township to continue to send hard copy packets to Planning Commission members. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Review of Minutes

The Board reviewed and corrected the draft minutes of February 1. Don moved to approve the minutes as corrected. Marty seconded the motion. There was no further discussion or public comment. The Board voted unanimously to approve the motion.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for February 3, 2011.

The Board reviewed the Treasurer's Report and the current invoices. Don would like the Township to start tracking the tonnage of trash collected. Thom moved to accept the Treasurer's Report of February 3 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Action List

Multi-Use Building and Parking Ordinance Amendment – Discussed earlier in the evening. Will be discussed again at February 22 meeting.

Comp Plan Action List – Report was provided to the Board.

Correspondence & Reports of Interest

Senya acknowledged receipt of the following:

- Letter from resident William F. Cass regarding the Del Vacchio application for a Special Exception for the former McGinty property on N. Chester Road.
- Notification of release of the Philadelphia International Airport Capacity Enhancement Program Record of Decision.

Meetings & Dates of Importance

Senya noted the upcoming meetings as listed in the agenda.

Public Comment Period

None.

Adjournment

There being no further business, the meeting was adjourned at 11:18pm.

EXECUTIVE SESSION

The Board met in Executive Session until 11:20pm to discuss a pending legal matter.

Anne Meddings

Recording Secretary

Attachment – Treasurer's Report

February 3, 2011

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

GENERAL FUND

Real Estate Tax	\$0.00
Earned Income Tax	\$79,116.66
Local Service Tax	\$2,002.48
Transfer Tax	\$0.00
General Fund Interest Earned	\$1,329.34
Total Other Revenue	\$10,847.90
Total Receipts:	<u>\$93,296.38</u>

Accounts Payable	\$325,928.93
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$50,000.00
Total Expenditures:	<u>\$375,928.93</u>

STATE FUND

Interest Earned	<u>\$4.24</u>
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Expenditures:	<u>\$0.00</u>
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CAPITAL RESERVE

Interest Earned	<u>\$568.75</u>
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Expenditures:	<u>\$0.00</u>
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TRANSPORTATION FUND

Interest Earned	<u>\$330.97</u>
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Expenditures:	<u>\$0.00</u>
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SEWER OPERATING

Receipts	\$113,790.87
Interest Earned	\$10.53
Total Sewer:	<u>\$113,801.40</u>

Accounts Payable	\$228,882.60
Debt Service	\$0.00
Total Expenditures:	<u>\$228,882.60</u>

REFUSE

Receipts	\$32,557.82
Interest Earned	\$18.47
Total Refuse:	<u>\$32,576.29</u>

Expenditures	<u>\$4,690.41</u>
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