

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
July 12, 2011 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Don McConathy, and Supervisors Marty Shane, Carmen Battavio and Thom Clapper. Also present were Township Manager Rick Smith, Phyllis Marron and Erich Meyer (Park & Rec), Kathryn Yahraes (Historical Commission), and Chuck Proctor (Zoning Hearing Board). Township Solicitor Kristin Camp was present for the Public Hearings.

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:06pm. He asked Scout Andrew Ford of Troop 21 to lead the Pledge of Allegiance. Andrew is a resident of Marydell who is working on his Boy Scout Communications Merit Badge.

Moment of Silence

Senya called for a moment of silence to honor the men and women serving their country in the armed forces.

Recording of Meeting

No one indicated they would be recording the meeting.

Public Comment on Non-Agenda Items

None.

Chairman's Report

- Senya announced that the Board met in Executive Session on June 28 to discuss personnel and legal matters.
- Senya announced that the Board will not meet on July 19.

Public Hearing: Tru-Team, Inc., 1422 Paoli Pike, Conditional Use Application

This hearing was continued again until September 6 at 7:00pm. A court reporter was present and will provide a complete transcript of the proceedings.

Public Hearing: Tree Ordinance Amendment

The Board held a public hearing to consider adopting a tree ordinance amendment. This hearing was a continuation of a hearing begun on June 7. Don moved to adopt the amendment to Chapter 205 of the East Goshen Township Code titled "Subdivision and Land Development" and Chapter 218 titled "Trees." Marty seconded the motion. There was no public comment. The Board voted unanimously to approve the motion. (Carmen Battavio was not present for the hearing and did not vote). A court reporter was present and will provide a complete transcript of the proceedings.

After the record was closed, Kathryn Yahraes said that if the Supervisors thought it to be important, the Historical Commission could work with the Conservancy Board to survey the trees in the Township and determine which can be deemed Historic Trees. Don said he would mention this at the Conservancy Board meeting later in the week. Marty said the Historical Commission should set the criteria for what constitutes a Historic Tree. Kathryn agreed, but said she believes the criteria already exists and she will research it.

Viewing of Balloons

The meeting moved outside briefly so everyone could view balloons floated at 150 ft and 180 ft behind the District Court to get an idea of the height of the proposed cell tower. Three firefighters from the Goshen Fire Company brought a ladder truck and assisted with the demonstration.

(Carmen Battavio and Rick Smith joined the meeting at this point).

Proposal from Liberty Towers to Install a Cell Tower at the Township Building

For the benefit of the audience, Senya summarized the negotiations thus far and the potential income for the Township. The tower will have room for five arrays (groupings of antennas for a carrier), with up to three additional arrays that could be added later. An additional 30 ft of tower height may be added incrementally or all at once to accommodate the additional arrays.

Carmen asked Rich Lemanowicz of Liberty Towers (in the audience) about the dimensions of the tower. Mr. Lemanowicz said the tower would be approximately 4 ft in diameter at the base and 40 inches in diameter at the top.

Public Comment: Paul Baker, Tallmadge Drive – Asked what happens if Liberty Towers goes out of business. Senya said in that case, the Township would call in the bond. Mr. Baker asked for the exact location where the tower will be constructed. Senya said the exact location has not yet been determined, but it will be behind the District Court in the vicinity of where the fire truck was located earlier this evening. Mr. Baker asked to see renderings of the how the tower will appear. Mr. Lemanowicz distributed pictures of the tower as it will appear at the Township Building.

Marty asked Mr. Lemanowicz if it would be possible to have the tower painted brown at the bottom and blue at the top. Mr. Lemanowicz said they have done that on a tower in New Jersey and it does help to camouflage the tower somewhat; however, the paint starts to chip after awhile and it is very unattractive when it does.

Public Comment: Paul Baker, Tallmadge Drive – Asked Mr. Lemanowicz if Liberty Towers has talked to the FAA to get clearance to put the tower at this location. Mr. Lemanowicz said his firm is required to consult with the FAA and has done so. The FAA has cleared them to build a tower at this location.

Mr. Baker expressed concern that the tower would impact his property value, and said he would prefer the tower to be put in the Township Park. Marty said he understood Mr. Baker's concern, and said the same argument about property values is made every time there is a project near a

residential area in the Township. However, no one has ever been able to document that their property value would go down as a result of something being done in the Township. Marty told Mr. Baker that the Park was considered as a location, but there are coverage issues there and the Board believes that if a tower goes up at the Park someone will still want to build one behind the Wawa. Mr. Baker asked if the Township had a consultant concur with what Mr. Lemanowicz has been telling them, that this is the ideal location in the Township for a tower. Don said that two other bidders concurred that this location or the Wawa would be an ideal spot for a tower. Thom said the Board would like the tower at the Township Building instead of at the Wawa; the Park is not an ideal location according to the wireless carriers. If it's at the Township Building the Township can control the size and appearance of the tower and the Township will get the revenue. Having it here would also avoid the possibility of duplicate towers in the Township. Mr. Baker asked if a tower is constructed at the Township Building, what's to stop one from also being put in behind the Wawa. The Board told him there are only so many carriers and it's unlikely they would need to be located on two towers so close to each other. Mr. Lemanowicz agreed and said there would be no need for a duplicate tower at the Wawa if one is located at the Township Building.

The Board then discussed adding equipment to the tower that would facilitate EMS communications within Chester County. They agreed that since they did not have adequate information on the subject, any discussion at this point would be mere speculation. Senya noted that this tower may provide 9-1-1 capability to individuals in the Township who currently cannot get 9-1-1 coverage.

Public Comment: Paul Baker, Tallmadge Drive – Asked what is the timeline for installation of the tower. Senya said it would most likely be constructed in the next 2 to 6 months.

Thom moved to authorize the Township Solicitor, Cell Tower Committee and Township staff to draft an agreement with Liberty Towers using the terms agreed to in negotiations with Liberty Towers as outlined in emails from Richard Lemanowicz dated June 17, 2011 and June 28, 2011; the Board meeting minutes of June 28, 2011; Senya's email of July 6, 2011; and discussion this evening. At the same time, the staff and Cell Tower Committee will initiate the process for making the necessary changes to the Zoning Ordinance. Carmen seconded the motion. There was no further discussion or public comment. The Board voted 4:1 and the motion passed. (Don was opposed).

Historical Commission Request to Add Two Members

Rick said that if the Historical Commission wants to change the size of its board, it will need to be done by resolution. The Supervisors decided to table this matter until they receive supporting information from the Historical Commission.

Update from Park & Rec Regarding TAG Recommendations

The Supervisors decided to table this matter until they receive additional information from Park & Rec.

Traffic Signal Damage –Flashing School Light on Ellis Lane

Rick reported that a flashing school light on Ellis Lane was damaged by a driver who left the scene. The cost of repairs to the signal (\$4,334.27) will be paid in full by the Township's insurance company.

Yard Waste Collection

In response to a complaint from a resident about the frequency of yard waste collections, the Board discussed this matter. Marty said having a long gap between yard waste pickups does create a problem. He also said that the holiday schedule interferes with the pickup of recyclables. Don suggested putting a reminder on the website and sending one via Constant Contact telling residents not to fill paper bags too far ahead of a scheduled pickup, to cover paper bags before it rains, and to consider using a trashcan instead of paper bags.

Public Comment: Erich Meyer, Monte Vista Drive – Said he's found it best to use a trashcan instead of bags for yard waste and recyclables.

Public Comment: Kathryn Yahraes, Vista Drive – Said that anyone who has a large yard that generates lots of yard waste should have enough trash cans on hand to store everything between pickups. That way they won't have to worry about wet paper bags disintegrating.

Federal Rooftop Solar Challenge

The Board reviewed a letter from the County concerning the Department of Energy Rooftop Solar Challenge. Rick said this initiative is supposed to cut through red tape for residents who wish to put in a solar array on their property. Senya said he believes the initiative itself actually creates more red tape. Carmen said he sees no value in the participating in the Challenge. The Board agreed to take no action.

HR 763 – Truck Weight Limits

The Board reviewed information on this bill, which would allow weight limits for certain trucks on interstate highways to be increased from 80,000 lbs to 97,000 lbs. They agreed to oppose it on the basis that already poor roadways should not be subjected to even more wear and tear.

Draft RFP for Consultant to Advise on HVAC System at Township Building

The Board reviewed the draft RFP created by Rick and Carmen. Thom was concerned that the document gives potential respondents too much information on what the Township wants, when the language should be more vague. He would like to see what recommendations the consultants come up with, and not tell them what the Township believes is the best approach up front. Don said the document should clearly state the purpose of the RFP, which is to reduce the operating and maintenance costs for the HVAC system in the Township Building. Marty said the RFP should also ask the consultants to provide projected costs for the various options they propose, as well as the potential savings to the Township for each one. Rick and Carmen will revise the document for the Board's review in August.

Any Other Matter

Farmers' Market – Carmen said there have been several requests from wine vendors to sell wine at the East Goshen Farmers' Market. He wanted to know if this is something the Board would consider allowing if there is some way to make it possible. The consensus of the Board was that this would be tricky to do in a dry Township, and probably would not be worth all the trouble. Chuck Proctor of the Zoning Hearing Board indicated that allowing wine sales would not be a good move, and there could be many unintended consequences.

Senya informed the Board that Lisa O'Neill suggested the Park & Rec Board have an information tent at the Farmers' Market.

Chili Cook-Off – Thom asked for an update on this event. Carmen said he is working on it, and samples will be forthcoming at future meetings.

Budgeted Donation to Goshen Fire Company – Rick and Carmen reported that the Fire Company is having a cash flow problem and would be appreciative if East Goshen could give its donation a little early this year instead of waiting until October. Going forward, perhaps the Board would consider donating to them quarterly instead of annually. Senya said he would prefer to give them 50% now and 50% in October. Carmen, Marty and Don were in favor of giving them the full donation now as long as the Fire Company understands this is done on a one-time-only, exception basis. Senya said he is opposed to giving them all the funds now as he does not want to set a precedent. Instead of giving the money to them now, he would prefer the Fire Company delay paying the Township what it owes. After some more discussion Senya polled the Board. Carmen, Marty and Don were in favor of giving the fire company all the money now. Senya and Thom were opposed to doing so. Since the poll was 3:2 the Township will send them all the money now.

Newsletter – Don said the Township needs to create a plan to transition to an all-electronic newsletter starting in 2012, something the Board decided to do at the last meeting. Senya said the Township has six months to plan the transition.

Name Badges – Senya suggested the Board consider approving the purchase of magnetic name tags for the Supervisors and ABC Chairmen to wear at official functions. No action was taken.

Review of Minutes

The Board reviewed and corrected the draft minutes of June 28. Don moved to accept the minutes as corrected. Carmen seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for July 7, 2011. The Board reviewed the Treasurer's Report and the current invoices. Thom advised Rick to look for another, cheaper source of American flags online. Thom moved to accept the Treasurer's Report of July 7 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 and no public comment. The Board voted unanimously to approve the motion.

Action List

Quarterly Review of Right-To-Know Requests – The Board reviewed this report and had no comments.

Information From Goshen Fire Company – Rick reported that the Board should have all the requested information for the July 26 Board meeting.

IT Committee – Rick is working on finding one more resident volunteer.

TAG Action List – The Board reviewed the Action List.

Hershey Mill Dam Update from Neil DeRiemer – Neil is still waiting for his engineer to comment on the sketch plan.

Telecom Registration & Reporting – The report from Clearwire has finally been received.

Impact of Chapter 102 Requirements – Review is still ongoing.

Sign Ordinance – The Planning Commission is still reviewing.

Correspondence & Reports of Interest

Senya acknowledged receipt of the following:

- Letter from residents Richard & Lillian Fedor thanking the Township for having geese removed from Tanglewood pond.
- Email and plan from Neil DeRiemer regarding the Hershey Mill Dam.
- Recommendation from the Planning Commission regarding the Wireless Communications Facility Ordinance Amendment.

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 regular meeting was adjourned at 9:47pm.

Executive Session

The Board met in Executive Session until 10:45pm to discuss a personnel matter.

Anne Meddings

Recording Secretary

Attachment: Treasurer's Report

July 7, 2011

**TREASURER'S REPORT
2011 RECEIPTS AND BILLS**

GENERAL FUND

Real Estate Tax	\$18,396.02	Accounts Payable	\$266,806.99
Earned Income Tax	\$64,100.00	<u>Electronic Pmts:</u>	
Local Service Tax	\$1,062.75	Health Insurance	\$0.00
Transfer Tax	\$0.00	Credit Card	\$0.00
General Fund Interest Earned	\$681.70	Postage	\$0.00
Total Other Revenue	\$54,803.03	Debt Service	\$0.00
Total Receipts:	<u>\$139,043.50</u>	Payroll	\$90,000.00 (2 Weeks)
		Total Expenditures:	<u>\$356,806.99</u>

STATE FUND

Interest Earned	<u>\$85.06</u>	Expenditures:	<u>\$0.00</u>
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CAPITAL RESERVE

Interest Earned	<u>\$580.84</u>	Expenditures:	<u>\$0.00</u>
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TRANSPORTATION FUND

Interest Earned	<u>\$149.61</u>	Expenditures:	<u>\$0.00</u>
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SEWER OPERATING

Receipts	\$17,277.81	Accounts Payable	\$12,715.30
Interest Earned	\$51.95	Debt Service	\$0.00
Total Sewer:	<u>\$17,329.76</u>	Total Expenditures:	<u>\$12,715.30</u>

REFUSE

Receipts	\$9,015.04	Expenditures	<u>\$15,963.31</u>
Interest Earned	\$47.21		
Total Refuse:	<u>\$9,062.25</u>		

SEWER CAPITAL RESERVE

Receipts	\$0.00	Expenditures	<u>\$0.00</u>
Interest Earned	\$337.97		
Total Sewer Capital Reserve	<u>\$337.97</u>		