

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
September 20, 2011 – 7:00pm  
Final Approved Minutes**

**Present:** Chairman Senya D. Isayeff, Vice-Chairman Don McConathy, and Supervisors Marty Shane and Thom Clapper. Supervisor Carmen Battavio was absent. Also present were Township Manager Rick Smith, Zoning Officer Mark Gordon, Kathryn Yahraes (Historical Commission), Phyllis Marron and Erich Meyer (Park & Rec), and Ginnie Newlin (Conservancy Board). State Representative Dan Truitt was also present.

**Call to Order & Pledge of Allegiance**

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

**Moment of Silence**

Rick 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.

**Police Report**

Police Chief John Dumond reported there were 619 calls for service from East Goshen in August. A pedestrian was critically injured by a vehicle while crossing West Chester Pike in Westtown on September 4. There was a home invasion in Goshen Valley on August 26 during which an individual was shot in the hand. Kathryn Yahraes asked for an update on the automobile break-ins in Vista Farms. The Chief told her the police are still investigating the matter. Senya mentioned a pedestrian fatality near the Golf Club Apartments on September 7 and said he wished the West Goshen police had put a tent over the body during the investigation.

**Township Paving Plan**

Rick summarized Mark Miller's September 14 memo to the Board outlining his proposed paving plan for the Township.

Marty moved to accept Mark Miller's recommendation to begin paving Marydell before Ashbridge, assuming Mark has the manpower available. Senya seconded the motion.

Thom asked Rick if it's possible asphalt may cost less next year. Rick said that is always an unknown.

Don expressed concern that the base layer on Dutton Mill Road will deteriorate before the road gets paved in 2016. He would like Mark to reconsider the schedule in this regard. Thom said he believes the paving schedule for Grand Oak also needs to be re-evaluated.

*Public Comment: Joe Buonnano, Herron Lane* - Suggested the Township consider using recycled tires as a paving material which some communities in New Jersey have used with success. Rick said it could only be considered if PennDOT has approved it, and said he would check. Marty agreed it might be a good idea. Rep. Truitt said he would check if PennDOT has approved the material.

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

### **Trees at Hershey Mill Dam**

Rick noted that it has been three years since the Pennsylvania DEP advised the Township to remove the trees on the dam. The trees withstood Hurricane Irene, but the storm served as a wakeup call that it's time the trees come down. Senya said the trees are at risk and could give way as a result of another heavy rain or storm.

Thom questioned if the concern about flooding on Greenhill Road as a result of a breach is still legitimate. Marty stated that DEP's concern is with silt coming onto Greenhill Road, not so much a lot of water.

Marty said the dam is due for another inspection, and an inspector may show up at any time. While DEP has been lenient thus far, they may be running out of patience with the Township.

Thom asked if the dam is breached would the trees still have to come down. Rick said not all of them. Don said it would depend on where the dam was breached.

The Board then discussed the cost of removing the trees. Thom asked where would the money come from and Rick said it would have to come from the General Fund.

Don noted there is very little water behind the dam, and he believes the soil has become somewhat stabilized at this point. Since the Board has still not decided whether or not to breach the dam, he recommended leaving the trees until that decision is made. In the meantime, if DEP insists the trees come down, they can be removed.

*Public Comment: Ginnie Newlin, Devon Lane* – Said that DEP wants the trees removed due to concerns about the root systems. Senya confirmed that DEP's Fact Sheet on Vegetation and Erosion Control on Dams says just that: "The root systems of trees can be a potential hazard by allowing seepage pathways to develop through a dam....This seepage can develop into serious piping (internal erosion) that removes the soil particles from the embankment of the foundation, which can ultimately lead to the failure of the dam." Ms. Newlin advised the Board not to plant weeping willows near the dam as a replacement, as they are problematic trees. Senya told her the Chairman of the Conservancy Board had mentioned them as a possibility, and the Board looks forward to receiving the list of suitable trees that the Conservancy Board is working on.

*Public Comment: Joe Buonnano, Herron Lane* – Asked about the terms and conditions of the Township’s liability policy. Rick summarized the policy and noted the terms say nothing about the trees on the dam.

*Public Comment: Bob Schaeffer, 5 Hershey Mill Drive* – Said it’s best to leave the trees alone. If they are removed, the roots left in place will decay and rot, increasing seepage into the dam foundation. Senya said DEP has recommended that the trees be removed as a safety precaution.

*Public Comment: Dan Truitt, Grand Oak Lane* – Agreed it might make things worse if the trees are removed.

*Public Comment: Bob Schaeffer, 5 Hershey Mill Drive* – Wondered why DEP does not consider the dam area a flood control zone. Rick told him that DEP is not concerned about flood control, just the soundness and integrity of dams, and DEP has advised the Township to remove the trees. Rick noted that if left in place the trees roots could still decay, and the trees themselves could be knocked over by wind, letting the root balls displace of a large amount of embankment material. Rick added that someone from DEP told him that if left in place, the trees actually help control excess water by absorbing it.

Senya then read aloud an except from the DEP’s Fact Sheet on Liability and Responsibility of Dam Owners.

*Public Comment: Neil DeRiemer, Hershey Mill Road* – Said one way to make the dam comply with the 100-year storm requirements is to install the “dam above the dam” which would also save the trees. Another way would be to create a secondary spillway; however, it would require removal of the trees. Mr. DeRiemer asked when the trees would be removed if the Board decides to take them down. Rick said it would depend on ground conditions and when someone could be scheduled to come out and do the job. It’s conceivable that it would not happen until January. Mr. DeRiemer said the residents working to save the dam would appreciate any delay possible in removing the trees. Rick said that he is concerned about the Township’s liability.

Senya asked Mr. DeRiemer if he would be willing to sign a form indemnifying the Township of liability for any damage that may occur to his property while the Board considers this matter. Mr. DeRiemer said yes he would. Rick noted that the concern is not so much with Mr. DeRiemer’s property but for motorists on Greenhill Road during a flash flood. Senya asked Mr. DeRiemer again if he would be willing to sign an indemnification form. Mr. DeRiemer said he would be willing to sign something indemnifying the Township for 60 days.

Marty suggested the Board make a decision about the trees this evening. Since it may take until January for the trees to actually be taken down, during that time period Mr. DeRiemer can work diligently to get his answer from DEP by the end of the year and then begin his fundraising. If Mr. DeRiemer does not get an answer for the Township by the end of the year, the Board can proceed with another alternative.

Senya said that DEP has already approved one of Mr. DeRiemer's two proposals. They have already approved the expanded spillway option, but the Board opted not to go with that plan in deference to the residents, who wanted to save the trees.

Mr. DeRiemer said he did not want to be held responsible for the timeliness of DEP's response to him and be held to a December 31 deadline. Marty told him that DEP is only awaiting the engineering information Mr. DeRiemer has been planning to submit to them. Once they receive that they can make their decision.

Mr. DeRiemer then said he would sign an indemnification waiver for naturally occurring damage only; not for someone's negligence.

Thom expressed concern that if the trees are scheduled to be taken down the first of the year the Township will still be liable in the interim.

*Public Comment: Dan Truitt, Grand Oak Lane* – Asked if Greenhill Road could be closed during storms as a precautionary measure. Marty said it would be possible but it might not be effective if staff cannot get there to close the road before someone driving there is harmed.

*Public Comment: Bob Schaeffer, 5 Hershey Mill Drive* – Spoke about a dam built by Pulte and asked why East Goshen doesn't handle this dam the same way and just backfill it. Rick said the Pulte dam is not on a stream like the Hershey Mill Dam, and the Hershey Mill Dam does not pass the 100-year design storm standards. Furthermore, DEP does not care if it's backfilled or not.

Marty moved to authorize the removal of the trees on the Hershey Mill Dam in January 2012, depending on the solution for the dam situation that is decided upon. Neil DeRiemer must provide the outstanding information to DEP so they can make a determination as to the suitability and cost effectiveness of his proposed solutions by the end of 2011. At that point the Supervisors can decide whether to go forward with the tree cutting or not. Senya seconded the motion.

Thom said he was concerned about the Township's liability until the end of 2011.

Senya asked Mr. DeRiemer for a status update on his work with DEP, as the ball is now in his court. Mr. DeRiemer said he is still waiting for information from Keyes.

Thom expressed concern about the lack of progress made by Mr. DeRiemer. He said it is time for the Township to move on. He admitted he has become very impatient. In fact, he would be ready to vote on a solution for the dam this evening if a motion were to be made.

Mr. DeRiemer then stated he had reconsidered his agreement to sign an indemnification form and would have to check with his insurance carrier first.

*Public Comment: Kathryn Yahraes, Vista Drive* – Said it is odd that the trees on the dam have not fallen over in all this time while many other trees within the Township have fallen.

*Public Comment: Bernadette McLoughlin, 1209 Burning Bush Lane* – Asked for clarification about what liability the Township is concerned about with the dam. Rick explained. She said she didn't think the dam posed much risk at all. Senya agreed that the dam itself represents a low risk but noted it represents a high liability factor.

There was no further discussion or public comment. The Board voted 3:1 against the motion and it did not pass. (Only Marty was in favor).

Don said that while he agreed with Marty that the Township needs to get to a decision point, he was concerned that Marty's motion would have tied Mr. DeRiemer's hands.

Thom reiterated that he was ready to vote on the entire dam issue this evening, not just the trees.

The Board agreed that the cost of the soil tests that Mr. DeRiemer now wants will have to be borne by the Save the Dam Committee, not the Township.

Don suggested that Rick speak to the Township Solicitor about the liability issue. Senya agreed and said the Board could then have the information for the next meeting. Rick said he will also ask Todd Trotman for a cost estimate on the soil samples.

The Board then agreed to table this matter until the next meeting.

### **Economic Development ABC**

Senya said he would like to establish an Economic Development Group for the Township, possibly as an ABC. He asked Rick to advertise for volunteers.

Senya moved to establish such an ABC and to have Rick advertise for volunteers. Marty seconded the motion.

Senya asked Mark Gordon for an update about the Comcast "Black Box" building. Mark said he received a permit application this week for interior demolition of the building. A firm wants to reconfigure the building into an office use/call center.

Don said he believed a resolution would have to be created first before Rick could advertise for volunteers. Senya withdrew his motion.

Marty moved to accept the concept of establishing an Economic Development Group for the Township. The group can be created as an ABC if permitted by the Second Class Township Code; otherwise it could be an *ad hoc* committee. Thom seconded the motion. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Rick will draft a resolution for the next meeting.

### **Sewer Easement – Act 537 Plan to Abandon Lockwood Sewer Treatment Plant**

Marty moved to authorize the Chairman to execute the Right-of-Way agreement for UPI #53-2E-7-E. Don seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### **Delaware Valley Insurance Trust (DVIT)**

Resident Joe Buonnano explained a little bit about how DVIT works, and the benefits it could provide to the Township.

Marty moved to submit an application to DVIT with the \$1,000 application fee in order to get all the information necessary to make an informed decision. Don seconded the motion. Thom asked that the motion be amended to state that the Township make the application only after the Township Manager contacts five other municipalities for their feedback on the DVIT. Both Marty and Don accepted the amendment.

*Public Comment: Dan Truitt, Grand Oak Lane* – Said he would contact one of the Tredyffrin supervisors for feedback via email and copy Rick on the correspondence.

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

The Board thanked Mr. Buonnano for bringing this opportunity to their attention.

### **Ford Expedition**

Thom moved to accept the high bid of \$2,600 for the Ford Expedition from Kevin King of Gaithersburg, Maryland. Don seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

### **Any Other Matter**

Act 167 - Don asked Rick for an update on the Act 167 Plan. Rick said the County is still working on this issue.

Doylestown Township – Don reported that Doylestown is going to begin streaming their Township meetings live online.

Permits – At Senya's request, Mark Gordon gave the Board a brief update on new permit applications.

### **Review of Minutes**

The Board reviewed and corrected the draft minutes of September 13. Don moved to accept the minutes as corrected. Marty seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

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

*See attached Treasurer's Report for September 15, 2011.* The Board reviewed the Treasurer's Report and the current invoices. Thom moved to accept the Treasurer's Report of September 15 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**

The Board reviewed the updated TAG Recommendation Summary.

**Correspondence & Reports of Interest**

Senya acknowledged receipt of the following:

- Letter from resident John Jacobs in regard to trash collection. Senya asked Rick to respond to Mr. Jacobs.
- Letter of appreciation from Willistown Conservation Trust for assistance with construction of an ADA footpath and viewing area at the Ashbridge Preserve.

**Meetings & Dates of Importance**

Senya noted the upcoming meetings as listed in the agenda. Kathryn Yahraes noted that the Farmers' Market will have new hours beginning this week, 2:00pm to 6:00pm.

**Public Comment Period**

None.

**Adjournment**

There being no further business, the meeting was adjourned at 9:05pm.

The Board met briefly with Representative Dan Truitt and then went into Executive Session until 10:30pm to discuss a personnel matter.

Anne Meddings  
Recording Secretary  
*Attachment - Treasurer's Report*

September 15, 2011

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

**GENERAL FUND**

Real Estate Tax	\$1,105.42	Accounts Payable	\$36,410.29
Earned Income Tax	\$234,109.32	<u>Electronic Pmts:</u>	
Local Service Tax	\$15,595.93	Health Insurance	\$52,365.47
Transfer Tax	\$35,648.28	Credit Card	\$0.00
<i>General Fund Interest Earned</i>	\$0.00	Postage	\$0.00
Total Other Revenue	\$40,158.20	Debt Service	\$21,787.91
Total Receipts:	<u>\$326,617.15</u>	Payroll	\$46,000.00
		Total Expenditures:	<u>\$156,563.67</u>

**STATE FUND**

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

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

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

Receipts	\$19,809.51	Accounts Payable	\$10,346.17
<i>Interest Earned</i>	\$0.00	<i>Debt Service</i>	\$31,156.10
Total Sewer:	<u>\$19,809.51</u>	Transfer to M.A.	\$4,000.00
		Total Expenditures:	<u>\$45,502.27</u>

**REFUSE**

Receipts	\$5,428.42	Expenditures	<u>\$28,904.70</u>
<i>Interest Earned</i>	\$0.00		
Total Refuse:	<u>\$5,428.42</u>		

**SEWER CAPITAL RESERVE**

<i>Interest Earned</i>	<u>\$0.00</u>	Expenditures	<u>\$0.00</u>
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