

**AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
TUESDAY, November 15, 2011**

**The Board will meet in Executive Session to conduct interviews for ABC Positions from
7:00 pm – 8:15 pm. Formal Meeting will commence afterwards.**

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence – Supervisor Carmen Battavio
4. Ask if Anyone is Recording the Meeting?
5. Public Comment – Hearing of Residents (Optional)
6. Chairman’s Report
 - a. Announce Board met in Executive Session on November 1 to discuss a personnel matter.
7. Public Hearing
8. Police/EMS Report – 3rd Tuesday
9. Financial Report – 4th Tuesday
10. Old Business
 - a. Review Dam Costs
11. New Business
 - a. Consider Board of Supervisors meeting on November 29th.
 - b. Consider ABC Chairman Email Accounts
 - c. Consider Wiggins request to sell Christmas Trees at 1301 West Chester Pike
 - d. Consider Friends of East Goshen
 - e. Consider Post Employment Medical Benefits
 - g. Consider QVC Tax Appeal
12. Any Other Matter
13. Approval of Minutes
 - a. Nov. 1, 2011
14. Treasurer’s Report
 - a. Report – Nov. 10, 2011
15. Review Action List
16. Correspondence, Reports of Interest
17. Meetings & Dates of Importance:

| | | |
|---------------|----------------------------------|-----------|
| Nov. 16, 2011 | Friends of EGT 501c3 | 7:00 pm |
| Nov. 17, 2011 | Police Commission | 8:00 am |
| | Local Traffic Advisory Committee | 1:00 pm |
| | Farmer’s Market | 2 – 6 pm |
| | Zoning Hearing Board – | 7:30 pm |
| | QVC (ZHB Hearing) | |
| Nov. 21, 2011 | Deer Committee | 7:00 pm |
| Nov. 22, 2011 | Thanksgiving Holiday Market | 12 – 3 pm |
| | Board of Supervisors | 7:00 pm |

| | | |
|------------------|--|---------|
| Nov. 24, 2011 | Thanksgiving (Offices Closed) | |
| Nov. 25, 2011 | Thanksgiving (Offices Closed) | |
| Nov. 28, 2011 | West Chester Area Council of Govt's (Meeting in Thornbury Township) | 7:00 pm |
| December 3, 2011 | New York City Holiday Trip | |

18. Public Comment – Hearing of Residents

19. Adjournment

The Board will meet in Executive Session to discuss a personnel matter.

The Chairperson, in his or her sole discretion, shall have the authority to rearrange the agenda in order to accommodate the needs of other board members, the public or an applicant.

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380
Voice (610) 692-7171
Fax (610) 425-8950
E-mail rsmith@eastgoshen.org

Date: November 7, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Dams

Hershey Mill Dam - We have included \$75,000 in the 2012 General Fund Budget for the engineering work required to either fix or breach dam. We also have a general expense line item of \$8,000.

The 2013 projected General fund Budget includes \$450,000 for construction. The assumption being that the engineering and permitting will be completed in 2012 and the construction will occur in 2013.

Milltown Dam – The 2012 General Fund Budget include \$50,000 for the Milltown Dam. We are budget \$30,000 for spillway way repairs, \$15,000 to fix the draw down valves and \$5,000 for routine maintenance (vegetation treatment and the annual inspection).

The Board needs to decide if it wants to move some of these costs from the General Fund to the Capital Reserve Fund.

Memo

Date: November 9, 2011
From: Rick Smith, Township Manager
To: Board of Supervisors
Re: ABC Chairman Email Accounts

We tested the ABC Chairman email accounts and they are active and functioning. However, the majority consensus among the ABC Chairmen is that these accounts are not being used. The suggestion was made to do away with email accounts for the chairpersons and have all ABC email come to the administration email address (egtadmin@eastgoshen.org). Email could then be forwarded, if necessary, to the pertinent chairperson for handling.

WIGGINS AUTO TAGS, INC.

1301 West Chester Pike • West Chester, PA 19382 • Phone (610) 692-5641 • Fax (610) 692-5724

10-31-11

EAST GOSHEN TWP
1580 PAOLI PIKE
WEST CHESTER PA 19380

RECEIVED
BY: _____

NOV - 4 2011

I WOULD LIKE PERMISSION TO SELL
CHRISTMAS TREES @ 1301 WEST CHESTER PIKE
WEST CHESTER PA

SALES WILL BEGIN 11-23-10 AND
END 12-24-11

THANK YOU

ROBERT WIGGINS

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380
Voice (610) 692-7171
Fax (610) 425-8950
E-mail rsmith@eastgoshen.org

Date: November 2, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Friends of East Goshen

Senya attended a Friends of East Goshen meeting and it appears that it may be appropriate to clarify the relationship between the Board and the Friends of East Goshen. Suggested items for discussion would be.

1. Should the Friends become the sole entity for all fundraising and solicitations of funds, i.e. (all Township-related fundraising efforts and solicitations to flow through them)?
2. Will the Friends operate as an independent entity or a part of EGT?
3. Insurance coverage for Friends – separate or included as part of the Township? The Friends of West Goshen have their own insurance. The Friends of West Whiteland are covered by the Township’s insurance.
4. Should the Friends develop a “Form” to request funding from them? If so, who would be authorized to submit a form?
5. Expansion of the Friends Board of Directors – will new members is appointed by the Township or the Friends’ Board?
6. Should there be a separate website for the Friends? They currently only have a blog.
7. Should the Township provide contact information for new businesses moving into the Township to the Friends?
8. What if any fundraising role should they have for the Fire Company?

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: November 7, 2011

To: Board of Supervisors

From: Rick Smith, Township Manager

Re: Post Employment Medical Benefits

The Post Employment Medical Benefits Actuarial Valuation Analysis was prepared as of January 1, 2010. Based on the 2010 Analysis, the Department's liability is \$5,111,714 and our yearly payment to the Trust should be \$335,891. The 2012 Budget includes this amount.

Under GASB 45 requirements the Department will have to prepare another Analysis as of January 1, 2012. The expectation is that our liability will increase, since medical costs have gone up and we have not funded any of the liability.

That being said the Board may want to make a payment of \$335,891 to the Trust in 2011 and get a jump on funding the liability

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: November 8, 2011
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: QVC Tax Appeal

QVC who owns five parcels in East Goshen and four in West Goshen appealed their assessment. The amount of tax revenue to the Township is relatively small when compared to WCASD and the County and we typically do not have the Township Solicitor represent our interests at the hearings. The Township is essentially an unrepresented party in this proceeding.

The matter was scheduled for trial in September in Common Pleas Court but the parties, which in this case are the WCASD and QVC, have reached an agreement out of court to lock in a negotiated assessment value for 2011, 2012 and 2013.

Since the Township was not part of the negotiations and subsequent settlement, QVC would like confirmation that we will not challenge the assessment that has been agreed to by the WCASD and the County for 2011, 2012 and 2013.

Under the law only the property owner, the school district and the municipality can appeal an assessment.

The Township has never, to my knowledge, appealed an assessment and I would not suggest that we start now.

Recommendation: Send a letter confirming that we will not appeal the assessment for 2011, 2012 and 2013.

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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
November 1, 2011 – 7:00pm
Draft 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, Deb Beury and Brian McCool (Finance Dept), Phyllis Marron and Erich Meyer (Park & Rec), Jim McRee (Planning Commission and Deer Committee), and Kathryn Yahraes (Historical Commission).

Call to Order & Pledge of Allegiance

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

Moment of Silence

Carmen called for a moment of silence to honor the troops.

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 October 25 to discuss a personnel matter.

Rick announced that the deadline to apply to FEMA for Disaster Assistance for Tropical Storm Lee is November 14. More information is available on the Township website.

Township Budget

Deb Beury and Brian McCool of the Finance Department presented information on the year-end projection for the 2011 budget and the preliminary 2012 budget.

2011 Budget

At this time there is a projected favorable budget variance for 2011 of \$452,876. This is due to revenues that were \$278,005 over expectations and expenses that were \$174,871 lower than expected.

Preliminary 2012 Budget

The preliminary 2012 budget will have \$7,550,203 in revenue and \$8,297,841 in expenses leaving a proposed deficit of \$747,638. To compensate for the deficit, reserves will be drawn from the General Fund (which has a fund balance of \$4,001,374 at this time). There will be no tax increase in 2012.

1 Thom asked Deb if the line item for Real Estate Tax in 2012 takes into account all the real estate
2 reassessments that are taking place and Deb said yes.

3
4 Deb reviewed the reasons for the increases in expenses that will lead to the projected deficit in
5 2012.

6
7 *Public Comment: Leo Sinclair, Lochwood Lane* – Asked for confirmation that there is no change
8 in administration costs for 2012. Deb said she would get detailed information to Mr. Sinclair.
9 (Later in the meeting Deb stated that Administration costs would be not be going up in 2012
10 because the Township will be paying out \$70,000 less in pension costs, doing away with the
11 printed newsletter, and [something about EIC refunds??]).

12
13 Don noted that the 2011/2012 budget comparison for Park & Rec appears skewed because park
14 maintenance costs will be taken from the Public Works budget and added to the Park & Rec
15 budget beginning with the 2012 budget.

16
17 Marty stated that due to the state of the economy, it's difficult to project what revenues will
18 come from EIT and real estate transfer taxes in 2012. He noted that the largest factor
19 contributing to the projected 2012 variance is police costs. Since the bulk of expenses associated
20 with the police are contractual in nature, there is very little the Township can do to contain them.
21 Marty added that East Goshen's overall financial situation is very good compared to many
22 Townships.

23
24 Don noted that the "bottom line" is smaller this year due to the moving of "pass-through"
25 accounts. He said that police-related costs are expected to go up 8% next year. In addition, the
26 Township will be paying toward post-retirement medical benefits for officers beginning in 2012.

27
28 *Public Comment: Leo Sinclair, Lochwood Lane* – Asked the amount the Township would be
29 paying for post-retirement medical benefits in 2012. The Board told him \$335,891. Mr. Sinclair
30 asked why the Township made excessive cuts to the snow removal budget for 2012 and said it
31 should not be cut. Carmen explained that the Board reduced the budget to a realistic number and
32 also invested in a brine solution system which will reduce snow removal costs. Mr. Sinclair
33 asked how much money the Township received from the federal government for snow removal
34 and Rick said East Goshen received \$35,000 from FEMA last year.

35
36 Marty moved to authorize the Township Manager to advertise the preliminary 2012 budget
37 (General Fund only) in the *Daily Local*. Carmen seconded the motion. There was no further
38 discussion or public comment. The Board voted unanimously to approve the motion.

39
40 **QVC Variance Application for 1365 Enterprise Drive**

41 Greg Davis, Esq. was present for the applicant. He distributed exhibit booklets to the
42 Supervisors which showed the proposed QVC sign. The sign will be lit with LED lights which
43 will turn on at dusk and go off at dawn.

44
45 *Public Comment: Leo Sinclair, Lochwood Lane* – Asked to see copies of the renderings, and
46 was shown a copy.

1
2 Marty told Mr. Davis that the Zoning Hearing Board will want to know the basis for QVC's
3 variance request.

4
5 Carmen moved to recommend that the Zoning Hearing Board support the Zoning Variance
6 requests for QVC Network, Inc. at 1365 Enterprise Drive for 1) §240-22.N for the maximum
7 height of the proposed wall sign so long as it does not exceed 24 feet above the finished grade of
8 the building directly beneath the sign and 2) §240-22.Q(5) for the maximum size of the sign so
9 long as the sign does not exceed 109 square feet. The property is located in the Business Park
10 District of the Township and the proposed relief will not pose any significant impact to the
11 character of the Business Park nor pose an impact on the adjacent residential neighborhood.
12 Thom seconded the motion.

13
14 *Public Comment: Leo Sinclair, Lochwood Lane* – Asked how this sign differs from the sign for
15 the antique dealer on Paoli Pike that had to be changed by the owner. Rick said the antique
16 dealer's sign is freestanding. The QVC sign is on the wall of a building.

17
18 There was no further discussion or public comment. The Board voted unanimously to approve
19 the motion.

20
21 **HVAC System Assessment from Moore Engineering Company**

22 Ken Kauffman of Moore Engineering said that the HVAC system at the Township building is
23 basically in good shape, but is aging out. He briefly reviewed the System Assessment prepared
24 by his firm, dated October 25, 2011, and the various options available to the Township.

25
26 Carmen complimented Mr. Kauffman for a well-prepared report. The Board thanked Mr.
27 Kauffman for coming and said they would be discussing the various options and getting back to
28 him.

29
30 **Hershey Mill Dam Costs**

31 Neil DeRiemer distributed an updated cost estimate from Risbon Excavating dated November 1
32 for dam restoration work. Mr. DeRiemer noted that Risbon's total estimate of \$67,510.00+/-
33 does not include permits or undercutting of the existing spillway, nor is it based on the prevailing
34 wage rate.

35
36 Mr. DeRiemer said he met with a stonemason who is going to give him a written estimate for
37 reinforcing the existing spillway wall. The rough estimate he was given verbally was \$5,000 to
38 \$15,000.

39
40 Mr. DeRiemer said he has tried numerous times to get in touch with E.B. Walsh but has not had
41 success making contact.

42
43 Don expressed concern that more detail is needed to get to a design stage from the one-page plan
44 drawn up by E.B. Walsh. Don asked Mr. DeRiemer to have E.B. Walsh provide an estimate to
45 do the design work.

1 Senya asked Mr. DeRiemer to get a resume from Risbon Excavating for the Board.

2
3 Rick noted that until the Board decides what it wants to do with the dam, all the information it
4 has so far is just estimates. No costs will be known for sure until the Board decides on a course
5 of action and solicits bids for the work.

6
7 The Board asked Mr. DeRiemer to obtain a proposal from E.B. Walsh for all the work on the
8 dam. Mr. DeRiemer said getting this information will take time. When pressed to provide a date
9 estimate Mr. DeRiemer said he would aim to get information to the Township so that the Board
10 would have it in their packet for their next meeting. Senya told Mr. DeRiemer the next meeting
11 would be November 15.

12
13 **Goshen Fire Company**

14 Rick reported that the Township's insurance agent confirmed that volunteer fire fighters are
15 covered under Workman's Comp insurance for medical benefits in the event they are injured at a
16 fire, and also for lost wages if such an injury results in them losing time at work.

17
18 Thom moved to authorize Public Works employees that are certified firefighters to respond to
19 confirmed working building fires during working hours and Mark Miller is to continue
20 monitoring their participation in fire fighting activities as he has in the past. Carmen seconded
21 the motion.

22
23 *Public Comment: Leo Sinclair, Lochwood Lane* – Asked if employees fighting fires will be paid
24 by the Township for working at fire scenes beyond their normal working hours. Rick said no.
25 Mr. Sinclair asked if the Township tracks how much is being paid to employees who fight fires
26 during working hours. Senya said yes and noted that employees have been paid for a total of 20
27 hours in 2011 for fighting fires during working hours. Mr. Sinclair then stated that the Goshen
28 Fire Company conducts credit checks on its volunteer applicants and he finds that highly
29 objectionable. Senya suggested Mr. Sinclair take his concern directly to the Goshen Fire
30 Company.

31
32 There was no further discussion or public comment. The Board voted and the motion passed
33 unanimously.

34
35 **Neighborhood Blight Reclamation & Revitalization Act**

36 Rick reported that per the Township Solicitor, this Act does not require the Township to adopt its
37 own ordinance to be able to take advantage of the remedies provided in the Act. The Board
38 agreed that no action was required on this matter.

39
40 **Web Mail**

41 Rick summarized his memo of October 24 on this topic. Apparently not everyone with a
42 Township web mail account has accessed or received their email. An email sent to the Tax
43 Collector and cc'd to two Elected Auditors in August went unanswered until it was brought to
44 Rick's attention. Senya advised Rick to make sure that all Township email accounts are set up
45 properly by the users. Rick will then send each account a test message to make sure.

1 *Public Comment: Leo Sinclair, Lochwood Lane* – Said that when he was an Elected Auditor for
2 the Township he never received the email in question (he was certain he was copied on it). He
3 will be reporting this matter to _____ and consulting with his attorney. He demanded the
4 Township provide him with copies of all emails he did not receive when he was an Elected
5 Auditor. Mr. Sinclair then pointed out that an Elected Auditor had not “retired” from his
6 position as stated in Rick’s memo, but instead “resigned.”

7
8 **Liberty Towers**

9 The Board reviewed a draft letter to the Pennsylvania State Historic Preservation Office
10 regarding the proposed cell tower to be constructed by Liberty Towers behind the Township
11 building. Senya had a couple of minor changes. Thom moved to approve the letter as corrected
12 and to authorize it to be mailed to PASHPO. Carmen seconded the motion. There was no
13 discussion or public comment. The motion passed unanimously.

14
15 **Shirley Fox, 1711 East Boot Road – Request to Unify Two Subdivided Lots**

16 Senya moved to authorize the Township Manager to prepare a letter to the Chester County
17 Bureau of Land Records requesting that Ms. Fox’s two lots be unified into one tax parcel. This
18 letter is then to be sent to Ms. Fox with a signature line for her to indicate that she:

- 19 1) Is in agreement to unify the two tax parcels; and
- 20 2) Is aware that any future subdivision of her property must be done in accordance with
- 21 the Township Subdivision Ordinance; and
- 22 3) Is aware that there would be a cost to subdivide her property again.

23
24 Don seconded the motion. There was no discussion or public comment. The motion passed
25 unanimously.

26
27 **Any Other Matter**

28 Mars – Senya reported that things are progressing that would allow Mars to remain in East
29 Goshen.

30
31 **Review of Minutes**

32 The Board reviewed and corrected the draft minutes of October 25. Senya said the minutes
33 would stand approved as corrected. There was no public comment.

34
35 **Treasurer’s Report & Expenditure Register Report**

36 *See attached Treasurer’s Report for October 27, 2011.* The Board reviewed the Treasurer’s
37 Report and the current invoices. Thom moved to accept the Treasurer’s Report of October 27
38 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts
39 and to authorize payment of the invoices just reviewed. Don seconded the motion. There was
40 no discussion and no public comment. The Board voted unanimously to approve the motion.

41
42 **Action List**

43 Cell Tower – Liberty Towers is updating the agreement and site plan to reflect the agreed-upon
44 changes. The federal and state cases are on hold. The Township is waiting for the color chip
45 and sample of the tower skin. The letter to the PASHPO will be mailed this week.

1 Post-Retirement Medical Benefits – The Pension Committee will meet on Wednesday and will
2 decide on their recommendations for a trustee and fund manager.

3 IT Committee – The Committee is still drafting their report.

4 Electronic Newsletter – An ad for the newsletter subscription will run in the winter newsletter (to
5 be in homes early January). Staff is working on setting up a database to manage subscriptions.

6 The current vendor will format the Spring 2012 newsletter.

7 TAG Recommendation Summary – The Board reviewed the updated summary.

8
9 **Correspondence & Reports of Interest**

10 Senya acknowledged receipt of Mark Miller's Monthly Report, as well as a list of the meeting
11 schedules for comparable Townships as prepared by staff.

12
13 **Meetings & Dates of Importance**

14 Senya noted the upcoming meetings as listed in the agenda.

15
16 **Public Comment Period**

17 Jim McRee suggested the Township post something on the website about the recent *Philadelphia*
18 *Inquirer* article pertaining to real estate values in East Goshen.

19
20 **Adjournment**

21 There being no further business, the regular meeting was adjourned at 9:40pm.

22
23 **Executive Session**

24 The Board met in Executive Session until _____ pm to discuss a personnel matter.

25
26
27 Anne Meddings

28 Recording Secretary

29 *Attachment: Treasurer's Report*

**EAST GOSHEN TOWNSHIP
ACTION LIST**

| New additions are in bold | | 15-Nov-11 |
|----------------------------------|--|-----------------|
| # | Item | Action Due Date |
| PCZ 11-6 | Sign Ordinance | 15-Nov-11 |
| ADM 11-15 | Cell Tower | 6-Dec-11 |
| ADM 11-16 | Post Retirement Medical Benefits | 6-Dec-11 |
| ADM 11-22 | IT Committee | 6-Dec-11 |
| ADM 11-23 | Electronic Newsletter | 6-Dec-11 |
| ADMI 10-22 | TAG Action List | 6-Dec-11 |
| DPW 07-02 | Hershey's Mill Dam | 6-Dec-11 |
| ADM 09-04 | Quarterly Review of Right to Know Requests | 10-Jan-12 |
| ADM 11-13 | Municipal Authority Projects | 10-Jan-12 |
| DPW 08-02 | Quarterly Report on I&I | 10-Jan-12 |
| FIN 11-05 | Quarterly Financial Reports - 2011 | 24-Jan-12 |
| PCZ 09-01 | Telecom Registration and Reporting | 1-Mar-12 |

**EAST GOSHEN TOWNSHIP
ACTION ITEM**

Item: **Sign Ordinance** No: PZC 11-6

List Date: 3/24/2011 Completed Date:

Description: Review ordinance to consider effect of electronic signs

| Date | Action |
|-------------------|------------------------------|
| 4/5/2011 | PC is still reviewing |
| 5/10/2011 | PC is still reviewing |
| 6/7/2011 | PC is still reviewing |
| 7/12/2011 | PC is still reviewing |
| 8/16/2011 | PC is still reviewing |
| 9/13/2011 | PC is still reviewing |
| 10/11/2011 | PC is still reviewing |
| 11/15/2011 | PC is still reviewing |