

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
June 17, 2014 – 7:00pm
FINAL Minutes**

Present: Chairman Marty Shane, Supervisors, Chuck Proctor and Janet Emanuel and Carmen Battavio. Also present were Township Manager Rick Smith, CFO Jon Altshul, and ABC member Erich Meyer (Conservancy Board). Vice-Chairman Senya D. Isayeff was not present.

Executive Session

The Board met in Executive Session from 6:00pm to 7:00pm to conduct interviews. It also held an executive session after the last Board meeting on June 3rd to discuss a personnel matter.

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 pm and asked Pauline Johnson to lead the Pledge of Allegiance.

Moment of Silence

Carmen called for a moment of silence to honor the troops and all those in uniform who keep us safe.

Recording of Meeting

No one indicated they would be recording the meeting.

Public Comments on Non-Agenda Items

Pauline Johnson, 1608 Highland Avenue expressed concerns about her neighbors not cleaning up debris in their yard after a number of trees fell. The neighbors' downed trees damaged her gate and three fences. Pauline stated that the cost of the repair of the fence and gate was approximately \$15,000 and that neither her or her neighbors' insurance would cover the damages as the fallen trees were "acts of God".

She also said that the debris in the neighbors' yard was piled up next to her property. Carmen asked Pauline to clarify what she is asking the Township to do. She stated that 50 years ago the Township made her clean out the poison ivy and sumac in her yard and she believes the Township should do the same to her neighbors and have them clean up their property.

Rick noted that there is nothing in the Township Code that prohibits residents from stockpiling yard debris on their properties, but that he would ask Mark Gordon to visit Ms. Johnson's property and research the issue more carefully.

Marty noted that this sounded like a civil matter between her and her neighbors, but reiterated that Mark Gordon should look into it in greater detail. Marty also recommend that she should have her attorney contact Rick to discuss his concerns.

Ms. Johnson also requested that we send her a copy of the minutes.

Comp Plan Task Force Update

Marty noted that the next meeting will be on June 23rd.

Friends of East Goshen Update

Marty said that Chuck will no longer be affiliated with Friends of East Goshen and thanked him for his hard work. Chuck said that they do need volunteers if anyone is interested. Marty said that future Friends meetings should no longer be included in the Chairman's Report.

Announce Community Day is on Saturday, June 21 starting at 4PM.

Marty reminded everyone that Community Day is coming up on Saturday.

Consider Planning Commission's recommendation regarding the petition to amend the Zoning Ordinance to allow fast food restaurant with drive through service in C-2 Zoning District

Patrick McKenna, Gawthrop Greenwood, PC, represented Abjibapa Enterprises LLC, which would like to open a Dunkin Donuts with a drive-thru window at the site of the old Citadel Bank in the Goshen Village Shopping Center. Pat said that his client is hoping for an amendment to the Township Zoning Ordinance to allow fast food restaurants with a drive-thru within a shopping center in the C-2 District as a conditional use.

Marty said he was concerned about the signage. Pat stated that they would want two signs – one facing south and the other facing north towards the CVS. Each sign would be about 34 square feet, which is slightly larger than what the code currently allows. They also wanted to install a menu board, which is substantially larger than the maximum 3 square foot menu board that the code currently allows.

Pat said that his client plans to open a "Platinum" Dunkin Donuts that includes amenities such as couches and wifi. Marty said he would like to see a similar store. Diptesh Patel, the franchisee, said that there is a platinum Dunkin' Donuts in Jenkintown without a drive-thru and another near Bordentown, NJ that does have a drive-thru.

Marty raised concerns about traffic. Pat said that 80% of the traffic would be from 6:00 – 10:00 AM, prior to the busy period for other shops in the plaza. He also noted that Dunkin Donuts is not a destination, but a commuter stop on the way to work or school, and would not generate substantial new traffic. Marty also raised concerns about additional traffic coming in and out of the shopping center. Chuck noted that the Township may need to consider new traffic controls or calming devices.

Marty also noted that he is meeting with the owners of the shopping center in two days and that understanding their future plans for the plaza is critical before any decision about the use of the old bank site can be made. He indicated that he would also need to see a traffic study on the proposed plan prior to making any decision. Pat noted that they are now two months into their 6-

month due diligence period, and he asked the Board not to delay on making a decision. Marty also asked Mr. Patel how long his lease would be for, and Mr. Patel responded that it would be for 20 years.

Carmen has concerns about trash disposal, traffic and the menu boards. Pat explained that he has proposed digging into the hill along Boot Road and placing the dumpster in that excavated space that would have brick walls on both sides. Pat explained that placing the dumpster in this location was the only viable option, as there is not really space adjacent to the existing bank pad and the existing dumpsters in the plaza are behind the other storefronts and already overflowing, meaning that it would not be practical for Dunkin Donuts employees to dispose of their trash there. Pat noted that placing the dumpster inside the hill would make it barely visible by vehicle traffic on Boot Road or Paoli Pike. Pat further noted that because of the hill, proposed shrubbery and the topography of the intersection, the menu board would really only be visible from the CVS parking lot across the street.

Janet also expressed concerned about the traffic. She would also like to see a traffic study during the four-hour peak traffic period.

Chuck mentioned that he too has concerns about traffic, specifically the egress from the drive-thru lane which would require drivers to make a sharp turn.

Marty reiterated that a traffic study needs to be done, and Rick indicated that he will talk with our traffic engineer to see if he has any suggestions on issues to focus on. Pat also asked if anyone has any other suggestions for the dumpster to let him know.

Ordinance Amending Chapter 225 of Township Code titled “Vehicles and Traffic”

Rick noted that there would be a hearing on an ordinance amendment at the next Board meeting on July 1st to consider whether to reduce the speed limit along Paoli Pike between Line Rd. and North Chester Road from 45 mph to 35 mph. He also noted that the new speed limit signs have been ordered.

Police/EMS Report - Westtown East Goshen Police

Chief Bernot announced that the Military Package Drive on June 1st was a huge success and CTDI was a major contributor. Marty suggested to Rick that the Township write a letter of thanks to CTDI.

The Chief also announced that there will be another Citizen’s Police Academy in 2014. She will notify the Township when the dates have been decided.

She also highlighted some recent police incidents in the Township, including the alleged theft of jewelry by a health care aide, a missing child who was later found, and an uptick in vandalism and vehicular theft in Treetops parking lot.

Chief Bernot also invited all to a promotion ceremony for two officers on June 25th at 3:00 PM. The officers being promoted are Peter Keegan to sergeant & Tim Reilly to full-time patrol officer.

Goshen Fire Company Report

None

Malvern Fire Company Report

Rick stated that there was one structure fire reported in East Goshen in May.

East Goshen Fire Marshal Report

Carmen explained that he had one fire marshal call as is detailed in his June 3, 2014, memo to the Board, involving a suspicious tractor fire. The tractor fire occurred in another municipality, but the business owner wanted an assurance that the fire was not caused by defective parts.

Financial Report – May 2014

Jon Altshul reported that as of May 31, the General Fund had year-to-date revenues of \$5,288,318 compared to expenses of \$4,086,560 for a positive variance of \$1,201,758 excluding pass-through accounts. Compared to the year-to-date budget, revenues were \$227,457 over-budget while expenses were \$194,743 over-budget for a positive budget variance of \$32,714. He noted that Earned Income Tax receipts were higher-than-expected in May and that Local Services Tax receipts were also higher than expected at the end of May and the beginning of June due to a couple large one-time payments from past tax years.

Jon noted that he would present his first round of year-end projections in four weeks at the July 15th meeting.

Old Business

Consider pedestrian crossing at Township Park

Rick has reviewed the options for a pedestrian crossing at the East Entrance of the Park with the Chief of Police, the Township Solicitor and the Insurance Broker and recommended that the Township create a new pedestrian crossing. Since the entrance is at the crest of a hill, pedestrians would have the maximum possible sight distance to see vehicles on Paoli Pike. Rick suggested that we undertake the pedestrian crossing in two phases. Phase 1, which can be started immediately, would consist of striping and signage at an estimated cost of about \$2,000. Phase 2 would consist of the installation of a flashing warning device. Jon will be submitting an application for an ARLE Grant to the state by June 30. However, Rick noted that the grants will not be awarded until January, which means that it would be next spring before we could get a flashing warning device installed.

Rick also noted that the Township can install post and rail fencing, which would be in keeping with the character of the Township, along this section of Paoli Pike. He also suggested that we re-enforce the fence with signage directing people to use the pedestrian crossing at the east Park entrance. These steps would minimize the Township's liability and improve the safety for pedestrians crossing Paoli Pike.

New Business

Consider Goshen Meadows Escrow Release #1 for \$251,460.72

Carmen made a motion that the Township release \$251,460.72 in escrow to Goshen Meadows Investor, LP for E&S controls, earthwork, storm sewers, stormwater basins, sanitary sewers water and engineering/inspections. Janet seconded the motion. There was no discussion. The motion passed unanimously (4-0).

Consider letter from East Goshen Township and Willistown Township to State Legislators regarding East Boot Road Bridge.

Jon stated that he received assurances from Senator Pileggi's office that the East Boot Road Bridge will be listed in this year's bridge bill, meaning that it will be eligible for consideration for funding through PennDOT's Transportation Improvement Program. Jon indicated that based on his discussions with Willistown's Township Manager, he expects that Willistown's chairman will co-sign the letter at its July 14th meeting. Chuck asked Jon to make a minor formatting change so that more text spilled onto the second page.

Consider Planning Commission's recommendation regarding the Solar Ordinance Amendment

Carmen said that he was ok with the amendment with regards to the question in section 3d and said there should be both definitions and pictures. Marty said that he was concerned with section 3e regarding a roof mounted system if an existing building was presently at the maximum height limit. Rick suggested the ordinance be revised to include definitions and pictures and to address Marty's concern about existing buildings. It was the consensus of the Board that the ordinance should be revised as suggested and sent to the County and Township Planning Commissions for a formal review.

Consider Deer Committee's recommendations

Carmen raised concerns about the proposed resolution to shorten the blackout period, as he worried that these blackout dates correspond with school vacations and that this was a sensitive topic when the program was first created. Marty noted that we promised the residents that we have had a very safe hunting program and that, so far, we have. Chuck suggested that a compromise solution of shortening the number of blackout days, but not eliminating them all together may also be a feasible solution. Marty noted that there was no one in the audience here about this issue and suggested that the Township properly notify affected and interested residents about the proposed changes prior to making a final decision. He directed Rick to table the item for a later meeting.

Any Other Matter

Land Development Plan at 1637 Manley Road LOT 1

Janet moved that the Board authorize the Chairman to sign the financial security and the land development agreements and sign the land development plans for 1637 Manley Road, Lot 1,

dated 2-17-2014 last revised 4-26-14. Chucked seconded the motion. There was no discussion. The motion passed 4-0.

Police PPU's

Marty noted that the May Police report indicated that East Goshen was on track to use only 46.29% of the Police PPU's in 2014 and was concerned that this was very low. However, Rick and Jon noted that to calculate the true allocation, one needs to net out Thornbury's PPU's. According to Jon, doing this results in a revised PPU allocation of 55.7% for East Goshen, which is in line with historical averages.

Review of Minutes And Corrected

The Board reviewed the draft minutes of June 3. Marty stated that the minutes would stand approved as corrected.

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for June 12, 2014. The Board reviewed the Treasurer's Report and the current invoices. Carmen moved to accept the Treasurer's Report and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Janet seconded the motion. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Review Action List

- Bicentennial Committee—Interviews conducted
- Workforce Development Committee—Held tour for business owners at Williamson Trade School for business owners. Project completed.
- Comcast Franchise Agreement—Conference call scheduled with Solicitor, Rick and Comcast scheduled for July 2.

Correspondence, Reports of Interest

The Board acknowledged the receipt of the following items:

- East Goshen Firemen's Pension Plan - Chester County – Compliance Audit Report for the Period January 1, 2011 to December 31, 2013
- East Goshen Non-Uniformed Defined Contribution Pension Plan – Chester County – Compliance Audit Report for the Period January 1, 2011 to December 31, 2013
- Letter from Christy Potter regarding Sunoco Pipeline and Rick Smith's response
Letter from Bob Atkinson commending Mark Miller and Public Works
- Letter from Goshen Fire Co. regarding East Boot Road Bridge
- Letter from Goshen Fire Co. regarding East Goshen's annual contribution to the fire company
- Municipal Authority Mission Statement
Township Line (Airport Rd) Dam Emergency Action Plan
- Letter from KJ Surkan & Patricia Melzer regarding Sunoco Pipeline and Rick Smith's response
- PennDot's letter approving reduction of speed limit on Paoli Pike between North Chester Rd and Line Rd.

Meetings & Dates of Importance

Marty noted the upcoming meetings as listed in the agenda.

Public Comment Period

Ginny Newlin, 299 Devon Way, informed the Board about a poetry reading at the park on June 26th. The reading will be held between 5:00 and 6:30PM at the pavilion. There will be about six poets as well as two children's book writers. Rick said that it is in the newsletter and we will advertise it on the website and through Constant Contact.

Adjournment

There being no further business, the regular meeting was adjourned at 9:30pm.

Executive Session

The Board met in Executive Session following the regular meeting.

Barbara Phillips

Recording Secretary

Attachments: Treasurer's Report