

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
July 15, 2014 – 7:00  
Final Minutes**

**Present:** Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Carmen Battavio, Chuck Proctor, and Janet Emanuel. Also present were Township Manager Rick Smith, CFO Jon Altshul, Conservancy Board member Erich Meyer and Chief of Police Brenda Bernot.

**Call to Order & Pledge of Allegiance**

Marty called the meeting to order at 7:00pm and asked Senya 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 Comment**

*Resident Pauline Johnson, 1608 Highland Avenue*, informed the Board that two more trees from an adjacent property fell down on her property. She is prepared to take the matter to civil court. She asked that the minutes from the June 17<sup>th</sup> meeting be amended to reflect that truckloads of debris needed to be removed from the adjacent property and she showed pictures of the debris. She was also worried about another tree that is about to fall down. Carmen asked if it might hit her house. Ms. Johnson responded that it could possibly fall on her garage. Senya asked if she had contacted her insurance company. Ms. Johnson responded that yes, she had contacted her insurance company.

**Chairman's Report**

Marty announced that the Board met in Executive Session at 6:00pm to discuss a real estate matter. Marty announced that the Board met in Executive Session after the July 1 meeting to discuss a personnel matter.

**Consider Deer Committee's Recommendation to Eliminate Holiday Black-out Dates on Deer Hunting Schedule**

Carmen moved to approve the archery program schedule for 2014 as it stands, with no change in black-out dates. Senya seconded the motion. Marty commented that we made a commitment to retain the black-out dates and there was no benefit in changing the program. There was no public comment. The motion was approved unanimously.

**Consider Township's Position on Sunoco's Request to Amend the ZHB Decision for Their Property at 1431 Paoli Pike**

Rick explained that Sunoco would like to convert its existing sign that lists gasoline prices to an LED sign, which would require an amendment to the Zoning Hearing Board's 1993 decision for this property. He noted that the Planning Commission had recommended that the Board of Supervisors support the amendment with two conditions: 1) the dimensions of the sign not exceed the original approved dimensions and 2) the LED gas price numbers be equipped with an automatic brightness control to reduce the light intensity of the numbers so they do not exceed ambient light levels by more than industry standards. Rick also noted that the NASCAR logo on the sign will be removed.

*Darin Steinberg, Esquire, Sun Refining and Marketing Company*, explained Sunoco's national program to convert analogue signs to LED. He explained that with the removal of the NASCAR logo, the proposed sign would fit the original dimensions set forth by the ZHB.

Marty asked if Mr. Steinberg was aware of the problems with the exposed dumpster at the Sunoco station. Mr. Steinberg responded that Sunoco is already fixing the dumpster and the surrounding fence.

*Steve Hinde, Project Manager, Sunoco Retail Engineering and Construction*, told the Board that Sunoco had already put up a new fence. The dumpsters can now be closed and locked. Sunoco is re-training staff to make sure the dumpsters and the gates are closed and locked, and the area is cleared of trash. Mr. Hinde noted that the Area Manager is working with store staff on these issues.

Carmen noted that the propane tanks are located near the dumpster, and that if the dumpster is ignited, the propane tanks could cause a major explosion. He asked if the General Manager could find a new place for the propane tanks. Mr. Hinde assured the Board that Sunoco would address this issue as soon as possible

Senya noted that the new LED numbers will be 18 inches tall. He asked for the current height of the numbers. Mr. Hinde said the existing numbers are probably 12 inches, and he further explained that while the current sign lists prices for three types of gasoline, the new sign would only list the price for two types of gasoline. Marty noted that the width is the same as the existing sign. Janet asked if the numbers would always be red and black. Mr. Hinde responded yes, they would, and that green numbers designate diesel, which is not sold at this location.

Carmen made the following motion:

The Board of Supervisors supports the proposed amendment to the 1993 Zoning Hearing Board Decision to update aspects of the approval for the freestanding sign on the property at 1431 Paoli Pike. The proposed amendment to the decision will not alter the character of the property or the surrounding property, with the following conditions:

1. Changes to the sign area for freestanding goal post sign shall not exceed the original approved dimensions of 6 feet 2 inches wide by 8 feet tall; totaling 49.28 square feet. (6'2" x 8' = 49.29 s.f.)
2. The LED gas price numbers shall be equipped with an automatic brightness control which shall be used to reduce the light intensity of the numbers so that they do not exceed ambient light levels by more than industry standards.

Janet seconded the motion. The motion was approved unanimously.

*Resident Chuck Matasic, 919 Schuyler Drive*, opposed the LED lights. He is concerned that the Township has opened up the right to have LED lights anywhere and stated the lights will change the historical character of the Township.

*Resident Virginia Newlin, 299 Devon Way* also expressed concern about too much light on Paoli Pike.

### **Police/EMS Report**

Chief Brenda Bernot reported three trending problems in our area. The first problem involves scam telephone calls asking for money and threatening frightening results if money is not sent. For example, a scammer will call an elderly person claiming to be a grandchild, and ask for bail money. Also someone might call claiming to be the IRS collecting taxes. A second trend is fraudulent activity involving credit cards. The Chief reminded residents that it is important to check credit reports. The third problem involves vehicle thefts. There were 12 vehicles broken into in the last thirty days. All of the vehicles were unlocked and had valuables stolen from inside the car. Chief Bernot stressed that it is important for residents to lock their vehicles and remove valuables from their cars.

Chief Bernot also informed the Board that there will be a Citizens Police Academy beginning in September. Registration will begin in August.

Carmen asked if the Township still utilized bicycle patrols. Chief Bernot responded that there are some patrol cars equipped with bikes, but it is difficult to ride the bicycles in pants, and shorts make the police appear less professional. She stated that WEGO is trying to balance police coverage with a professional appearance.

*Resident Joe Buonanno, 1606 Heron Lane*, asked if the investigation into the Manley Road fatality had been completed. Chief Bernot responded that a full investigation was completed and that no problems with the roadway were identified.

Rick informed the Board that Malvern Fire Company reported a fire alarm and a structure fire in East Goshen last month.

### **Financial Report – 2<sup>nd</sup> Quarter**

Jon Altshul reported that as of June 30, the General Fund had year-to-date revenues of \$5,793,262 compared to expenses of \$4,676,733 for a positive variance of \$1,116,529, excluding pass through accounts. Compared to the YTD budget, revenues were \$156,979 over-budget, while expenses were \$221,787 over-budget for a negative budget variance of \$64,807. He explained that the Township was over budget because of the severe winter.

Marty asked about the total cost of snow removal. Jon responded that the Township had spent about \$315,000 this year, plus fuel and associated vehicle maintenance costs, bringing the total to about \$375,000.

Jon reported that he projects the General Fund to finish the year with a deficit of \$56,597. He noted that Public Works would likely be over-budget due to snow removal costs; Administration would likely be over-budget due to a handful of unbudgeted expenses; and Parks and Recreation would likely be over-budget due to lower than expected fundraising for Township events. Senya pointed out that the Board had previously discussed not having Community Day unless the money to pay for it was already accounted for. He asked that the Board discuss whether sufficient funds had been raised to hold Community Day in the spring of each year.

Senya noted that transfer tax revenue was lower than expected and asked Jon to explain what was happening in the real estate market. Jon noted that no commercial properties have been on the market this year, which partially contributes to lower than expected revenue, and that he would touch base with a local real estate about the state of East Goshen's residential market.

#### **Consider Amending Township Code to Allow Open Burning**

Rick explained that under our current ordinance, residents can have a recreational fire, such as an open fire used to cook food, and they can burn sticks and branches in a container between 10 am and 4 pm. He noted that East Bradford, Thornbury, Westtown, and Willistown permit open burning with restrictions. He explained that we require residents to cut and bundle branches and that this can be a lot of work. He recommended that we take the best of Westtown's and Thornbury's ordinances and amend our ordinance to allow open burns.

Senya made a motion to direct staff to draft an ordinance like Westtown and Thornbury and bring it to the next meeting. Chuck seconded the motion. Janet stated that she is against open burning. She expressed concern that the smoke around unlimited burns exacerbates breathing problems and noted that many years ago her son inhaled burning poison ivy, which made him very ill. Marty noted that open burning is not necessarily environmentally sound. He also noted that burning in his neighborhood resulted in smoke settling everywhere. Senya noted having campfires on a summer night is a pleasant, enjoyable thing to do and that requiring residents to roast marshmallows or hot dogs in order to conform with the Township's burning ordinance was strange.

The Board also discussed whether to allow open burning on all lots or just large lots, such as those over 4 acres. Janet and Marty indicated that there's a big difference between an open burn on a small lot and a large lot, as smoke can affect many neighbors in denser developments.

*Resident Don McConathy, 337 Wyllpen Dr.*, noted that the current burning ordinance is vague about whether open burns are really prohibited. Commenting on some proposed conditions in a new ordinance, he stated that a \$75 permit fee was too high. He also noted that in his case it would not be practical to ask all his neighbors for permission to do a burn, as his property is so large. He also expressed concern about requiring that burnings be conducted in the middle of a property; in his case, there is a pipeline that runs through the middle of his property.

*Resident Virginia Newlin, 299 Devon Way*, related a story about two boys finding the remains of a day-old fire. One of the boys dumped a shovel full of ashes on the other boy's head and burned him. She stated that hot ashes can remain after a fire has been put out.

The motion was tabled until the next meeting.

#### **Consider Purchase of Trailer for Parks & Recreation Department**

Senya made a motion to approve the request and add money for the lettering of "East Goshen Township Parks and Recreation Department" to be put on the trailer. Carmen seconded the motion. There was no discussion. The motion passed unanimously.

#### **Consider Bank Fraud Protections**

Jon explained that M&T bank had offered us two fraud protection services for \$160 per month to prevent unauthorized ACHs and checks being debited to our accounts. He noted that both Regulation E and the Uniform Commercial Code, as well as the employee theft provision in our insurance policy, probably provide sufficient protection against fraud, but that these services would prevent fraud occurring in the first place and would provide an extra level of protection.

Senya indicated that he was against purchasing these services, as they are expensive and we already have protections in place.

Senya made a motion to not adopt the proposed bank fraud protections. Janet seconded the motion. The motion passed 4-1, with Chuck opposing.

#### **Consider Paoli Pike Bicycle and Pedestrian Trail Planning Grant**

Marty described the proposed bike path along Paoli Pike and made a motion to direct staff to authorize staff to apply for grant funding through DCED to develop a plan for Pedestrian and Bicycle Trail along Paoli Pike in the amount of \$70,000 of which the Township will commit 25% or \$17,500. Janet seconded the motion.

Senya questioned why we would spend \$70,000 to build a trail on Paoli Pike, when we did not build a trail on Line Road. Marty responded that this trail connects many more areas, and more people desire it. Marty reiterated that the motion is only to allow staff to apply for the grant for a feasibility study and does not bind the Township to doing anything.

The motion passed 4-1, with Senya opposing.

### **Any Other Matter**

Senya expressed concern about the new Blackboard Connect emergency notification system's policy of requiring users to consent to use "cookies" and indicated that he had not signed up as a result. Marty and Rick noted that Constant Contact also tracks users' cookies, but does not openly disclose this policy to users of its site. Jon noted that if residents have concerns about this policy, they can contact him and he can sign them up for the service without them having to create an account, thereby bypassing their cookies from being tracked by Blackboard.

Rick stated that he obtained a proposal for the replacement of the aluminum windows in the Township building to vinyl from Pennoni. He added that Pennoni thought that Rick's preliminary estimate of \$110,000 was too low and that the windows were in good condition. The Board suggested that Township staff attempt to quantify the energy cost savings from replacing the windows.

Senya shared an article from the Widener Law School magazine featuring Chuck Proctor and his recent case before the U.S. Supreme Court.

### **Review of Minutes and Corrected**

The Board reviewed the draft minutes of July 1st. Marty stated that the minutes would stand approved as corrected.

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

The Board reviewed the Treasurer's Report and the current invoices. Carmen moved to graciously accept and approve 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. The motion was approved unanimously.

### **Action List**

**Bicentennial Committee**—There has been no activity.

**Comcast Franchise Renewal**—The draft agreement is currently under review.

**Quarterly Report on Comp Plan Goals for ABCs**—A memo from Rick has been sent to all ABCs for the 2<sup>nd</sup> quarter.

**Quarterly report of Municipal Authority Projects**—Lockwood is complete except for the removal of the fence; pipework for the Reserve Pump Station is complete; Reservoir Rd Sump Station has been submitted to PMHC and PACNR and the planning agencies.

Responses have been received from the Chester County and East Goshen planning commissions.

**Quarterly financial report**—Presented at tonight’s meeting

**Quarterly report on I&I**—Routine sewer cap replacement is occurring.

**Quarterly right to know requests**—Provided in the packet for tonight’s meeting.

### **Correspondence and Reports of Interest**

The Board acknowledged receipt of the following:

- a. Liquid Fuels Report for 2011-2012
  - Jon noted that there had been a finding that he was not previously aware of regarding the 2012 purchase of \$4,396.01 in Type 2A modified stone, which is not approved by PennDOT. Senya asked whether Jon really did not dispute that finding, as the audit alleges. Jon stated that because the finding was never made to him, he couldn’t possibly have disputed it. Senya suggested that Marty send the Auditor General a letter concerning this issue.
- b. Annual Financial Report of East Goshen Township for 2013
- c. Department of Recreation Bi-Annual Report January – June 2014
- d. A letter from Virginia Newlin responding to Scott Sanders’s newsletter article about the planting of non-native trees.

### **Public Comment**

Mr. Buonnano asked where the Board stands on the Sunoco pipeline. Marty responded that the Board will be meeting with its attorney next week.

### **Review Draft Chapter 2 of the Updated Comprehensive Plan**

The Board reviewed the draft of Chapter 2 Economic Development of the Comprehensive Plan.

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It was the consensus of the Board that the objectives should be revised to reflect: 1) what we need to do to retain existing business, 2) what we need to do to attract new business, and 3) what land use issues need to be addressed for 1 and 2. In addition, the Board believes that it may need to make changes to its approach for economic growth and land use regulations in the future. And the chapter should be re-written by John Theilacker, so the writing style and prose would be consistent with the other chapters in the Comp Plan. Rick was directed to prepare a draft memo to the Comp Plan Task Force for review by the Board listing these concerns and other specific issues. Marty noted that economic development is dependent upon available land, labor and capital. The Board agreed to review the Chapter 3 Land Use at the August 5 meeting.

### **Adjournment**

There being no further business, the meeting was adjourned at 10:05 pm.

*Respectfully submitted.*

Pam Pastorino, Recording Secretary