

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
September 16 – 7:00pm
Final Approved 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, Solicitor Kristin Camp, Esq., and ABC member Erich Meyer (Conservancy Board).

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00pm and asked *resident Gwenne Alexander, 1408 Grand Oak Lane*, to lead the Pledge of Allegiance.

Moment of Silence

Carmen called for a moment of silence to honor the troops, all those in uniform, and all those affected by the 9/11 tragedy.

Recording of Meeting

Kelly Lyons, from the **Daily Local News**, indicated she would be recording the meeting. Marty encouraged Ms. Lyons to contact him if she ever has a question.

Chairman's Report

The Board met in Executive Session from 6:00 to 7:00 to discuss a legal matter.

The Board acknowledged receipt of the notice that the Renehan Building Group has applied for a PA DEP National Pollutant Discharge Elimination System (NPDES) General Permit to construct three single family homes at 1662 E. Boot Rd.

Marty announced WEGO's participation in National Drug Take Back Initiative at the Giant Food Store, 1375 Boot Rd. (East Goshen Township), on Saturday, September 27, from 10am to 2pm. *Resident Joe Buonanno, Herron Lane*, asked if a prescription was necessary to turn in medicine. Chuck responded that no identification was necessary.

Public Hearing

Marty conducted a public hearing to consider two new Ordinances:

1. An Ordinance Amending Chapter 106 of the Code of the Township Titled "Burning, Outdoor"
2. An Ordinance authorizing entering into the "Cable Service Franchise Agreement with Comcast"

Both Ordinances were adopted unanimously. A court reporter was present and will provide a complete transcript of the proceeding.

Police/EMS Report

Chief Brenda Bernot announced that the Citizen's Police Academy is serving its largest class ever with sixteen participants. She noted that the Police Department news can always be found on its website www.westtownpolice.org.

On Friday, September 12, 2014, the Westtown-East Goshen Regional Police Department competed in the 19th Annual Police Cruise Night sponsored by Faulkner Buick/GMC of West Chester. The department received first prize in the following categories:

- Best of Show
- Best SUV
- Best Graphics for patrol car and SUV

On Sunday, September 14 2014, at 2:49 P.M. the Westtown-East Goshen Regional Police Department responded to an indecent assault complaint in the 100 block of Cedar Ridge Road in Tree Tops. A sketch of the suspect can be found on the website.

Chief Bernot reiterated that the National Drug Take Back Initiative will be held at the Giant Food Store, 1375 Boot Rd. (East Goshen Township), on Saturday, September 27.

She noted that WEGO has eleven criminal mischief investigations ongoing, many concerning the destruction of mailboxes. Chief Bernot urged residents to call the police if they see any of this type of behavior. She was happy to announce that a suspect responsible for vehicle thefts had recently been apprehended and arrested.

There were two scams that residents should be aware of. One is the IRS scam. An individual identifies himself as an IRS agent, tells the victim that he/she owes money to the IRS, and will be arrested within the next few hours unless the victim immediately pays the overdue money. Another common scam involves Craigslist transactions. An individual attempts to purchase an item, sends too much money, and asks for the extra money to be returned. Upon inspection, the original check is found to be fake.

Chief Bernot indicated that the police have been, and will continue to enforce the new 35 mph speed limit on Paoli Pike between Rt. 352 and Line Rd. Initially, a warning may be given, but further infractions will incur a ticket and a fine.

Consider Milltown Reservoir Dam Sluice Gate Replacement Bids

Rick informed the Board that on August 12, 2014 the Township opened bids to replace the gate valves at the Milltown dam. The low bid was from Marine Solutions, Inc. for \$70,620. However, in the meantime, PA DEP has advised that additional improvements will be needed to bring the dam into compliance.

Rick noted that the Township has two options to consider. One is to spend the money to install articulated concrete block, and replace the drain valves. The problem with this is that the PA DEP may continue to change the rules concerning compliance, and the Township would have to continue to pay to bring the dam into compliance with the new

rules. The other option is to breach the dam, for a one-time cost to the Township. He suggested that we reject the current bids, and have the township Engineer cost out the two options.

Carmen moved to reject all bids for replacement of the gate valves. Chuck seconded the motion. Marty added that this is potentially a \$500,000 decision. Marty noted DEP could change the regulations repeatedly, whereas the breach would be a one-time cost. He asked the Board to consider the best decision. Rick suggest that the Board also have Pennoni cost out both options. The Board voted unanimously to accept the motion to reject all bids for replacement of the gate valves and to have Pennoni cost out the options.

Consider Alexander's Stormwater Matter

Rachel Lusk, Attorney for Residents David and Gwenne Alexander, 1408 Grand Oak Lane, explained that the Alexander's had an engineering report completed by Gilmore & Associates, Inc. regarding the excessive stormwater drainage onto their property. Ms. Lusk explained to the Board that the Alexander's would like to have an idea of when the Township might begin to remedy the stormwater issues.

Rick referenced a memo from Nathan Cline; Township Engineer that identified three possible remedies for the stormwater issue that the Township believes will resolve the water problem. Marty responded that if the Board approves the remedies, that work would begin shortly. He noted that the installation of extra inlets, as suggested by the engineers, would not stop the issues altogether, but that the extra inlets would help. Rick said they would be done by the end of the year.

Senya made a motion for the Township to take the following three steps:

1. Install an additional inlet adjacent to the existing inlet located south of the Aqua driveway on Red Maple Drive.
2. Install topsoil and/or an asphalt curb along the existing gutter curb at and north of the existing Aqua driveway
3. Install an additional inlet adjacent to the inlet located in the rear of 708 Red Maple Drive next to the Aqua lot.

Janet seconded the motion.

Resident Mike Rook, 711 Red Maple Drive, expressed to the Board that the problem is not just between Grand Oak Lane and Red Maple Drive, but in the entire neighborhood. He has lived in his house for 42 years and had no stormwater issues until ten years ago. The last couple of years the groundwater level has been the worst ever so when heavy rains fall, water from Linden Lane backs up the storm sewer. He has had water in his backyard up to four feet deep. A higher curbs and topsoil, as suggested by the Township, will create a dam and his property will get more water which may eventually end up in his basement. He believes that the fix for the Alexander's will solve the problem for one area, but exacerbate the problem in another.

Marty noted that the goal to curbing along the Aqua property is to direct the stormwater to the inlet. Adding inlets will help drain this water. He would like to know how the Township's solution will affect Mr. Rook's property. Mr. Rook responded that the inlets will put more water in the storm drain, which will then fill to capacity and flood other areas. Marty added that recently, storms have been more severe and that the water from the whole Grand Oak Development flows through Red Maple Drive, and the size of the pipe can only handle certain amounts of rain. Mr. Rook noted that perhaps the pipe is no longer able to handle recent rain amounts.

Senya agreed that in fixing one problem, the Township does not want to create another and wants to get to the ultimate cause of the problem. He suggested that we do a complete hydraulic and hydrologic study of the area, because the system may no longer be large enough to handle current stormwater levels.

Chuck added that adding inlets will only increase the capacity of the inlets, not that of the pipes.

Rick said that when the development was built, there was no pipe between the houses in this neighborhood because the stormwater was handled by open swales. The residents did not like the swales and asked the Board to install pipes and inlets. Rick noted that we could do a \$25,000 analysis, but he believes that the water from the inlets will get into the pipes which should be big enough. He suggested we complete the three recommended improvements.

Mr. Rook asked if the Township will take responsibility for the water that goes into his basement if these three improvements do not work. Rick replied that no, the Township will add an inlet in his backyard. He also suggested that the Township look to see if the pipe in Mr. Rook's yard is clogged. Carmen indicated that it would be worthwhile to check the hydrostatic pressure of the pipe in Mr. Rook's yard. Chuck suggested that the Township check the size and condition of the pipes and that we need a study of upstream and downstream conditions.

Senya withdrew the original motion.

Chuck moved to authorize staff and Pennoni to make a thorough study of up and downstream conditions and of the pipes in the area.

Carmen seconded the motion.

Marty advised the Alexander's that the new plan will delay the fix of their water issue. Rick stated that the Township will look at the size and condition of the pipeline before 10/7. Ms. Lusk replied that if this will help the problem, the Alexander's are willing to wait, but asked that the matter be handled expeditiously.

The Board voted unanimously to make a thorough study of up and downstream conditions and of the pipes in the area.

Consider Fast Food Restaurant with Drive-Through Service Zoning Amendment

Patrick McKenna, Esq., made a presentation on behalf of Abjibapa Enterprises concerning the proposed amendment to the C-2 Zoning District in order to construct a Dunkin Donuts with a drive-through in the bank building in the Goshen Village Shopping Center. Mr. McKenna indicated that a traffic study was completed and reviewed and the results did not change when the school traffic was included. He provided letters of support for the project from tenants of the shopping center.

In order to comply with Board recommendations, his client is prepared to do the following:

1. Change the drive-through configuration so as to direct stacking traffic in a safe, non-conspicuous manner, as such losing five parking spaces
2. Move the menu board and landscape is so it will only be visible for 100 feet for west bound vehicles on Paoli Pike.
3. Set the dumpster back into a hill and construct it so as to comply with the Ordinance

He noted that Dunkin has committed to a 20-year lease and that they have seventeen other successful locations. His clients are estimating \$200,000 in renovations. Mr. McKenna was looking for direction from the Board as to whether they should continue with the project or not.

Chuck expressed concern about the dumpster and asked if Dunkin would be amenable to keeping trash inside the building and having it picked up on a more regular basis. Mr. McKenna was certain that Dunkin would not agree.

Senya related a story in which he visited a traditional Dunkin Donuts without a drive-through in Pike County. He found it to be a thriving community center. He expressed that such a traditional facility would be a lovely addition to the community, but changing the zoning to allow the drive-through would not be in the best interest of the community.

Senya made a motion to allow a traditional Dunkin Donuts in the shopping center, but not a drive-through. Carmen seconded the motion.

Carmen agreed that a drive-through facility was not a good idea, but was not concerned about the menu board or the traffic. He was concerned that allowing one drive-through restaurant would set a precedent for others to move in as well, resulting in a change to the aesthetics of the Township. Chuck was concerned about the traffic flow in the parking lot, the dumpster and the drive-through setting a precedent. Janet had no problem with the dumpster but was concerned about internal traffic circulation. She noted that exiting traffic is a problem, and that it is not easy to get through this parking lot due to its configuration. She agreed that the signage is something that could be worked out.

Mr. McKenna responded that the Traffic Engineers did not mention anything about traffic circulation within the shopping center. He also expressed that Dunkin would not go forward if it could not have a drive-through.

Chuck then asked for resident comments. Mr. Buonanno noted that according to code it is not allowed, but he does not think the drive-through is an issue. He believes that most of the township residents would stop for coffee, and not utilize drive through.

Marty noted that when the zoning ordinance was adopted the Township did not think a fast food restaurant with a drive-through was appropriate for this location. He noted that the Swiss Farms went to great trouble to be able to construct their facility. He also expressed concern about further drive-through restaurants asking for permission to build as well. He would welcome a traditional Dunkin Donuts but not a drive-through and believes that the sign would be grossly over-sized. He referenced the Comprehensive Plan and that the restaurant does not fit in with the future plans of the Township.

Mr. McKenna expressed regret that the Board did not say that the drive-through would be a deal-breaker four months ago before his clients spent so much money on traffic studies. Marty responded that all parties involved believed that there would be room for negotiation. Senya said that the applicant never indicated that unless they had the drive-through and the larger sign that the applicant would not build the facility. He noted that everyone on the Board made every effort to help and that at the last meeting it was made clear that the Board did not want to give the applicants any reason to believe that spending more money was appropriate.

Marty said that the Board tried to accommodate the applicant and that the Township has a right to uphold the current zoning ordinance.

The Board voted unanimously to approve the motion to allow a traditional Dunkin Donuts, but not one with a drive-through.

Consider Approval of 1662 E. Boot Rd. Preliminary/Final Subdivision and Land Development Plan and Act 537 Plan Revision.

Nick Vastardis, PE, Vastardis Consulting Engineers, LLC, addressed the Board concerning the request by the Renehan Building Group to demolish the existing dwelling at 1662 E. Boot Rd. and construct three new homes.

Carmen moved to approve the Preliminary/Final Subdivision and Land Development Plan and grant the Tree Protection Zone waiver request from Section 205.63A(1) of the Township Code for 1662 E. Boot Rd. as depicted on the plans dated 2/13/2014 last revised 8/25/2014 for the creation of three new residential building lots with the following conditions:

1. The applicant shall address all remaining comments outlined in the Township Engineer's review letter dated 9/3/2014, prior to the execution and recording of the final plans.
2. The applicant will follow all applicable federal, state and local laws and secure all proper permits and approvals prior to construction of the improvements depicted on the plans.
3. The applicant shall pay an impact fee of \$396.25 per trip for the project prior to the issuance of a building permit.
4. The applicant agrees to replace any tree, within the tree protection zone, that dies prior to the issuance of certificates of use and occupancy with similar trees at a ratio of two (2) trees for each tree that dies; and add a note to the plan to that effect.

Senya seconded the motion.

Marty asked Mr. Vastardis if he agreed to the conditions and Mr. Vastardis did so agree.

The Board voted unanimously to approve the motion.

Determine Board's Position on the Dimensional Variance for 1454 Glenbrook Lane

Anthony Sivo, 1454 Glenbrook Lane, explained to the Board his request for dimensional relief from the side yard setback requirement for an accessory building. He is requesting to put a shed larger than 10 x 12 but no larger than 12 x 20 and that it would be 13 feet from the property line rather than the required 20 feet. He would like the Board to support the variance before he goes before the ZHB.

Carmen asked Mr. Sivo if he had a letter stating that the neighbors are in favor of building the storage structure and Mr. Sivo replied that his neighbor will actually help with the construction.

Marty thought seven feet of relief was a lot to ask for. Mr. Sivo replied that because of the narrowness of his property, this position makes the most sense for all the neighbors. Senya added that it was important for Mr. Sivo to specify that the building is a storage structure/accessory building in order to help his case before the ZHB. Janet noted that there are unique situations on the property, including a floodplain that requires the dimensional relief from the side yard setback requirement. Rick added that if that property was .01 acres larger, the shed size permitted in the side yard would increase to 240 ft².

Chuck moved to support the dimensional variance application for 1454 Glenbrook Ln. because the relief sought is minimal and will not alter the character of the neighborhood; with the following conditions:

1. The applicant agrees to have the side yard property line in question surveyed and marked.

2. The floodplain line in the rear yard area of the property shall be identified and marked.
3. The applicant agrees to construct an appropriate storm water management system to collect and manage the storm water runoff from the new impervious cover of the accessory building.
4. The applicant will follow all applicable federal, state, and local laws and secure all proper permits prior to construction of the improvements depicted within the application.

The Board noted that Mr. Sivo's lot is exactly one (1) acre and if he had applied for a variance from the acreage requirement in Section 240-32P(1)(b) a de minimus variance would be warranted.

Senya seconded the motion.

There was no further discussion and the Board voted unanimously to support the dimensional variance.

Consider next step in Hershey Mill Dam project

The Township obtained a permit from PA DEP to rehabilitate the Hershey Mill Dam. Friends of Hershey Mill Dam intend to raise funds for the rehabilitation, but they want a "good number" or estimate of how much money they need to raise. Since bids are only good for sixty days, unless the money was raised in those sixty days, the estimate would no longer be valid. Also, the bids do not include dredging. Rick asked how the Board wanted to proceed.

Marty suggested that the Township give the Friends of the Hershey Mill Dam a period of time in order to raise money. If they can raise the money, we can go forward with the project. He added that we could give them a time frame and an estimate of the cost of the project.

Senya suggested that we give the Friends of the Hershey Mill Dam an estimate. If the bids come back higher, the Township will pay the extra money; if the bids come back lower, Friends will return the money. He also encouraged the Board to give the Friends a fair period of time for the money to be raised.

Rick reiterated that estimates can swing, but said he will get an estimate from our engineer to present at the 10/7 meeting.

Mr. Buonanno asked if the newly rehabilitated dam was to become a Veteran's Memorial, and/or a reflecting pond, which would be a nice way to move forward with the Hershey Mill Dam project. He said he would work with Friends of Hershey Mill Dam to do this.

Consider Purchase of Vehicle Diagnostic Scanner

Carmen made a motion to approve the purchase of a Vehicle Diagnostic Scanner. Chuck seconded the motion.

Senya asked at what point do we draw the line for getting Public Works equipment and expressed concern that the Township mechanic may be overburdened with new responsibilities.

The Board voted unanimously to accept the motion.

Consider Wind Generated Energy Systems/Windmills

There was some discussion concerning the use of wind generated energy systems in the Township. The Board agreed to table the issue until the 10/7 Board Meeting.

Any Other Matter

Janet, who is on the Comprehensive Plan Task Force, made a motion that we direct staff to send a request to the parties to revise the existing scope of work in the Vison Partnership Program Grant Contract. The revision would include preparation of a “new” Comprehensive Plan, rather than an update. Carmen seconded the motion. The motion was approved by the board unanimously.

Chuck reminded everyone that Constitution Day was the following day. Constitution Day is the day that we celebrate the ratification of our United States Constitution.

Janet noted that the showing of the movie **Frozen** in the park was a great success. There was a large crowd playing games, meeting the Princess, and watching a movie in our new amphitheater. She wanted to applaud Jason Lang, Director of Recreation, for a job well done.

Review of Minutes

The Board received the draft minutes of August 19. Marty stated that the minutes would stand approved as corrected.

Treasurer's Report

See attached Treasurer's Report for September 11, 2014. The Board reviewed the Treasurer's Report and the current invoices. Carmen moved to graciously 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. Chuck seconded the motion. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Action List

Bicentennial Committee – No Action

Comcast - Rick noted that we could take Comcast off of the Action List as the Board approved the franchise agreement with Comcast.

Financial Report

Jon Altshul reported that as of August 31, 2014, the general fund had year-to-date revenues of \$7,177,081 compared to expenses of \$6,287,442 for a positive variance of \$889,640, excluding pass through accounts. Compared to the YTD budget, revenues were \$129,072 over-budget, while expenses were \$220,500 over-budget for a negative budget variance of \$91,428. The general fund balance was \$7,090,463. Net of core revenues, Public Works was over-budget by \$214,382 and Parks and Recreation was \$13,574 over-budget. The remaining departments were all under-budget. As of August 31, the general fund is on track to end the year with a deficit of \$7,716 or \$94,655 over-budget for the year. Carmen noted that the Board should consider increasing the budget for snow removal for the coming year due to another forecasted severe winter.

Public Comment

None

Adjournment

There being no further business, the regular meeting was adjourned at 10:30.

Pam Pastorino

Recording Secretary

Attachments: Treasurer's Report

				September 11, 2014	
TREASURER'S REPORT					
2014 RECEIPTS AND BILLS					
GENERAL FUND					
				Accounts Payable	\$308,868.73
	Real Estate Tax	\$329.50		Electronic Pmts:	
	Earned Income Tax	\$212,684.12		Health Insurance	\$0.00
	Local Service Tax	\$11,651.54		Credit Card	\$0.00
	Transfer Tax	\$0.00		Postage	\$1,000.00
	General Fund Interest Earned	\$552.26		Debt Service	\$16,494.05
	Total Other Revenue	\$50,971.76		Payroll	\$96,184.89
	Total Receipts:	\$276,189.18		Total Expenditures:	\$422,547.67
STATE LIQUID FUELS FUND					
	Receipts	\$0.00			
	Interest Earned	\$47.44			
	Total State Liquid Fuels:	\$47.44		Expenditures:	\$0.00
SINKING FUND					
	Interest Earned	\$405.93		Expenditures:	\$22,372.78
TRANSPORTATION FUND					
	Interest Earned	\$188.39		Expenditures:	\$0.00
SEWER OPERATING FUND					
	Receipts	\$52,721.56		Accounts Payable	\$51,666.39
	Interest Earned	\$26.80		Debt Service	\$124,951.29
	Total Sewer:	\$52,748.36		Credit Card	\$0.00
				Total Expenditures:	\$176,617.68
REFUSE FUND					
	Receipts	\$18,174.29			
	Interest Earned	\$10.53		Expenditures	\$67,944.35
	Total Refuse:	\$18,184.82			
SEWER SINKING FUND					
	Interest Earned	\$218.15		Expenditures	\$0.00
OPERATING RESERVE FUND					
	Receipts	\$127.49		Expenditures	\$0.00
Events Fund					
	Receipts	\$0.57		Expenditures	\$0.00