

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
January 20th, 2015—7:00 pm  
Final Approved Minutes**

**Present:** Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Carmen Battavio, Chuck Proctor, and Janet Emanuel, CFO Jon Altshul, Township Manager, Rick Smith, Solicitor Joseph Brion, and ABC member Erich Meyer (Conservancy Board).

**Call to Order & Pledge of Allegiance**

Marty called the meeting to order at 7:00 pm and asked Joseph Brion 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, especially those who have given their lives.

**Recording of Meeting**

No one indicated they would be recording the meeting.

**Chairman's Report**

Marty began the meeting by inviting any public comment and introducing the Board. There was no public comment.

Janet updated the Board on the Comprehensive Plan Task Force. The Task Force hosted a bus tour of East Goshen's viable properties on Saturday, January 10<sup>th</sup>, and met the following Monday. The Task Force expects to complete its work by the end of 2015.

Chuck said that the Police Commission met last week and that it approved the purchase of four new vehicles. He also noted that Lieutenant James DiCave has retired, and that Sergeant Guy Rosato has been promoted to Lieutenant to replace Jim.

Marty announced the following ABC appointments:

Katharine (Kate) Okie – Conservancy Board - term expires in 2015

Dan Landis – Planning Commission – term expires in 2018

Christopher Moore – Historical Commission – term expires in 2017

Christine Taraborelli – Park Commission – term expires in 2016

Edward Coyle – Park Commission – term expires in 2015

**Public Hearings**

Two public hearings were held, and recorded verbatim by the Court Reporter for public record.

The Board conducted a public hearing to consider and adopt an ordinance authorizing the East Goshen Township's participation in the PSATS Unemployment Compensation Group Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law. Carmen made a motion to adopt the Ordinance as outlined by Joseph Brion. Senya seconded the motion. The Board voted to adopt the ordinance unanimously.

The Board also continued its public hearing from December 16<sup>th</sup> to consider a Decision and Order for the Conditional Use Application of Donald G. Eastburn, Jr. to operate a firearms sale and transfer business from his home at 200 Margaret Lane. Chuck made a motion to accept and adopt the Conditional Use Application, subject to the ten conditions outlined in the Decision and Order. Marty moved to amend the motion by inserting "only the" into condition #8. Chuck moved to further amend the motion so that number eighteen on page 4 read "Applicant does not...store ammunition on the property." Senya seconded the amended motion. There was no public comment. The Board voted to adopt the decision and order as amended unanimously. In response to a question from Marty, Mr. Eastburn agreed to the conditions.

### **Police Report**

Chief Bernot urged the community to go to the WEGO website for more information on trending police activity. She highlighted three trends. One trend is theft from vehicles. Chief Bernot said to be sure to remove all valuables and lock your car regularly. A second trend is phone scams. Some of the more popular phone scams can be found on the WEGO website. The third trend is criminal mischief, where mailboxes are being damaged or destroyed. Chief Bernot also mentioned the police have received speeding complaints from several areas.

Chief Bernot announced that Guy Rosato has been promoted to Lieutenant, and that WEGO would be hiring two new part-time officers.

Carmen asked about illegal soliciting, and what to do about it. Chief Bernot responded that residents do not need to open their doors for solicitors. Furthermore, residents can always call the police, who will check if the solicitor has a permit. Also, if a resident does not open the door and hears any strange noises, they should call the police, because burglars may knock first to see if anyone is home, and if no one is home, try to break in.

Finally, the Chief reported that the detectives have recently broken a crime ring involving vehicle thefts.

### **Consider 1331 E. Strasburg Road/ ZHB Application Dimensional Variances**

*Debbie Shulski Esq., Riley Riper Hollin & Colagreco*, representing Jason and Elizabeth Grothmann, explained that her clients had submitted a ZHB application for dimensional variances for a proposed subdivision of their property at 1331 E, Strasburg Road. The subdivision would result in the second lot being .9 acres. In addition, both parcels would have non-conforming lot widths at the building setback line (Lot 1 would be 130 feet and Lot 2 would be 106 feet or 20 and 44 feet, respectively, less than what is required in the R-2 District). Ms. Shulski explained that she believes that the variances sought for both

properties would be *de minimis*, based on a recent case in West Bradford Township. She also observed that while the property is in the R-2 District, directly across the street is an R-3 District where these lot sizes would be allowable and therefore, the proposed subdivision would not alter the character of the neighborhood.

Marty observed that the Planning Commission did not approve the recommendation, and that the Board had three options: 1) to oppose the application; 2) to remain neutral and let the Zoning Hearing Board make its decision; 3) to support the application.

Senya asked if Mr. Grothman had any specific plans for a home on the new lot and whether he had planned to subdivide the property when the matter of whether to remove the existing house from the Historic Registry came before the Board last year. Mr. Grothmann replied that he had not originally purchased the property with the intention of subdividing and that he has no formalized building plans for the proposed second parcel.

Carmen asked if Mr. Grothmann had walked the perimeter of the lot to identify where the second house would be built. Mr. Grothmann noted that he doesn't know exactly where a possible new house would be built, but that proximity to Strasburg Road would be a consideration due to the sewer tie in. Carmen also asked if he had spoken to the neighbors about his plans, and Mr. Grothmann said that he had not spoken to all the neighbors that would be affected by this subdivision.

Marty noted that the application requested two lot width variances of 20 feet and 44 feet, and questioned whether they were *de minimis* variances at all. Ms. Shulski replied that case law is not clear as to what "*de minimis*" actually means. Janet observed that the original property had been subdivided into the existing 1.9 acre parcel over a decade ago, and both parcels were conforming. She further added that in her experience on the Zoning Hearing Board, the amount of lot width relief requested was certainly not *de minimis*. Janet noted that the hardship involved here is a result of the proposed subdivision. Marty also questioned whether there was really hardship involved that could justify a subdivision. Carmen added that it is a mistake to allow conforming properties to be converted into non-conforming properties.

Chuck asked *John Mullin, Engineer*, about whether any thought had been given to moving the proposed property line back in order to increase the lot width at the building setback line. Mr. Mullin indicated that no thought had been given to do this, and that he did not think that changing the property lines as Chuck suggested would change the variance relief requested.

*Resident Diane Jackson, 1333 E. Strasburg Road*, said that her grandfather owned the original property, and subdivided it in 2000 to allow family members to build on the property. During that subdivision process, her family was told that the property would not be able to be subdivided again, because it does not meet requirements. She was therefore against the proposed variance.

*Resident Norbert Breslin, 1335 E. Strasburg Road, voiced his opposition to the request for the subdivision.*

Senya indicated that he could not support the variance requests in the absence of neighbors' input.

Janet made a motion to oppose the application and direct the Solicitor to enter an appearance for the Township at the Zoning Hearing. Chuck seconded the motion. There was no public comment. The Board voted 4-1 with Senya voting against in order to amend the motion to allow for a continuance. Ms. Shulski asked if the Board would be willing to give her client time to contact the neighbors and see if they would support the application. Senya made a motion to amend the previous motion in order to allow a continuance for the applicant to get neighbors' input. Carmen seconded the motion. The Board voted unanimously to approve the amended motion.

**Consider Recommendation to Approve 1131 N. Chester Road/Subdivision and Land Development with Conditions**

*Andrew Eberwein, Edward B. Walsh & Associates, Inc., explained that James Callaghan, 1131 N. Chester Road, plans to subdivide his property and sell the second lot with no building on it. He received a de minimis variance last year from the Zoning Hearing Board, as the second parcel is slightly less than an acre. Mr. Callahan is now seeking that the Board approve his Preliminary/Final Subdivision and Land Development Plan. The Planning Commission has recommended its approval with five conditions, which the applicant is in agreement with.*

Carmen made a motion to approve the Preliminary/Final Subdivision and Land Development Plan and grant the waivers requested for 1131 N. Chester Rd. as depicted on the plans dated 9/26/2014 last revised 11/20/2014 for the creation of one new residential building lot with the following conditions:

1. The applicant shall revise the plans to address all remaining comments outlined in the Township Engineer's review letter dated 12/30/2014 prior to the Board of Supervisors execution of the final plans.
2. The applicant shall pay an impact fee of \$396.25 per trip for the project and the \$2,000 sanitary sewer tap in fee prior to the issuance of a building permit.
3. 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.
4. The applicant agrees to address the driveway sight distance issues to the satisfaction of the Township prior to the issuance of a building permit for lot 2.
5. The applicant shall submit the appropriate Subdivision and Land Development Agreements and post the required escrow for improvements prior to the Board of Supervisors execution of the final plans.
6. The applicant will follow all applicable Federal, State and local Laws, and secure all proper permits prior to construction of the improvements depicted on the plans.

Senya seconded the motion. There was no public comment. The Board voted to approve the motion unanimously.

### **Malvern Fire Co. Monthly Fire Operations Report – December 2014**

Rick reported that there were 8 calls from East Goshen for the Malvern Fire Company in 2014 and none in December.

### **Financial Report**

Jon reported that net of pass-through accounts and the year-end transfer to the operating reserve fund, the general fund had revenues of \$9,926,847 compared to expenses of \$9,846,180 in 2014 to finish the year with a surplus of \$80,667. Net of core revenues, Administration and Public Works were over-budget, while Parks & Recreation, Emergency Services, and Zoning and Code enforcement were under-budget.

Jon explained that the January 2015 transfer tax disbursement was very high as a result of the sale of Wellington and 1302 Goshen Parkway last month. He further explained that the unaudited monthly financial reports that he provides to the Board are prepared on a cash basis and therefore will not reflect that receipt until January. However, for the purpose of our formal audited financial statements, this revenue will be accrued back to 2014, as the sales occurred last year.

Jon also requested that the Board execute the 2014 PennDOT MS-965 Actual Use of State Funds Report. He explained that the Township had \$1,274,322 in eligible liquid fuels expenses for 2014, but only received about \$398,000 in state liquid fuel funds. Senya made a motion to execute the 2014 MS-965 Actual Use of State Funds Report subject to Board members not identifying any problems in it prior to the January 31<sup>st</sup> deadline. Carmen seconded the motion. There was no public comment. The Board moved to approve the motion unanimously.

### **Consider Police Merger Study**

Marty acknowledged receipt of the report entitled “Analysis of Police Services in East Goshen, West Goshen and Westtown Chester County, Pennsylvania”. He explained that because West Goshen had recently signed a new labor contract with its police officers, the time for discussing a police merger with West Goshen had passed for now.

Senya said that in hindsight we should have called this potential consolidation a “regional approach” rather than a “merger”. In regional police work, the intellectual property of the participating police departments becomes a priceless commodity. Senya would like to revisit the idea in 2018, and embrace a regional approach.

Carmen asked if East Goshen could raise the issue of a county-wide police department with COG. Marty stated that the Police Commission has been discussing expanding WEGO into other municipalities, but that COG is not the best forum for these types of discussions now.

### **Consider Applebrook Sign**

Following up on the January 5<sup>th</sup> discussion regarding a sign at the corner of Paoli Pike and Hibberd Lane, Rick described a proposed design with two stone pillars and a 4'x6' panel where names of businesses and their street number would be posted. The stone pillars would be like the pillars on the LED signs already in use, thus creating a theme, or a "sense of place" in East Goshen. Rick proposed moving the stop bar on Hibberd Lane forward a few feet so the sight distance for the sign would be adequate, and trimming the trees on the southeast corner of the intersection to allow motorists on Paoli Pike to readily see the sign. Rick noted that Public Works installed a mock-up of the sign last Friday, and that he would like to get cost estimates for the project. Marty suggested the sign be moved closer to Paoli Pike to improve its visibility.

Carmen made a motion to allow the Township Manager to pursue price quotes for a sign on Hibberd Lane, consisting of two stone pillars and a 4'x6' panel. Senya seconded the motion. The Board voted to approve the motion unanimously.

### **Consider Township Park Pedestrian Crossings**

Rick reported that Pennoni has prepared flashing warning device permit applications and plans for the two pedestrian crossings between the Township Park and Applebrook Park. Marty asked what would be different about the new crossings. Rick replied that since the existing lights flash consistently, the impact of the lights on motorists is minimal, and pedestrians are lulled into a false sense of security when they attempt to cross Paoli Pike.

At the Hibberd Lane & Paoli Pike crossing, all but one of the existing mast arms will be removed. The remaining mast arm will contain a Pedestrian Crossing sign and 12" yellow lights. There will be push buttons on either side of Paoli Pike that will activate the flashing yellow lights for 20 seconds. A single mast arm will be installed at the north entrance to the park, with the same push button, and a 20-second yellow flashing light scenario.

Senya asked if there would be a countdown clock and Rick replied no. Rick added, though, that because the speed limit is 35 mph, we can install signs in the middle of Paoli Pike reminding motorists to stop for pedestrians on the crosswalk.

Senya made a motion to approve resolutions 2015-123 and 2015-124, allowing for an application to PennDOT. Carmen seconded the motion. There was no public comment. The Board voted to approve the motion unanimously.

### **Consider Appointment of Jim Benoit for member-at-large for Police Commission**

Senya made a motion to accept the appointment of Jim Benoit as the member-at-large for the Police Commission. Chuck seconded the motion. Senya asked if we had Mr. Benoit's CV, and Rick replied that we do not, but that Mr. Benoit is a Thornbury Township Supervisor and has served in this position before. The Board voted to approve the motion unanimously.

### **Consider Purchase of Real Estate Tax and Sewer/Refuse Invoice Printer**

Jon recommended that the Township replace the existing printer for real estate invoices, sewer/refuse invoices and late notices, which we have owned since 2004, with a Ricoh SP 8300DN from Rothwell Document Solutions at a cost of \$2,395, which reflects COSTARS/U.S. Communities pricing.

Senya made a motion to authorize the purchase of the Ricoh printer, as outlined in a Jon Altshul's memo from January 12, 2015. Janet seconded the motion. There was no public comment. The Board voted to approve the motion unanimously.

#### **Consider Rooftop Structures Zoning Amendment**

Rick presented a draft ordinance—The Rooftop Structures Zoning Amendment—that would eliminate the requirement for roof top screening for new rooftop structures on existing buildings. Senya made a motion to direct the staff to submit the zoning ordinance amendment to the CCPC and Township PC for review and comment. Chuck seconded the motion. There was no public comment. The Board voted to approve the motion unanimously.

#### **Consider Wooded Lot Ordinance Amendment**

Rick explained that the Township Code does not define “Wooded Lot” and suggested that a definition, as recommended by the Conservancy Board and the Planning Commission, be adopted.

Senya asked what constituted a tree. Rick explained that it merely be a viable, living tree of greater than 6 inches in diameter. Carmen suggested that there be a list of tree species that would count in the “Wooded Lot” definition. Janet noted that there are so many varieties of trees that this is not possible. She added that the recommended tree list is just a list of preferable trees to plant. Rick agreed to change the amendment to include a list of invasive trees which would not count and bring it back to the Board.

#### **Consider Recommended Tree Species**

Rick explained that the Conservancy Board has reviewed the recommended tree species list and they recommend removing White Pines since they are easily damaged by ice and snow loads and adding White and Norway Spruce which are better suited for these types of weather conditions.

Senya made a motion to approve the tree list as presented in Resolution 2015-20. Carmen seconded the motion. There was no public comment. The Board voted to approve the motion unanimously.

#### **Any Other Matter**

Senya asked Rick whether Thornbury was receiving too many PPUs from WEGO. He also asked how the Township can be certain that the reported PPU figures are accurate. Rick explained the agreement with Thornbury requires them to receive all normal police services and a specific number of patrol and traffic hours per day. He also noted that there is no limit on the number of accident, detective, etc. hours that Thornbury can

receive. Jon volunteered to go down to WEGO and do a spot check of the daily timesheets to make sure that the reported PPU figures are correct.

Senya also asked why we don't recharge the cost of the excess PPU's to Thornbury. Rick indicated that Thornbury did not agree to this provision and that he would do further research and report back to the Board.

### **Approval of Minutes**

The Board reviewed and corrected the draft minutes of December 16<sup>th</sup>, 2014, and January 13<sup>th</sup>, 2015. Marty said the minutes would stand approved as corrected.

### **Treasurer's Report**

*See attached Treasurer's Report for January 15, 2015.* 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.

### **Correspondence, Reports of Interest**

The Board acknowledged receipt of the WEGO Audit for 2013.

### **Adjournment**

There being no further business, the Board adjourned to an Executive Session to discuss a police labor matter at 9:15pm. The Executive Session ended at 10:00pm.

Pam Pastorino

Recording Secretary

Attachments: *Treasurer's Report*