

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
November 18th, 2014—7:00 pm
Final Approved Minutes**

Present: Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Chuck Proctor, and Janet Emanuel, Township Manager, Rick Smith, CFO Jon Altshul, Assistant District Attorney Kevin Pierce, and ABC member Erich Meyer (Conservancy Board). Not present was Supervisor Carmen Battavio.

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:05 pm and asked *Kevin Pierce, Assistant District Attorney*, to lead the Pledge of Allegiance.

Moment of Silence

Marty 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 introduced the October 26th dog biting incident, when four dogs attacked two people on Brookmont Drive. Kevin Pierce, Chester County Assistant District Attorney was present to update residents on the issues involved and to field questions. He was able to present general information about the law involved in this process, but could not get into details about the specific case.

Mr. Pierce first thanked the SPCA and WEGO for the work they have done on this case. He then explained more about the Pennsylvania Dog Law. The law says that initial dog bites are a summary offense, not a chargeable offense for the owners. If there is a dog biting incident that is reported to the SPCA or WEGO, the dog must be quarantined for ten days. The dog may be quarantined at the SPCA, or, if the dog owners are capable of following certain restrictions, they may be returned to the home. If they are returned home after the ten-day quarantine period, they must be kept in proper confinement, meaning a structure with a roof, and they must be kept on a leash and muzzled if they are out of confinement.

Mr. Pierce added that if the dogs are deemed dangerous, several conditions must be met in order for the owners to keep the dogs—the dogs must be kept inside, or in a confined area with a roof, there must be signage indicating that dangerous dogs are on the property, the dogs must be spayed or neutered, and microchipped, they must be muzzled when outside and the owners must take out a \$50,000 insurance policy per dog. The owners must also get a \$500 annual certificate for any dog deemed dangerous. Finally,

after a dog has been deemed dangerous, any further aggression by the dog becomes a misdemeanor, and the owners may be charged. A second conviction can also be cause for euthanasia.

Resident Don Tyson, 12 Line Rd., related to the board that he has a six-year old son and a ten-year old daughter and that they live close to the dogs in question. He wanted to know the facts of the case. Mr. Pierce informed Mr. Tyson that he was not able to comment on the facts of this specific case, but could only educate the audience about the general dog laws. Mr. Tyson asked when the case would be handled and Mr. Pierce replied that it was on Judge Tartaglio's schedule for 10:00 am on Monday, November 24th. Mr. Tyson asked if the owners were going to opt for a plea agreement, and Mr. Pierce said that he does not know yet. Mr. Tyson asked how many charges were being brought against the owners, and Mr. Pierce replied that there were four charges, one for each dog. Mr. Tyson that there should be eight charges, since there were four dogs and two people.

Mr. Tyson asked a series of questions regarding what to do in the event that the dogs were seen in the front yard or the back gate was unlocked. He also asked about whether pictures of the dogs were available and about his right to protect himself in the event that he was attacked. Mr. Peirce replied that Mr. Tyson should call the SPCA or 911 if he saw any violations and that generally self-defense was permissible. Mr. Tyson asked if the SPCA is open at all hours, and Mr. Pierce replied that if the SPCA is not open, residents can call 911. Rick noted that if you call the SPCA, they will not chase dogs, but if you can contain the dog, they will come and pick it up. Senya reiterated Mr. Pierce's recommendation to call 911. Police Chief Brenda Bernot said that if called, the police have an obligation to take the dogs into custody. Mr. Tyson inquired as to who is responsible for making sure the dog laws are followed and Mr. Pierce replied that the SPCA, WEGO, and the Bureau of Dog Law are all responsible for enforcing the law.

Mr. Tyson asked about the Township's Zoning Ordinance related to dogs, and Marty replied that the ordinance allowed residents to have up to four dogs.

Resident Terri Relick, 12 Treemont Drive, wanted to know what was being done for the public's protection. Mr. Pierce replied that every protection under the law was being enforced. She asked what happens if the homeowners leave the gate open again. Mr. Pierce answered that the SPCA must do inspections, and if residents see anything that is not within the law, they should call the SPCA or 911.

Marty asked that if the dogs are deemed dangerous, who issues the certifications annually, and is there anything not under the law that the neighbors can do? Mr. Pierce replied that the SPCA and WEGO work together, and that there are a series of checks and balances for handling this type of incident. The dog owners can be reported if they are not following procedure, and the SPCA or WEGO will come out and check on the situation at the house.

Resident Paul Anderson, 15 Brookmont Drive, was concerned about the background of the dogs. Mr. Pierce replied that the dogs have not previously been declared dangerous.

Resident Ellen Tyson, 12 Line Road, asked a series of questions, including whether neighbors who witnessed the attack could provide input (Mr. Pierce recommended that witnesses contact Det. Jason Large from WEGO); whether the dogs' prior history had been determined and if it was being used to prosecute (Mr. Pierce said that yes it was); whether there was any Municipal liability (Mr. Pierce answered that that question was outside of his area of expertise); whether all four dogs would be tried separately (Mr. Pierce said each dog would be tried separately) and about the lack of a roof on the enclosure (Mr. Pierce responded that she should call the SPCA). Ms. Tyson asked whether community safety was an important priority for the District Attorney's office, the Police and the Township. Mr. Peirce, Chief Bernot and Marty all agreed that community safety was of each of their highest priorities. Marty noted that the Township can deal with zoning violations, but the District Attorney deals with the dog law.

Ms. Tyson added that she believed that the dogs' owners knew the dogs were vicious, and she did not have much faith in the dogs' owners. She said that having the dogs deemed dangerous is not enough and the neighbors want the dogs removed. Mr. Pierce replied that the dogs would be prosecuted to the fullest extent of the law.

Marty informed the audience about the process at the hearing. He said that witnesses would be called, but if an individual is not a witness, they will only be able to watch, not add, to the proceedings. Residents must observe quietly or they could be held in contempt of court. He added that the case is scheduled at 10:00am, but many cases are scheduled at that time so the case may be heard later than 10:00am.

Mr. Tyson asked if there was any room within the law to force the owners to remove the dogs from the residence, and Mr. Pierce answered that there is a possibility of this happening. Mr. Tyson asked Mr. Pierce to be as creative as need be to force the dogs out of the home.

Resident Bob Fleming, 1406 Heather Lane, commended the police reaction to the incident. He suggested that the County's Computer Aided Dispatch (CAD) system be programmed to make any future emergency call about a dog in this neighborhood a highest priority incident so that officers are dispatched immediately.

Police/EMS Report

Chief Bernot reiterated that public safety is always WEGO's number one priority, but that the police can only work within the law. If residents want the law changed, they should contact legislators about the dog law.

The Chief reported that the Citizens' Police Academy class would be graduating on Thursday. She also stated that recent police activity in the community involved scams, thefts from unlocked vehicles, and traffic complaints. She noted that WEGO is involved in several community service projects—a warm coat drive, a turkey drive, and Toys for Tots.

Bob Fleming, Goshen Fire Company, reported that East Goshen recently received a favorable rating for non-hydrant areas from the Insurance Services Office (ISO), which will result in lower home insurance premiums for residents living in those areas.

Rick added that the Malvern Fire Company had one EMS assist.

Financial Report

As of October 31, the general fund had year-to-date revenues of \$8,094,406 compared to expenses of \$7,830,376 for a positive variance of \$264,030, excluding pass through accounts. Compared to the YTD budget, revenues were \$168,491 over-budget, while expenses were \$30,905 over-budget for a positive budget variance of \$137,586. Net of core revenues, only Parks and Recreation is over-budget (+\$7,986), while the remaining departments are under-budget. Among non-core revenues, Earned Income Tax is underperforming relative to the budget (-\$150,092), while the remaining taxes are all over-budget. Jon noted that the Township should end the year with a surplus of about \$87,000. At the next meeting, Jon will ask the board to adopt the 2015 budget.

Senya asked Jon about the timetable for the Township to receive Earned Income Taxes from annual bonuses and stock options. Jon replied that the majority of tax distributions are received in February, May, August, and November and that next week's weekly distribution should be the last major distribution of the year. Earned income tax on stock options exercised or annual bonuses received in the 4th quarter of 2014 will probably not be received until February 2015.

Consider Friends of Hershey Mill Dam

Resident Neil DeRiemer, 1034 Hershey Mill Rd, informed the Board that he has been working on a list of seventeen sources of possible donations for the Hershey Mill Dam project, although, as of now, they have not raised any money. He has estimated that the least amount of funds the Friends project to raise is about \$213,000 and the highest amount is about \$397,000.

Mr. DeRiemer added that the Friends of the Hershey Mill Dam would not be able to use the Friends of Hershey's Mill 501(c)3 status, and that they must begin the process of attaining their own 501(c)3 status. Chuck stated that while the process for getting 501(c)3 status used to include a 21-page application, it has been reduced to a 4-page application, and the application fees have been reduced. Chuck is also willing to help the Friends of the Hershey Mill Dam expedite the process, and become a member of the Board, but he will have to step down once the 501(c)3 status is granted. He also informed Mr. DeRiemer that once the application is filed and the provisions are approved, contributors can begin to take tax deductions. Chuck noted that it would be helpful if there was an educational component to the refurbishing of the dam.

Marty asked Mr. DeRiemer if he would be able to raise the needed money by December, 2015, and Mr. DeRiemer answered that yes, he would. Marty suggested that the Friends of the Hershey Mill Dam Committee come up with a series of benchmarks in order to

advance the collection of funds. Mr. DeRiemer acknowledged the advice and said he would be at the December 2nd meeting.

Resident Ron McGill, 1050 Hershey Mill Road, said that the danger to Greenhill Road is not because of the dam, but because the culverts underneath the road are too small. He asked if we should be suing PennDOT to fix the culverts. Marty replied that we have an obligation to get the dam fixed and that the culverts are not within our control. Senya added that our engineers have been working on options for the dam for many years now, and that we could no longer re-visit this topic. Mr. McGill stated that the original studies were flawed because they assumed that we had a 14 ft headwall when it is really only 6 ft. He also informed the Board that he has spoken with Immaculata University and they were willing to put in two more retention basins that would lighten the load on the dam, and that they were willing to take any silt dredged from the dam. Rick noted that engineers cannot calculate these retention basins into their reports if the basins do not yet exist.

Resident Joe Buonanno, 1606 Heron Lane, asked what will happen if the Friends of the Hershey Mill Dam do not raise enough money. He said the Township will need to prepare the budget if the dam must be breached. Senya responded that a final decision will be made by December 2015. Mr. Buonanno asked where the money will come from to breach the dam if the Friends do not raise enough money to repair it. Marty replied that the money for breaching it is in the Sinking Fund.

Resident Jim Brandolini, 1200 Burning Bush Lane, asked how much it would cost to breach the dam, and Rick replied that it would cost the same amount, about \$400,000, to bring the dam up to current standards, or to breach it. Mr. Brandolini asked that if the amount would be the same, why breach the dam, why not just do the necessary works to bring the dam up to current standards. Marty answered that breaching the dam will prevent the re-occurring expense of continually bringing the dam up to newer standards as set forth by the DEP.

Resident Robert Cosby, 1507 Greenhill Road, asked if the Township has other resources to fund breaching the dam and Marty replied that if the Township must breach the dam, the Board will seek out grants to help fund the project. He added that ultimately the Board must try to do what is best for the 18,000 people in the Township. Mr. Cosby said that even if the Friends of the Hershey Mill Dam raise \$200,000, it would save the Township money to bring the dam to current standards. Senya responded that the Friends made a commitment to raise the money to bring the dam up to current standards. He added that the Board received a federal grant in 2009 to breach the dam, but a vocal group of residents came to the Board meeting to encourage the Board to turn down the right to reserve the grant, so that they had a chance to raise money privately in support of repairing the dam. Mr. Cosby added that Hershey Mill Dam is a historic site, as well as a scenic destination in our Township, and that we should all try to avoid breaching the dam.

Rick added that a valve is currently open, and the dam is drained, but a major rainstorm will send water over the dam and could cause a natural breach. If the dam breaches naturally, the Township will have to remove the dam. He also indicated that he would get quotes for taking down the trees near the dam wall. If these trees fell into the dam wall, they could also damage the dam beyond repair.

Consider Peco Goshen Substation Landscaping

Rick reported that PECO is willing to re-plant the understory vegetation, but with different types of planting. Marty asked whether the vegetation should be planted immediately or whether the planting should first be approved by the Conservancy Board. Senya asked Erich if the vegetation would survive the winter if it was planted at this time, and Erich replied that it probably would not. Marty therefore agreed that the Conservancy Board should review the planting, as per the normal process.

Willistown resident Ed Davidson, who owns a rental property across from the substation, thanked Rick and the Board for their help in this matter. He indicated that he is fine with the planting happening in the spring.

Consider Recommendation for Website Redesign & Social Media Strategy

Paul Grothmann, Chair of the Website Committee, gave a short presentation on the new website design. Paul explained that the site will use the same content management system, so no new training will be necessary. The site is also more modern, less cluttered, and more organized. Paul noted that the new site could go live in January. Marty noted that the committee saved the Township from paying a third party to do the re-design.

Senya made a motion to approve the Website Committee's proposed re-design. Janet seconded the motion. The Board approved the motion unanimously.

Consider Public Utility Facilities and Buildings Zoning Amendment

Rick presented a series of proposed amendments to the public utility provisions in the Township's Zoning Ordinance. The amendments include changes to the definitions of a Public Utility, a Public Utility Corporation, a Public Utility Facility and a Public Utility Building.

Senya made a motion to direct the Township solicitor to draft an ordinance amendment and send it to the County Planning Commission and Township Planning Commission for review. Janet seconded the motion. The Board voted to approve the motion unanimously.

Consider Document Management System

Jon recommended that the Township install the Square9 Document Management system to replace the existing DocStar system. Jon explained that in the long term, switching to Square9 will reduce the Township's operating expenses. At the same time, he believes the Square9 offers a superior system.

Senya moved that the Township contract with Rothwell Document Solutions for \$17,720 for the installation of Square9, the migration of existing data, related training expenses

and a one-year service contract. Chuck seconded the motion. The Board voted to approve the motion unanimously.

Consider Request for Christmas tree Sales at 1301 West Chester Pike

The Board acknowledged a memo from Wiggins Auto Tags, Inc., requesting permission to sell Christmas trees at 1301 West Chester Pike from November 25th, 2014 until December 25th, 2014. Senya made a motion to permit Wiggins to sell Christmas Trees during the said range of dates. Chuck seconded the motion. The Board approved the motion unanimously.

Consider Paoli Pike Bicycle and Pedestrian Trail Planning Grant Agreement

Janet made a motion that we authorize the Board Chairman and Board Secretary to authorize the Commitment Letter and Grant Agreement Document for the Greenway Trails and Recreation Program Grant for the Paoli Pike Bicycle and Pedestrian Trail Planning Grant and return them to the Commonwealth Financing Authority. Chuck seconded the motion.

Senya expressed reservations about accepting the grant and building the trail. He reminded the Board that it has already approved walking trails that have not been completed on Line Road. He mentioned a letter received from two residents expressing the same reservations. He is concerned about accepting funds for a new trail, when the trail on Line Road has not been completed.

Marty noted that the Line Road Trail issue is a separate matter. He said that the grant is only for a feasibility study to show if it is possible to build the trail. He added that the Paoli Pike Trail is important for the future and a great opportunity to connect to a long series of trails.

Senya said he would like to amend the motion so that if the Paoli Pike Trail is built, that the Line Road Trail be built as well. This amendment was not accepted. Marty noted that a grant condition was placed on the Line Road Trail project saying that the trail must be ADA accessible, and this drove up the price of building the trail. Senya said that he likes trails, but we need to be consistent. Marty said that the Board could put the Line Road Trail on another agenda for discussion.

The Board voted unanimously to approve the motion without the amendment.

Consider Recommendation for Collette Travel Trips

Marty referenced a memo from the Park Commission recommending that the Township partner with the Collette Travel Company to offer a trip in 2015. Marty questioned whether there would be any liability to the Township. He also asked why this particular travel agency was chosen. Rick replied that Collette Travel came to us to offer their services. Marty said that if the Township is going to offer a trip to residents, the Commission should look into other companies as well. Janet wanted to know if the Collette had been vetted. Rick added that he would check with other Townships to see if they are satisfied with Collette.

Consider Recommendation for Revised Landscaping at Goshen Meadows

Senya made a motion to approve the landscape species changes and substitutions for the Goshen Meadows Land Development plan as outlined in the Pennoni letter dated October 27, 2014. Chuck seconded the motion. There was no further discussion. The Board voted unanimously to approve the motion

Any Other Matter

Marty informed the audience that there would be a holiday celebration in the park on Friday, December 12th.

Review of Minutes

The Board reviewed and corrected the draft minutes of October 21, 2014 and October 28, 2014. The minutes stand approved as corrected.

Treasurer's Report

See attached Treasurer's Report for November 13, 2014. The Board reviewed the Treasurer's Report and the current invoices. Senya 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 the receipt of:

1. Public Protection Classification Summary Report
2. Denial for the 2014 Automated Red Light Enforcement funding.
3. John Jamgochian's resignation from the Park Commission
4. Letter that Texas Eastern Transmission has scheduled work in Township.
5. Sunoco's Third Quarter 2014 Remediation Report.
6. Pennoni's fee schedule for 2015
7. Residents' letter regarding grant funding for trail studies.
8. Malvern Library's appreciation for East Goshen's support of the library.
9. Susan Carty's resignation from the Planning Commission, effective at year end.

Adjournment

There being no further business, the Board adjourned at 10:05.

Pam Pastorino

Recording Secretary

Attachments: *Treasurer's Report*