

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
MARCH 17, 2015—7:00 pm
Final Approved Minutes**

Board Members Present: Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Carmen Battavio, Chuck Proctor, and Janet Emanuel. Also present were Township Solicitor Kristin Camp, Township Manager Rick Smith, CFO Jon Altshul, Rec Director Jason Lang and ABC members Erich Meyer (Conservancy Board), Joe Zulli (Park and Rec), Betsy Williams (Park & Rec) and Christine Taraborelli (Park and Rec).

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:03 pm and asked Kristin Camp to lead the Pledge of Allegiance.

Moment of Silence

Carmen called for a moment of silence for the troops at home and abroad and to honor those who have given their lives. He asked for a special remembrance for the families of the Marines from Camp Lejeune killed on board a Black Hawk helicopter in a training exercise in Florida last week.

Recording of Meeting

No one indicated that they would be recording the meeting.

Police Report

Chief Bernot commented on a number of police trends. She noted that there have been a number of reported instances of IRS fraud whereby a resident files her taxes only to discover that someone has already filed a return under her name and claimed her refund. She also noted that there has been an increase in the number of child abuse reports; however, she attributed this increase to a change in the PA reporting law, rather than any observable change in behavior. She also noted that WEGO has two active traffic complaints on Boot Road and Paoli Pike.

Chairman's Report

Marty stated that because of the length of the agenda, the public comment period would occur at the end of the meeting. Marty also noted that the potholes on a number of state-owned roads, particularly on Greenhill Road, are quite dangerous. He explained that the Township has been urging PennDOT to fill these in as soon as possible, but that the Township cannot do road maintenance on state roads.

Public Hearings

The following three public hearings were held, and recorded verbatim by the Court Reporter for the public record.

1) An ordinance regulating the use and operation of model aircraft and amateur rockets in East Goshen. Carmen made a motion to adopt the ordinance as advertised. Senya seconded the motion. The motion passed unanimously.

2) Ordinance amending Chapter 240 of the Township code to amend the definition of “Electric Substation”, “Public Utility Facility”, and “Public Utility Building”. Senya made a motion to adopt the ordinance as advertised. Carmen seconded the motion. The motion passed unanimously.

3) Ordinance amending Chapter 240 of the Township code to add various definitions related to solar energy. Senya made a motion to adopt the ordinance as advertised. Carmen seconded the motion. The motion passed unanimously.

Consider resolution pertaining to keeping of small animals and household pets

Kristin explained that at its February 17th meeting, the Board approved a motion to invalidate Section 240-32.A (1) of the Township Zoning Ordinance limiting the number of dogs on a property and to begin preparing a curative amendment to correct the alleged invalidity. Kristin noted that that section of the code did not provide a reason for why the Township had a four dog limit, and therefore that the limit could be viewed as arbitrary and subject to a legal challenge. Under the curative amendment provisions of the Municipalities Planning Code, municipalities must pass a resolution invalidating an ordinance within 30 days after making a formal declaration to that effect and adopt a new amendment within 180 days. Kristin recommended that the Township establish a rationale for any limit on the number of small pets that is specific to East Goshen, bearing in mind the lot sizes and the various types of dwellings in the Township. Kristin stressed that municipalities have limited power to regulate pets and that the Township certainly cannot regulate the health of pets, which falls under the purview of the PA Department of Agriculture.

Carmen made a motion to adopt a resolution pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code for municipal cure of Section 240-32.A(1) of the East Goshen Township Zoning Ordinance of 1997, as amended, pertaining to keeping of small animals and household pets. Janet seconded the motion.

Senya raised concerns about why the Township needs to undertake this curative amendment. He noted that this provision has never been challenged before and that the Township may be acting reactively to recent events. Rick noted that this ordinance was approved in 1997. Senya further noted that the Township needs to be sensitive to the very personal relationship that people have with their pets in establishing reasonable limits on the number of small pets.

Marty noted that the recent dog attack on Brookmont Drive justified the Board exploring every option for protecting the welfare of residents with respect to dogs. He noted that even if, after going through this process, the Township still ends up with the same four dog limit, at least there will be a justification for the limit, which will protect the Township from a legal challenge.

Joe Buonnano, 1606 Herron Lane, asked if the Township could regulate different breeds of dogs. Kristin explained that municipalities cannot regulate any breeds of dogs differently. He also asked how the Township defines a “small animal”. Kristin explained that this is something the Board will need to work out, but that “small animal” does not include horses, goats or pigs, which are not be regulated under this provision of the Zoning ordinance.

The Board voted 4-1 in favor of the motion, with Senya opposed for the reasons explained earlier.

Consider Tennis Court Renovation

Jason explained that the back three tennis courts are in disrepair and that the Park and Recreation Commission has recommended resurfacing them with a hard surface and allowing for alternate uses, such as roller hockey and pickleball. Jason stated that while the response rate to the recent survey was relatively low, the responses were split along two lines: 1) avid tennis players who favored resurfacing the courts and 2) parents who favored allowing alternate uses of the courts for their children. He further noted that he feels confident that if the courts are resurfaced, we’ll see renewed interest from USTA club teams for court rentals.

Carmen asked Jason whether we have the ability to appropriately manage and schedule six courts and alternative uses. Jason indicated that this wouldn’t be a problem and that the space would be managed similarly to how he manages ball fields for Great Valley Little League. Carmen also asked whether residents would still be able to use the courts if they are frequently reserved for clubs and groups. Jason replied that he’d seek guidance from the Board and the Park and Recreation Commission about the appropriate balance of scheduling for the general public and group play.

Betsy Williams expressed concern about the tennis keys; specifically, that when the Township began locking the courts, the courts started to fall into disuse. She believes the keys are inconvenient and an impediment to the use of the courts. She suggested that if the Township got rid of the tennis keys and repaired the courts, many residents who are currently playing elsewhere, such as on West Goshen courts, which are located along a busy street, would immediately return to playing in East Goshen.

Senya noted that the tennis keys are intended to protect the courts for tennis players. He also stated that the low response rate to the survey suggested that there is a lack of demand from residents for tennis. Betsy replied that one of the reasons that the response rate for the survey was so low was that the survey was not easy to complete, that the Township should have used SurveyMonkey and that people are too busy to fill out surveys. She also stated that Mark Miller has plans to install security cameras throughout the park, which would deter vandalism. In addition, the hard court surface is much harder to damage than the soft courts.

Joe Zulli noted that surrounding communities have better courts than East Goshen and more robust usage as well, which would indicate that there is demand for tennis. He

added that the existing courts are fully depreciated and that opportunities for grant funding exist.

Janet observed that both the Open Space Plan and the Comprehensive Plan will have recommendations for a Park Master Plan and that forward-looking park planning is an essential factor in making sure the park remains a premier Township asset. She stated that if Jason and the Park and Recreation Commission think tennis should be part of that master plan, then the Board would be well advised to listen to them. Chuck added that the courts are a Township asset and that we should rehabilitate them.

Marty stated that the Board would like additional information about how the courts will be managed. He wants to make sure that the fee schedule is appropriate and that we apply for any available grants.

Carmen made a motion for the Township to repair the three back tennis courts by removing the soft surface and replacing with a hard surface, painted for tennis and pickle ball with removable pole caps. Chuck seconded the motion. The Board voted 4-1 in favor of the motion, with Senya opposed for the reasons provided earlier.

Consider Grand Oak Storm Sewer Project

Marty explained that even after the installation of additional inlets, the storm water problems on the Alexanders' property at 1408 Grand Oak Lane have continued and that the Board needs to decide whether the Township should install topsoil and additional curbing to direct more run off to the outlets.

Mike Rook, 711 Red Maple Drive, expressed concern about this proposal causing additional run-off on his property. He noted that the storm sewer lines at the end of the system were only large enough to handle two year storm events, which is causing more water to accumulate further up the line near his property. He suggested that the Township install an additional pipe large enough to handle a 25 year storm and that the pipe be perforated to collect additional groundwater.

Rick noted that raising the curb, as is being proposed, would allow more water to get to the inlet. However, Senya noted that if Mr. Rook is correct and the storm sewer line is too small, the water would still pool during major storms.

Mr. Rook added that he and his neighbors are concerned about basement flooding due to their furnace flu pipes being below the standing water level, which would cause water to flow backwards into their basements. Carmen indicated that if this happens, it may be due to a problem in the chimney.

Chuck expressed confusion about Mr. Rook's claim, as his property is at a higher elevation than Mr. Alexander's and suggested there is another cause of the flooding. Chuck stated that the flooding may be coming not from storm sewer back-ups, but from ground water coming down swales from higher elevations on Sycamore Drive.

Rick stated that he would ask Nate Cline from Pennoni to do further study on what effect raising the curbing would have on Mr. Rook's property. Mr. Alexander indicated that he was fine with waiting on a further evaluation.

Consider 612 Meadow Drive/ZHB Application

Charlie Gerbron, Esq. of MacElree Harvey, representing James and Susan Christenson, explained that his clients were seeking a dimensional variance for seven feet of relief to build a detached two car garage that would be 13 feet from his neighbor's property line at the closest point. He explained that all the neighbors had been notified about the proposed garage, that there was no opposition, and that his client had received a letter of support from Mr. Connelly, the neighbor most affected. He noted that the original garage had been converted into a therapist's office by the previous owner and that the property had an unusual lot size, which created the hardship.

Carmen asked whether Mr. Christenson would add any landscaping to obstruct the view from the neighbor's property. Mr. Christenson stated that the neighbor already has a large blue shed that obstructs the view between the two houses.

Senya questioned whether there was a hardship if the homeowner knew that the original garage had already been converted when the property was purchased. Marty noted that the hardship appeared to be self-created as a one car could be built outside the setback, or alternatively, the garage could be built over the existing sidewalk, which would also result in the garage being outside the setback.

Senya produced a sketch with the two car garage attached to the house and asked whether that option had been considered, as no variance would be required for that design. Mr. Christenson responded that due to the shape of the driveway, if the garage were configured like that it would be impossible to back a car in without also hitting the house.

Carmen made a motion to take no position on the Christenson's Zoning Hearing Board application. Janet seconded the motion.

Senya raised concern about how the Board could justify taking no position on this matter, when it had opposed the previous ZHB application on Strasburg Road that sought the same relative amount of dimensional relief. Carmen responded that the difference in the two applications is that Mr. Christenson is only seeking to build a garage, whereas the previous applicant was seeking to build an entire house.

The motion passed 3-2, with Senya and Marty opposed.

Consider Butterfly Garden in East Goshen Park

Jason explained that the West Chester Garden Club 501(c)(3) would provide the funding to build the garden and maintain it for the first year, and that up to \$3,000 was available from the PECO Go Green Program to provide for signage and educational material about the garden.

Senya made a motion to authorize the butterfly garden for installation in spring 2015 and to proceed with the PECO grant application. There was no public comment. The motion passed unanimously.

Consider Applebrook Directional Sign

Rick explained that three businesses—the Durkin Group, IMX and the Applebrook Golf Course Maintenance Facility—had expressed interest in purchasing panels for approximately \$700 each on the proposed sign. Senya asked for clarification about whether the businesses would pay for just their panels or a proportionate share of the entire sign, and Rick responded that they would pay only for the panels and that the Township would pay for the cost of erecting the sign, at a cost of approximately \$3,000. Senya expressed concern about the taxpayer funds being used at all for the sign and indicated that it was his understanding that the businesses would be paying for the entire cost. Carmen and Senya shared this view. Rick stated that he would send the businesses another letter asking them to either pay for a proportionate share of the entire sign or suggesting that we change their addresses from Paoli Pike to Hibberd Lane, which would avoid the problem of them not being able to be located by emergency service vehicles or clients.

Financial Report

Jon explained that the General Fund had a surplus of \$380,299 through February and was under-budget by \$213,443. He added that year-to-date stormwater expenses are over-budget due to the Wineberry Lane project and that snow expenses are slightly over-budget through February due to snow events last month.

Consider West Whiteland Lincoln Highway and Whitford Road Corridors Plan

Marty made a motion to authorize the Manager to send a letter to West Whiteland with the comment that the implementation section should only have one responsible organization for each recommendation. Carmen seconded the motion. There was no public comment. The motion passed 4-0 (Chuck left the meeting prior to this item due to a family emergency).

Consider Bid Results for Cleaning and Televising Sanitary Sewer Lines

The bid results for the cleaning and televising of sanitary sewer lines were as follows:

Pipe Data View Services	\$14,800.00
Pipe Services Corp.	\$21,600.00
Utility Services Group Inc.	\$43,950.00
Tri State Grouting-Aqua Rehab	\$44,200.00
FRANC Environmental, Inc.	\$48,115.00

Marty made a motion to award the contract for Cleaning and Televising of Sanitary Sewer Lines to Pipe Data View Services in the amount of \$14,800. Carmen seconded the motion. There was no public comment. The motion passed 4-0

Consider PennDOT Mowing Agreement for West Chester Pike

Senya made a motion to adopt Resolution 2015-58 and authorize the Chairman to execute the mowing agreement with PennDOT. Carmen seconded the motion. There was no public comment. The motion passed 4-0.

Consider Paoli Pike Trail Feasibility Study and Master Plan Proposals

The Board accepted staff's recommendation to interview four RFP respondents on March 31, 2015 beginning at 7:00pm.

Consider Resolution 2015-125

Rick explained that because we have a business relationship with PennDOT for road permits and mowing, we need to register with their Engineering Construction and Management System, which requires the adoption of a resolution. Marty made a motion to adopt Resolution 2015-125 authorizing execution and submission of the ECMS Application to PennDOT. Carmen seconded the motion. There was no public comment. The motion passed 4-0.

Consider West Whiteland Comp Plan Land Use Plan Change

Marty made a motion to authorize the Manager to send a letter to West Whiteland voicing no objection to the proposed change in zoning districts of land adjacent to East Goshen and Route 202. Senya seconded the motion. There was no public comment. The motion passed 4-0.

Consider Sunny Ridge Farms Escrow Release

Carmen made a motion to authorize the escrow release of \$91,514.15 to Sunny Ridge Farms LP, consistent with Pennoni's recommendation. Marty seconded the motion. There was no public comment. The motion passed 4-0.

Treasurer's Reports

See attached Treasurer's Reports for February 26, 2015, and March 12, 2015. The Board reviewed the past two Treasurer's Reports and the current invoices. Carmen moved to graciously accept the Treasurer's Reports and the Expenditure Register Reports as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Senya seconded the motion. The motion passed 3-0 (Janet left the meeting prior to this item being discussed).

Any Other Matter

Senya distributed an editorial from the March 12th *Daily Local News* entitled "Governments Must Be Held Accountable" and he asked everyone to read it carefully.

Public Comment

Joe Zulli asked that the Board reconsider its decision to cancel Community Day this year. He acknowledged that there were problems with fundraising and the 501(c)(3), but stated that Community Day is a worthwhile event for the Township to continue. Marty assured him that the item would be up for reconsideration at the April 7th meeting and asked Joe to return for that meeting.

Mr. Buonanno stated that there is no ethical and moral reason to kill young deer and noted that a number of the deer killed in Wentworth this year were 45-60 pounds. He asked that the Board restrict bow hunters from killing smaller deer, such as those weighing less than 100 pounds. Rick noted that the Game Commission does not prohibit hunters from killing small deer. Carmen agreed to discuss the matter with Jim McRee from the Deer Commission this weekend. Marty directed staff to include Mr. Buonanno's recent email as an attachment to the minutes for this meeting.

Adjournment

Having no further business, the Board adjourned at 10:35pm.

Respectfully submitted,
Jon Altshul
Chief Financial Officer

Attachments:

- Treasurer's Report, February 26 and March 12
- February 20th email from Joe Buonanno

				February 26, 2015	
TREASURER'S REPORT					
2015 RECEIPTS AND BILLS					
GENERAL FUND					
Real Estate Tax		\$191,558.65	Accounts Payable		\$181,884.09
Earned Income Tax		\$120,400.00	Electronic Pmts:		
Local Service Tax		\$47,100.00	Health Insurance		\$0.00
Transfer Tax		\$26,076.63	Credit Card		\$4,755.88
<i>General Fund Interest Earned</i>		\$0.00	Postage		\$0.00
Total Other Revenue		\$131,469.90	Debt Service		\$0.00
Total Receipts:		\$516,605.18	Payroll		\$103,194.98
			Total Expenditures:		\$289,834.95
STATE LIQUID FUELS FUND					
Receipts		\$0.00			
<i>Interest Earned</i>		\$0.00			
<i>Total State Liquid Fuels:</i>		\$0.00	Expenditures:		\$0.00
SINKING FUND					
<i>Interest Earned</i>		\$0.00	Expenditures:		\$15,053.32
TRANSPORTATION FUND					
<i>Interest Earned</i>		\$0.00	Expenditures:		\$2,372.40
SEWER OPERATING FUND					
Receipts		\$171,468.36	Accounts Payable		\$30,668.80
<i>Interest Earned</i>		\$0.00	<i>Debt Service</i>		\$0.00
Total Sewer:		\$171,468.36	<i>Credit Card</i>		\$0.00
			Total Expenditures:		\$30,668.80
REFUSE FUND					
Receipts		\$40,894.41			
<i>Interest Earned</i>		\$0.00			
Total Refuse:		\$40,894.41	Expenditures		\$7,184.93
SEWER SINKING FUND					
<i>Interest Earned</i>		\$0.00	Expenditures		\$0.00
OPERATING RESERVE FUND					
Receipts		\$0.00	Expenditures		\$0.00
Events Fund					
Receipts		\$0.00	Expenditures		\$0.00

March 12, 2015

**TREASURER'S REPORT
2015 RECEIPTS AND BILLS**

GENERAL FUND

Real Estate Tax	\$294,983.60	Accounts Payable	\$736,938.83
Earned Income Tax	\$201,037.42	<u>Electronic Pmts:</u>	
Local Service Tax	\$16,237.54	Health Insurance	\$0.00
Transfer Tax	\$0.00	Credit Card	\$0.00
<i>General Fund Interest Earned</i>	\$398.00	Postage	\$1,000.00
Total Other Revenue	\$38,798.27	Debt Service	\$14,894.16
Total Receipts:	\$551,454.83	Payroll	\$97,044.74
		Total Expenditures:	\$849,877.73

STATE LIQUID FUELS FUND

Receipts	\$2,320.00		
<i>Interest Earned</i>	\$0.00		
Total State Liquid Fuels:	\$2,320.00	Expenditures:	\$0.00

SINKING FUND

<i>Interest Earned</i>	\$389.96	Expenditures:	\$0.00
------------------------	-----------------	---------------	---------------

TRANSPORTATION FUND

<i>Interest Earned</i>	\$185.97	Expenditures:	\$0.00
------------------------	-----------------	---------------	---------------

SEWER OPERATING FUND

Receipts	\$72,262.42	Accounts Payable	\$40,663.45
<i>Interest Earned</i>	\$42.91	Debt Service	\$33,440.94
Total Sewer:	\$72,305.33	Credit Card	\$0.00
		Total Expenditures:	\$74,104.39

REFUSE FUND

Receipts	\$21,836.10		
<i>Interest Earned</i>	\$17.02		
Total Refuse:	\$21,853.12	Expenditures	\$72,002.01

SEWER SINKING FUND

<i>Interest Earned</i>	\$209.10	Expenditures	\$0.00
------------------------	-----------------	--------------	---------------

OPERATING RESERVE FUND

Receipts	\$240.97	Expenditures	\$0.00
----------	-----------------	--------------	---------------

Events Fund

Receipts	\$0.62	Expenditures	\$0.00
----------	---------------	--------------	---------------

From: [REDACTED]
Sent: Friday, February 20, 2015 3:38pm
To: mshane@eastgoshen.org, sisayeff@eastgoshen.org, cbattavio@eastgoshen.org,
cproctor@eastgoshen.org, jemanuel@eastgoshen.org
Subject: Deer Season

Gentlemen/Madam, I just had the opportunity to review the harvest numbers for the 14/15 hunt.....For the most part It was a good hunt.....Best in Hunt goes to Jeager,Garrity,Malinchak, Kovach and Wahn. Bow Tree/Keystone/Supplee have best averages by far. Wentworth group not so good.....A 45,60 and 65 pounders???? I hear tell the sixty pounder gained 20 lbs upon death. Very unimpressive. Out West The wardens call these THRILL KILLS.....because there is no other way to explain it.... Jeager,Garrity,Malinchak , Kovach and Wahn, get 5 days and 6 nights in the Wyoming wilderness to hunt Prong Horn, Elk, and Mule Deer. Horses, pack mules,supplies/provisions will be provided. Must know how to ride.....instructions on how to pack Mules will be provided....must know how to use compass.....and travel light....satellite phone will be provided so search and rescue can get coordinates.....Bow/September....Rifle/October.....Bow in the mountains/ Rifle on the range..... Wentworth group....I propose the BOS provide them with FREE tickets to the Elmwood Petting Zoo in Norristown Pa. to see up close and personal what grown up deer look like.....so the boys have a good idea what to look for next year. I heard a rumor Bill O' Reilly is researching a book called Killing Bambi.....Disney might take the movie rights..... I know some people will agree to disagree with my thoughts about this hunt.....to be politically correct.....I don't want you to think I'm mocking the numbers and weights associated with the Wentworth boys.....I want you to know I'm mocking numbers and weights associated with the Wentworth boys. I would have preferred to email this directly to the Deer Committee but the new and improved web page prevented me from doing so. Thank you for your time and consideration.....Joseph Buonanno
East Goshen Resident