

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
April 14, 2015—7:00 pm
Draft Minutes**

Present: Chairman Marty Shane, Vice-Chairman Senya D. Isayeff, and Supervisors Carmen Battavio, Chuck Proctor, and Janet Emanuel, Township Manager Rick Smith, CFO Jon Altshul, WEGO Police Chief Brenda Bernot, and ABC members Erich Meyer (Conservancy Board) and Don Zembruski (Commerce Commission).

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:04 pm and led the Pledge of Allegiance.

Moment of Silence

Carmen called for a moment of silence to honor the troops who keep us safe.

Recording of Meeting

No one indicated that they would be recording the meeting.

Chairman's Report

Marty announced that the Board met in executive session from 6pm-7pm prior to the meeting to discuss a legal matter.

Police Report

Chief Bernot highlighted the following issues:

- Many residents have filed their taxes only to discover that someone else had fraudulently filed a return on their behalf and claimed a refund.
- “National Night Out” will be on August 4th. Residents are asked to go outside after dark, lock their doors and speak to their neighbors in order to deter would-be criminals. More information will be forthcoming.
- The next Citizen’s Police Academy will begin on September 9th
- WEGO is now participating in “Premise Alert”, which allows residents to send in important information about their family (e.g. medical conditions) and that information will be included as part of the dispatch should an officer ever be sent their home.
- The accreditation process through the PA Chiefs of Police Association is underway and WEGO is approximately 45% of the way through its review of its various policies.

Chuck noted that the next Police Commission meeting will be on April 23rd at 5:30pm at the police building and encouraged residents to attend.

Consider Milltown Dam

Rick explained that we purchased the dam in 1985 and spent approximately \$250,000 at that time for spillway repairs and rip-rap overtopping protection. However, he noted that the Township was recently advised by the PA Department of Environmental Protection (DEP) that the dam does not meet the state's current safety requirements. As a result, the Board needs to decide whether to repair the dam at a cost of between \$350,000 and \$550,000 or breach the dam at a cost of \$700,000 to \$850,000 minus any available grant funding. Specifically, he was seeking Board approval to apply for a grant from the PA Department of Conservation and Natural Resources (DCNR) to breach the dam.

Rick further explained that he had met with DEP officials who suggested that if the Township decides to breach the dam, it should consider doing so in phases, by gradually lowering the water in the reservoir to allow native vegetation to naturally re-establish.

Marty added that the Board had two issues to discuss tonight: 1) to decide whether to authorize Rick to submit a grant application to DCNR and 2) to discuss whether it makes sense to open the valves to drain the reservoir. He stressed that the Board would not decide whether to breach the dam tonight, but simply whether to apply for a grant, so that the Board could later make an informed decision about the best course of action for the Township.

Antoinette Schorn, 20A Reservoir Rd stated that she strongly supports saving the dam as it is one of the most beautiful spots in East Goshen. Area residents fish there, take walks and enjoy watching the wildlife, such as the turtles. She feels that environmentally it would be a big mistake to get rid of the reservoir.

Marty noted that both the federal and state government do not approve of dams unless they are for drinking water reservoirs or for flood control, neither of which apply to the Milltown Dam.

Geri Connor, 34 Lochwood Lane, stated that she has strong economic concerns about breaching the dam, as the value of properties surrounding the reservoir would fall if they no longer looked out on the reservoir.

Richard Swenson, 20 Reservoir Road, stated that breaching the dam would go against the township's mission statement of "improving the quality of life" and "protection of our environment and preservation of our historic and natural resources". He feels that the dam is a historic resource and that it adds to the quality of life in the Township, as evidenced by ice skating, fishing and outdoor family activities. He also noted that the area is home to a bald eagle.

Marty noted that ice skating is not permitted on the reservoir.

Charles McCardle, 36 Lochwood Lane noted that it is cheaper to repair the dam than to breach it.

Cabell Whittum, 33 Lochwood Lane stated that he feels the Board is biased towards breaching the dam. He stated that he was told at a meeting in December that the Township would notify the neighbors in advance of any meeting about the dam, but that he only received such a letter four days ago. He noted that grant dollars are also taxpayer dollars and that he opposes using his state tax dollars to breach the dam. He noted that the waterfront adds value to the Township and questioned what would happen to the native animals if the dam is breached.

Michael Lehmicke, 4 Reservoir Rd explained that he spoke with DCNR and with a friend who is a civil engineer about breaching the dam. He said that DCNR told him that it would not award a grant for a project that the public does not support. He also said his civil engineer friend told him that Pennoni does not have expertise in dam work and that there would be maintenance costs after breaching the dam as the Township would have to control erosion. He also noted that the Pennoni estimate did not include a cost estimate for silt removal, which can be expensive.

Robert Sullivan, 33 Waterview Rd stated that he remembered being at a meeting in 1985 when the township agreed to purchase and restore he dam. He also referred to recent dam breaches in Dalton and Monroe Townships where the old reservoirs are now ugly and resemble mud flats. He also noted that breaching is usually only done to allow fish to swim upstream or to avoid boating accidents, neither of which is applicable to the Milltown Dam. He would like to know a timeframe for when the Board will make a final decision.

Paul Knox, 40 Lochwood Lane stated that the Township has not been transparent in how it has discussed the matter and that he didn't know about this issue until he received a letter a few days ago. He stated that he attempted to hire an attorney from MacElree Harvey to defend him, but was told by a secretary or paralegal that that firm had a conflict of interest and could not take the case because it represented developers.

Marty said that he was not aware of any conflict of interest between the Township and MacElree Harvey. Senya explained that the reservoir is by definition in a flood plain and that under both federal and state regulations it would be impossible to build anything there if the dam is breached. Senya asked Rick if there would be any developable land created downstream in the event that that dam was breached, and Rick responded that the next property downstream was Bob Wiggin's property on West Chester Pike, which was already developed. Senya therefore expressed confusion about Mr. Knox's suggestion that developers would benefit if the Township breached the dam.

Elizabeth Robinson, 37 Waterview Rd stated that the dam improves the quality of life in the Township and that it is a wonderful place to fish and ice skate. She noted that if it's breached it would be gone forever and could not be replaced. She also questioned whether there would be no maintenance needed if the dam was breached.

Antionette Brakman, 1420 E. Strasburg Rd raised concern about invasive plants and weeds gaining a foothold if the dam is breached and the attendant maintenance costs. She

noted that part of her property is located in a floodplain and that it is difficult to maintain due to the aggressive growth of multiflora roses.

Barb Sivek, 28 Waterview Rd expressed concern about the lack of notification about tonight's meeting. She also noted that breaching is more expensive than repairing and that area residents, who have the most invested in the dam, want to see it repaired.

Mr. McArdle asked whether Public Works would still maintain the swale in his backyard if the reservoir goes away and Rick assured him that it would.

Vincent McGinnis, 32 Lochwood Lane reiterated what he said at the Board meeting in December, that the reservoir is a jewel and that he doesn't understand why the Township would consider breaching.

Carmen noted that in his opinion the Milltown Dam is different from the Hershey's Mill Dam as it is more accessible and more appropriate for recreation. He suggested that the Township consider developing a statistically valid survey to gather public input.

Mr. Lehmicke stated that grants to repair the dam need to be looked at. He suggested that there may be funding available under Act 13 to repair dams. Rick responded that no funding has been appropriated for the high hazard dam program recently and that even if money were appropriated, the Milltown Dam doesn't meet the selection criteria. Rick also noted that the dam wouldn't be eligible for grant funding for flood control, as flood control does not apply to the Milltown Dam. Marty added that the Township has been exploring grant opportunities on its own and with the help of its state legislators for the past eight years, ever since DEP found the Hershey's Mill dam to be non-compliant and that the only grant money available would be for breaching, not repairing dams.

Karen Lehmicke, 4 Reservoir Rd asked about the time frame for the board to make a decision about whether to breach or repair the dam. Senya noted that government works very slowly and noted that the Hershey's Mill dam has been under discussion for eight years and no final decision has yet been made. She also asked when the Board would make a decision about lowering the water levels in the dam and whether the Board would decide on that tonight. Rick explained that the only decision that would be made tonight is whether to apply for the grant and that he had only recommended that the Board begin discussing the phased approach tonight. She also asked that if the Township does lower the water line to be cognizant of the impact on fish, which might be trapped on land if the reservoir is drained too quickly. She noted that on an annualized basis, it would only cost about \$10,000 per year over 30 years to repair the dam.

Mr. Sullivan recommended that the Township not open the valve.

David Crothammel, representing his parents who live at 10 Reservoir Rd, asked whether the Township is sure that it has enough cost estimates to make a decision. He also noted that Reservoir Road, particularly the swampy area, looks ugly between Strasburg Rd and Paoli and that he rarely sees kids playing outside anymore. Marty noted that this is the

first step in the process to determine what to do and that a lot more information will be gathered before a decision is made.

Bob Simon, 32 Lochwood Lane wanted an assurance that the water would not be drained in the next two weeks. He also asked if East Goshen can borrow the money for the project. He said that the Township has ignored the southern half of the Township and wants the Board to fix the dam. Jon advised him we could borrow the funds for the project.

James Ziegenfus, 16A Reservoir Road expressed a concern about what would happen to the area in the long term and believes removing the dam will increase flooding.

Michael Lehmicke, 4 Reservoir Rd asked what the Board was going to do. Marty explained that after the residents had been heard, someone would make a motion, the Board would discuss it, take additional public comment from the residents, then vote on the motion.

At 9:15 pm Senya made a motion to authorize submission of a grant application for funding to breach the Milltown Dam. Carmen seconded the motions

Geri Connor, 34 Lochwood Lane asked if they could strike the motion. Marty stated the public could not.

The motion passed unanimously.

Karen Lehmicke, 4 Reservoir Rd commented that she would be contacting Representative Truitt and ask him to oppose the grant.

It was the consensus of the Board that they would take no action on the question of opening the valves and draining the Reservoir. Marty noted that the Board would be gathering additional information on the Milltown Dam and encouraged people to sign up for Constant Contact and Marty thanked the residents for coming.

Suzanne Wellmon, 46 Lockwood La asked about a survey. Marty advised that it was something the Board would consider.

Police/EMS Reports

The Board acknowledged receipt of the reports for the Malvern Fire Company.

Resolution 2015-34A

Chuck moved to adopt Resolution 2015-34A establishing a fixed sewer rate of \$30.07 per quarter and a variable rate of \$7.90 per thousand gallons. It was noted that while this represented an increase of 2.87%, since 2011 average sewer bills have only increase at an annualized rate of 0.8%, which was lower than inflation. Carmen seconded the motion, there was no public comment and the motion passed unanimously.

MS4 Program

Rick updated the Board on the MS4 Program noting that we have not experienced any significant problems with the new ordinance.

Keeping of Animals

Marty noted that this issue was a result staff's recommendation that we needed to provide justification for the number of dogs in the Zoning Ordinance. He expressed a concern that without this someone could keep 10 pit bulls on their property and made a motion to proceed as recommended by staff. Senya seconded the motion. Chuck questioned why we needed to do this if we had not received any complaints about dogs and opined that the justification in the draft ordinance was insufficient. Janet noted she was on the Planning Commission when this ordinance was initially drafted. Senya said that homeowners should be able to decide how many dogs could keep on his property. Carmen asked how the ordinance would be enforced and Rick advised it would be handled like any other zoning violation. Marty withdrew his motion and requested that Rick work with Chuck and Janet to try and resolve the issues.

Approval of Minutes

The Board reviewed and corrected the draft minutes of the meeting on March 31, 2015. Marty said the minutes would stand approved as corrected.

Treasurer's Report

See attached Treasurer's Report for April 9, 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. Senya seconded the motion. The Board voted unanimously to approve the motion.

Correspondence

The Board acknowledged receipt of the report from the Friends of the Hershey's Mill Dam, the quarterly Right to Know Report, the SPCA's letter on the "Community Cat Program" and Malvern Fire Company's request for a contribution.

Any Other Matter

Rick advised that Board that the Township Solicitor has reviewed and approved the agreement with McMahon Associates and that the Township Staff had suggested the Trail Study be overseen by a Steering Committee consisting of Janet Emanuel, Joe Zulli (Park Commission) and a representative from the Planning Commission, Conservancy Board Historical Commission and a resident. Rick suggested that the Board appoint Mike Broennle, given his interest in trails.

Senya made a motion to authorize the Chairman to sign the Agreement for Professional Services with McMahon Associates Inc. for the Paoli Pike Feasibility Study and Master Plan and to create the Paoli Pike Trail Steering Committee as outlined by Rick. Carmen seconded the motion, There was no public comment and the, motion passed unanimously.

The Board reviewed the April 10 memo from Jason Lang regarding Community Day. It was the consensus of the Board to proceed as Jason suggested with free rides and have multiple food trucks.

Adjournment

There being no further business, the Board adjourned to meet in Executive Session to discuss a legal matter at 10:20 pm. The Executive Session adjourned at 10:30 pm

Jon Altshul
Chief Financial Officer
Attachments: *Treasurer's Report*

April 9, 2015

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

GENERAL FUND

			Accounts Payable	\$95,197.85
Real Estate Tax	\$20,828.22		<u>Electronic Pmts:</u>	
Earned Income Tax	\$0.00		Health Insurance	\$0.00
Local Service Tax	\$0.00		Credit Card	\$0.00
Transfer Tax	\$0.00		Postage	\$0.00
General Fund Interest Earned	\$460.89		Debt Service	\$0.00
Total Other Revenue	\$243,002.39		Payroll	\$44,472.37
Total Receipts:	\$264,291.50		Total Expenditures:	\$139,670.22

STATE LIQUID FUELS FUND

Receipts	\$0.00			
Interest Earned	\$26.56			
Total State Liquid Fuels:	\$26.56		Expenditures:	\$0.00

SINKING FUND

Interest Earned	\$408.48		Expenditures:	\$0.00
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TRANSPORTATION FUND

Interest Earned	\$207.72		Expenditures:	\$0.00
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SEWER OPERATING FUND

Receipts	\$45,393.48		Accounts Payable	\$148,425.90
Interest Earned	\$58.03		Debt Service	\$0.00
Total Sewer:	\$45,451.51		Credit Card	\$0.00
			Total Expenditures:	\$148,425.90

REFUSE FUND

Receipts	\$17,770.34			
Interest Earned	\$20.20			
Total Refuse:	\$17,790.54		Expenditures	\$63,474.66

SEWER SINKING FUND

Interest Earned	\$231.13		Expenditures	\$0.00
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OPERATING RESERVE FUND

Receipts	\$266.83		Expenditures	\$0.00
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Events Fund

Receipts	\$0.69		Expenditures	\$0.00
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