

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
JUNE 2, 2015 – 7:00 pm  
APPROVED MINUTES**

**The Board met in Executive Session from 6:30 pm to 6:55 pm.**

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

**Call to order & Pledge of Allegiance:**

Marty called the meeting to order at 7:05 pm and asked Senya to lead the Pledge of Allegiance.

**Moment of Silence:**

Carmen called for a moment of silence to honor the members of the military, EMS, and Police who keep us safe and for their families.

**Recording of Meeting:**

No one indicated that they would be recording the meeting.

**Chairman's Report:**

- Community Day – Marty commented that Community Day will be held on Saturday, June 27, 2015, commencing at 5:00 pm in East Goshen Park. This year, there will be eight different food vendors present, as well as a variety of farmers market vendors. The Blue Sky Band will be performing at the event and there will be many children's activities as well.
- Comprehensive Planning Meeting – Janet shared that the Comprehensive Plan is now ready for public viewing and comments. She encouraged all to view the Comprehensive Plan on the Township website and to attend the review meetings that are scheduled for next week.
- Paoli Pike Trail -- Janet also shared that there will be an Open House on the Paoli Pike Trail on June 16, 2015 at 6:00 pm with a presentation to follow at the 7:00 pm Board of Supervisors meeting. The McMahon consulting firm will be available at this meeting to answer any questions and to seek input from the general public.

**Meetings & Dates of Importance:**

Marty noted that the June 16<sup>th</sup> Board of Supervisors' Meeting will most likely be a lengthy meeting with discussion about the Paoli Pike Trail and Milltown Dam. He encouraged residents to attend and be informed.

**Old Business:**

- Consider update on Sunoco Mariner Project by Don Zoladkiewicz –Marty opened this discussion by stressing that the Board of Supervisors will perform their duties to the best of their abilities in looking out for the best interests of its residents and in partnership

with Sunoco. Don then commenced his update on the Mariner East 2 pipeline stating that Sunoco is only a transporter of the products derived from Marcellus Shale gases. Mr. Zoladkiewicz also shared that the pipeline corridor from Houston, PA to Marcus Hook, PA would be surveyed, 100 feet on both sides of the existing pipelines in preparation for the proposed 20" new line. In general, Sunoco has met with very good public support, and that the corridor within Chester County will be surveyed in the immediate future to secure a 50 foot wide permanent easement, plus an additional 25 foot temporary construction easement. Sunoco would use directional drilling in sensitive areas, as this is less intrusive than conventional construction methods.

Marty asked about eminent domain and what Sunoco's timeline is. Don commented that the Mariner 1 corridor is one option, but Sunoco is also looking into utilizing "existing infrastructure" as well. Sunoco has retained Percheron Land Agents to contact homeowners along the pipeline route for easements. This will start to happen within the last two weeks of June, 2015.

*Cabell Whittum, 33 Lochwood Lane*, asked if there would be pipeline rerouting in East Goshen. Don said there would not be.

Carmen inquired about resources that Sunoco would assign in the event of a problem. Don said that Sunoco coordinates with the counties for training of first responders. Janet asked how Mariner 2 would be situated vis a vis Mariner 1 and if increased easements would be required. Janet also asked what would be Sunoco's preferred type of installation —open cut or directional drilling. Don said that Mariner 2 could run adjacent to Mariner 1 and the decision on the method of installation is dependent on the conditions in a specific area.

Marty inquired about how lines are repaired, how Sunoco ensures safety to the public, what is burned off at the combustion unit in West Goshen, what is Sunoco's timeline, and where drilling will be used. Don replied that repairs could be handled in one of two options either: excavating the line and making the repair, or if that is not possible drilling a new line next to the old one. Safety is ensured by having quick response shut off valves on the pipeline, and that the combustion units burn 99.9% of the product. Don was not sure when the decision to open cut or directional drill a specific location would take place.

Senya asked Don how many times eminent domain has been exercised through the Mariner 1 project. Don said it has been used for less than 10 % of the existing homeowners and that Sunoco uses eminent domain as a last resort.

*Phil Watson, 200 North Chester Road*, asked if Sunoco, when asking for an easement on his property, would know at that time what method of pipeline installation would be used. Don said that they would know and that would be a factor in the homeowner's decision process.

*Marie McNicholas, 611 Marydell Drive*, asked how can she make a decision about granting an easement when Sunoco may not know what option Sunoco intends to use for Mariner 2. Don said that this would be part of the negotiation process and that Sunoco will work with you.

*Gayle Jefferis, 202 North Chester Road*, expressed worry about her property value, the landscaping she has installed and her driveway, how long construction would take and what she can do on the easement if she grants one to Sunoco as well as what the timeline would be for construction to begin after she grants an easement. Don answered that Sunoco will repair any and all damage that occurs during construction, that it would be uncertain how long construction would take, that only temporary structures could be placed in an easement area, and that it would be part of her negotiation with Sunoco to know when construction would take place after signing an easement.

*Robert Sullivan, 33 Waterview Road*, asked if there is a set rate of compensation Sunoco uses when asking for easements. Don said there is a formula but he is not sure what it is, and that negotiations are personalized based on the property and the situation.

Marty and Carmen asked how Percheron Land Agents contact homeowners, and ways to avoid fraud. Don said that first contact is made by phone. The agents request an appointment with the homeowner and that they are all badged. Don also offered to let the Township know when the calls would begin so the Township could notify residents as well.

Rick advised that if any resident is uncomfortable or feeling uninformed in their particular situation, they should consult with a lawyer.

#### **New Business:**

- Consider Goshen Fire Company Boot Drive on Community Day – Carmen motioned to allow the Goshen Fire Company to conduct a Boot Drive Fundraiser during the parking of cars on Community Day. Senya motioned to open this item up for further board discussion. Senya objects to the Boot Drive fundraiser as he feels it goes against the original idea of Community Day being a free event. He also feels that it would interfere with the timely and efficient flow of traffic during the parking of cars. Senya suggested that the Goshen Fire Company have an informational table set up during the event as the best way to spread their message and solicit donations. Marty, Janet and Chuck were in agreement with Senya, and Marty suggested that perhaps the Goshen Fire Company could be publicly recognized at Community Day.

Nancy Keslick, *1303 East Strasburg Road*, commented that the Boot Drive would tie up traffic and that the informational table was the best idea.

Marty suggested abandoning the Boot Drive at Community Day. All were in agreement with Marty. Senya motioned that a \$2,000 donation be given to the Goshen Fire Company for all their efforts. Chuck seconded the motion. The Board voted unanimously in favor of this motion.

- Consider Tennis Court Renovations – Rick commented that since the USTA Grant does not serve the purposes of renovating the tennis courts as planned, the Park Commission recommends not applying for the grant.
- Consider Recommendation for Master Plan for Township Park –Marty commented on the idea of the Township Park Master Plan with renovations to the Tot Lot. Senya noted that the Department of Economic Development was accepting grant applications for recreation projects, he distributed the grant packet to the Board and suggested that the Township may want to submit an application for playground equipment. Marty motioned for staff to submit a grant application by the end of June for up to \$250,000 with a 25% local match. Senya seconded the motion. The motion was unanimously passed.

Janet motioned that the Township move forward immediately with its Park Master Plan, form an Ad Hoc Playground Committee and begin to work with playground design companies to address playground improvements. Carmen seconded. The motion was unanimously approved.

- Consider Deer Committee Recommendations – Marty motioned to approve Chester County Trackers, Main Line Whitetail Managers, Keystone Archers, and Tri County Whitetail Management Dear Management Groups to participate in the 2015 Township Archery Hunting Program, with their respective assignments. Senya seconded. The motion was unanimously approved.
- Consider Signing Preliminary/Final Subdivision for Callaghan Subdivision –Marty motioned for the signing of the Preliminary/Final Subdivision plans titled “Subdivision Plan for James J. Callaghan, Jr. Carmen seconded. The motion was unanimously approved.
- Consider Chairman to Execute Stormwater Agreements – Marty motioned to execute the storm water management, operation and maintenance agreements for 310 Dutton Mill Road, 1334 Park Avenue, 626 Thorncroft Drive, and 1131 North Chester Road. Chuck seconded. The motion was unanimously approved.

#### **Public Comment – Hearing of Residents:**

*Paul Knox, 40 Lochwood Lane*, expressed concern over the Township’s handling of the Milltown Reservoir Dam issue. He feels “something underhanded” is taking place and that this issue has been “hidden” from residents, with many residents being completely unaware of what is going on, and that there should have been more effort made to inform residents. There is a growing concern about the rumor of potential building to take place in the location of the Reservoir if the Dam is breached and the area drained. He stated that he has a petition signed by 500 concerned residents, with more signatures to come, discussing other viable options for this Dam issue. Mr. Knox asked if the Township would sign an agreement stating that no building would take place in the location of the reservoir should the Dam be breached and drained. He also expressed concern for the potential property value loss of \$40,000/property should the Dam be breached and drained.

Marty responded to Mr. Knox's concerns, first stating that he and all of the Board fully understand the residents' concerns and feelings in this situation, that no decision had been made on this issue, with 2016 being the target date for a decision, and that the Board and Township have been extremely transparent throughout this entire process with all of the information posted on the website, through Constant Contact and openly discussed at all Board meetings. Marty took exception to Mr. Knox's claims of non-transparency, stating that he has responded to every one of Mr. Knox's emails, that he and the entire Board and Township staff have dedicated countless hours to this issue. Marty also shared that repairs to the Dam will be initiated in the imminent future, which are unrelated to the current matter. Marty also offered to have a DEP representative get in touch with Mr. Knox's group to keep them further informed. Mr. Knox was very receptive to this idea.

Rick said that he would be happy to have a resolution written up stating that no building would take place should the Dam be breached and the Reservoir drained, as this is a flood plain area. Chuck concurred with this stating that any rumor to the contrary is totally untrue and that no building of any kind is intended in this area.

Carmen asked Mr. Knox to refrain from accusing the Board of anything "underhanded" as the entire Board is working diligently to find the best solution for all residents in this matter, and that Mr. Knox's comments were unfair and unfounded. Carmen also suggested that Mr. Knox's group identify a liaison to attend board meetings and report back to their group in an effort to minimize rumor and innuendo.

Chuck informed Mr. Knox that the federal government has mandated this situation in the aftermath of hurricane Katrina. The Milltown Reservoir Dam has been classified as a C-1 High Hazard Dam, therefore requiring the Township to come to a conclusion as to its viability. Senya concurred with this statement adding that Township residents have a responsibility to stay informed through their own efforts and act as partners with the Board in these types of situations.

*Nancy Keslick, 1303 East Strasburg Road*, shared that she has lived in East Goshen Township since she was 8 years old and that she has total confidence in the Board.

*Cabell E. Whittum, 33 Lochwood Lane*, urged the Board to find a solution to save the Milltown Reservoir Dam. He claims that the majority of residents around the Dam feel the same. He handed his statement to the Board for the public record and asked that it be included in the minutes.

*Chuck Hepler, 12A Reservoir Road*, handed the board information about grants for repairing and saving the Dam if it was shown that significant recreational activities took place in and around the Dam. He asked the Board if the Paoli Pike Trail system could be extended to the Dam area thereby increasing the recreational activity surrounding the Dam. Mr. Hepler also asked for Rick to be present when the valve repair work is completed as he believes that the water level has been lowered too much in the past causing too much destruction to the fish. Mr. Hepler concluded that he feels the Board of Supervisors is doing a great job.

**Any Other Matter:**

Senya motioned for two new appointments to the following Committees effective July 1, 2015:

- Brad Giresi was nominated for appointed to the Planning Commission. The Board was in unanimous agreement of this appointment.
- Daria Chapman was nominated for appointment to the Parks and Recreation Commission. Chuck seconded the motion. The Board voted unanimously for this appointment.

**Approval of Minutes:**

The Board reviewed and corrected the draft minutes of the May 5<sup>th</sup> and May 12<sup>th</sup>, 2015 meetings. Senya said the minutes would stand approved as corrected.

**Treasurer's Report:**

*See attached Treasurer's Report for May 28, 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. The Board voted unanimously to approve the motion.

**Correspondence, Reports of Interest:**

The Board acknowledged receipt of the correspondence relating to Act 14 Notification –Water Quality Permit Renewal – Greenhill Sewer Association.

**Adjournment:**

There being no further business, Marty made a motion to adjourn the meeting at 10:30 pm. Senya seconded the motion. The motion passed unanimously.

Respectfully submitted,  
*Christina Rossetti Hartnett*  
*Recording Secretary*

Attachments:

*Treasurer's Report for May 28, 2015*  
*Statements of Cabell Whittum, June 2, and April 14, 2015*

						May 28, 2015	
<b>TREASURER'S REPORT</b>							
<b>2015 RECEIPTS AND BILLS</b>							
<b>GENERAL FUND</b>							
					Accounts Payable		\$146,517.12
	Real Estate Tax		\$65,661.06		<u>Electronic Pmts:</u>		
	Earned Income Tax		\$332,800.00		Health Insurance		\$45,947.60
	Local Service Tax		\$57,200.00		Credit Card		\$6,595.49
	Transfer Tax		\$35,206.58		Postage		\$0.00
	<i>General Fund Interest Earned</i>		\$0.00		Debt Service		\$14,831.76
	Total Other Revenue		\$151,597.72		Payroll		\$134,325.30
Total Receipts:			<b>\$642,465.36</b>		Total Expenditures:		<b>\$348,217.27</b>
<b>STATE LIQUID FUELS FUND</b>							
	Receipts		\$0.00				
	<i>Interest Earned</i>		\$0.00				
Total State Liquid Fuels:			<b>\$0.00</b>		Expenditures:		<b>\$0.00</b>
<b>SINKING FUND</b>							
	Receipts		0.00				
	<i>Interest Earned</i>		0.00				
Total Sinking Fund:			<b>\$0.00</b>		Total Expenditures:		<b>\$15,715.00</b>
<b>TRANSPORTATION FUND</b>							
	Receipts		\$396.25				
	<i>Interest Earned</i>		0.00				
Total Sinking Fund:			<b>\$396.25</b>		Expenditures:		<b>\$0.00</b>
<b>SEWER OPERATING FUND</b>							
	Receipts		\$247,645.59		Accounts Payable		\$60,105.86
	<i>Interest Earned</i>		\$0.00		<i>Debt Service</i>		\$33,440.94
Total Sewer:			<b>\$247,645.59</b>		<i>Credit Card</i>		\$252.81
					Total Expenditures:		<b>\$93,799.61</b>
<b>REFUSE FUND</b>							
	Receipts		\$57,290.46				
	<i>Interest Earned</i>		\$0.00				
Total Refuse:			<b>\$57,290.46</b>		Expenditures:		<b>\$18,392.55</b>
<b>SEWER SINKING FUND</b>							
	Receipts		\$0.00				
	<i>Interest Earned</i>		\$0.00				
Total Sewer Sinking Fund:			<b>\$0.00</b>		Expenditures:		<b>\$0.00</b>
<b>OPERATING RESERVE FUND</b>							
	Receipts		\$0.00				
	<i>Interest Earned</i>		\$0.00				
Total Operating Reserve Fund:			<b>\$0.00</b>		Expenditures:		<b>\$0.00</b>
<b>Events Fund</b>							
	Receipts		\$0.00				
	<i>Interest Earned</i>		\$0.00				
Total Events Fund:			<b>\$0.00</b>		Expenditures:		<b>\$0.00</b>

Pursuant to Mr. Cabell E. Whittum's request, the following letter and statement have been attached to the minutes of this meeting. The Board of Supervisors take exception to and question the accuracy of some of Mr. Whittum's statements



## East Goshen Board of Supervisors Meeting, April 14, 2015

Hello my name is Cabell Whittum. My family resides at 33 Lochwood Lane, West Chester.

I have prepared this statement for the Board of Supervisors and the East Goshen residents in attendance.

First, you should know that I attended the Board of Supervisors meeting here in December 2014 (just a few days before Christmas) where the non-compliant dam at the Milltown Reservoir was the last item on the agenda. It was deliberately slotted at the end of a 3+ hour meeting, in an attempt to minimize any debate. Although the Board of Supervisors had not made any decision about resolving the issue, its thoughts were, at that time – and still are, clearly biased towards draining the reservoir, and opposed to the lower-cost remedy of upgrading the dam. When closing that meeting, the Board promised that it would write a letter to East Goshen Township residents, whose properties were within 1,000 feet of the reservoir, inviting them to a future hearing on the Milltown Reservoir Dam issue. My household never received such a letter.

Instead, I received this letter from the Township Manager just four days ago on Friday, April 10. It outlines a 3-phase approach to breaching the dam. *Why no discourse on the less expensive alternative of upgrading the dam?* And why such short notice about tonight's meeting? This letter reiterates, "At the present time, the Board of Supervisors has not made any decisions about what to do with the dam." Yet you plan to submit a grant application to the Department of Conservation and Natural Resources (DCNR) before the April 16 deadline – *the day after tomorrow!* This approach seems *purposefully* underhanded to me.

Your letter states that there is grant money available for the option to breach the dam. Unless this grant money tops \$350,000 the costs to breach the dam still exceed the estimates to make the dam compliant. Bear in mind that any grant monies are taxpayer dollars – so this option saves us (taxpayers) *nothing!*

You argue that fixing the dam incurs ongoing maintenance costs. These costs should not be incremental, because the dam should have been maintained since its inception. You also argue that the Township would not have any ongoing maintenance costs under the option of breaching the dam. If the Township does not maintain this area after the reservoir is drained and the dam breached, *who* will? Your plan to "allow native vegetation to naturally re-establish and stabilize newly exposed areas" is short-sighted and incomplete. Should not the adjoining property owners have some say in this matter?

You speculate that in another 30 years, the Township runs the risk that the PA Department of Environmental Protection (DEP) may change its design storm requirements again. Maybe not, who knows? This speculation is *irrelevant*. Let us see the net present value computation of each alternative, based on known facts and figures.

During the aforementioned meeting in December, comments were made that environmental activists favor breaching the dam. Man-made or not, the reservoir *is* the environment and has been for almost 100 years! It was constructed decades before any of the existing homes were built.

What is to be done with all the wild creatures that now live in and around the reservoir if you choose to destroy their habitat? Where do the migrating and nesting birds go to seek food and rest? What happens to the fish, snakes, lizards, turtles, and muskrats when the reservoir is drained? Do you wonder about the native opossum, fox, deer, or raptors? Where does the *beaver* go?

The Milltown Reservoir is an asset to East Goshen Township. It is enjoyed by township residents as well as people from outside communities. They come to fish. Some paddle their canoes. Hundreds come to ice skate as soon as it freezes. Others simply enjoy the sights and sounds of the natural wonders that this *environment* provides.

Those of us who purchased homes around the reservoir did so under its allure. Waterfront usually adds value to a property. Breaching the dam and draining the reservoir would devalue these waterfront properties and consequently all homes in the surrounding neighborhoods.

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Who here in the audience wants to upgrade the dam and preserve the Milltown Reservoir and its natural habitat – at half the cost of breaching the dam and draining the reservoir? Please raise your hand if you prefer the option to **fix the dam and keep the reservoir**. (The entire audience, 50+ people)

OK, now let's see a show of hands from those here who want to breach the dam and drain the reservoir. (None)

It's unanimous – everyone wants to keep the reservoir! (written prior to the meeting)

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Now let me direct a couple of questions to the Board of Supervisors.

Who among you live in the neighborhoods surrounding the reservoir? Show of hands, please. (one, disputed by residents in attendance)

Suppose your property adjoined the reservoir, who among you would in good conscience vote to breach the dam and be left with a muddy swamp "naturally" overgrown with thorny vines and poison ivy for *twice* the price?

As you deliberate the resolution to the non-compliant Milltown Reservoir dam, please remember that you have been elected to represent your constituents, who vote to **fix it** rather than destroy it.

**Cabell E. Whittum  
33 Lochwood Lane  
West Chester, PA 19380**

June 2, 2015

E. Martin Shane - Chairman  
Board of Supervisors  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380-6199

**RE: Milltown Reservoir**

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You may recall the statement I made before you at the East Goshen Township Board of Supervisors meeting held on April 14, 2015 at 7:00pm. Members of our community have urged me to publish my statement. Today I share with you this letter and my speech (enclosed), and hereby request that my statement be incorporated verbatim into the minutes of said Board meeting.

FACT: The overwhelming majority of (informed) citizens in East Goshen Township want to save the reservoir.

FACT: Current cost estimates to drain the reservoir and destroy the dam are nearly double those to upgrade the dam.

FACT: Dismantling the dam and draining the reservoir will destroy the natural habitat of an abundance of precious wildlife that will suffer and die without it.

FACT: Risks of a disastrous breach of the Milltown Reservoir Dam have not discouraged developers from building homes downstream, nor have these risks dissuaded companies from insuring these properties.

OPINION: In the event that the Milltown Reservoir Dam is breached by a once-in-a-five-hundred-year storm, every one of us will be faced with even much greater and higher priority problems to solve.

OPINION: There are far better uses of our tax dollars than this misguided attempt to promote public safety and/or to protect the environment.

Do we have a choice of doing nothing (at zero cost)? If an acceptable solution requires funding, then should not the least popular alternative be justified by the lowest cost? In other words, if tax dollars are to be spent in order to resolve the Milltown Reservoir issue, then should not these expenditures match up to the expectations of neighboring property owners and local taxpayers?

*How is the destruction of the Milltown Reservoir aligned with East Goshen Township's vision of "... continually **improving the quality of life** while, at the same time, managing growth and development in a manner **consistent with the protection of our environment and preservation of our natural and historic resources.**"?*

Please make the right decision. Vote to fix the dam and save our reservoir and its natural resources.

Respectfully submitted,

